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House of Representatives

The House met at 10 a.m.

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

O God of light and understanding, fill Your people with great expectations. With Your guidance and creative presence, good people working together can accomplish almost any goal set before them. Heartfelt prayer must conform their intention to Your holy will.

Be with the Members of Congress today as they accomplish the work of the people in this House of Representatives. Stir within them a wisdom that penetrates every problem. Send them sound knowledge to surround every issue important to this Nation, so that the consequences of their action, which will be felt around the world, may build true security and grant lasting peace both in our day and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Ohio (Mrs. JONES) come forward and lead the House in the Pledge of Allegiance.

Mrs. JONES of Ohio 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.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 10 one-minutes on each side.

HONORING OUR TROOPS' SACRIFICE

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

Ms. FOXX. Mr. Speaker, following an historic election, the Iraqi people took another huge step towards democracy with nearly 79 percent approving a new constitution. However, this political milestone was not reached without a cost paid by our American soldiers.

As we sadly marked the 2,000th death in Iraq, we must take time to honor the sacrifice our soldiers have made for this country. Our men and women are fighting terrorists in Iraq, so that we do not have to fight them in this country. Now is the time to honor these soldiers and thank their families for the sacrifices they are making to keep our country safe.

Unfortunately, there are some out there who have chosen this solemn occasion to score political points. They are using this opportunity to call for withdrawal of our troops from Iraq. Nothing could be more wrong. Bailing out would hand a victory to the terrorists and a defeat to the United States.

One group is actually using this occasion to raise funds. Featured on their Web site is a television ad featuring a coffin in the sand. Click on this ad, and you are immediately taken to a contribution page asking for a donation.

Mr. Speaker, we need to continue to honor our troops by staying the course in Iraq. Using these sacrifices for political purposes, as many are doing, is wrong.

CLEAN DRINKING WATER

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

Mr. BLUMENAUER. Madam Speaker, our Chaplain reminded us that our actions on the floor of the House are felt around the world. Well, today, one half of the people who are ill around the world are sick needlessly from waterborne disease, and up to 5 million are going to die this year as a result.

We know how to solve this problem, and the solution is affordable. For less than what it costs our Europeans for perfume in a year, or less than what Americans spend on elective surgery, we could fulfill the United Nations commitment to cut in half the people without safe drinking water and sanitation by the year 2015.

Sadly, the United States, despite its leadership in the United Nations on this issue, still does not have a comprehensive program to address this crisis. Our International Relations Committee is sending to the floor bipartisan legislation to correct this policy deficiency. H.R. 1973, the Senator Paul Simon Water for the Poor Act, will establish safe drinking water and sanitation as a core foreign policy principle and create a plan. Today is the last day to add your name to the list of sponsors. I ask that you do so before it reaches the floor.

SHERIFF SIGI GONZALEZ, JR., TEXAS LAWMAN

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

Mr. POE. Madam Speaker, in the early morning hours of this past weekend, I accompanied Zapata County Sheriff Sigifredo ''Sigi'' Gonzalez, Jr., his SWAT team and posse of deputies who were patrolling the U.S.-Mexico border in south Texas.

Every day Sigi leads his small 24-member force into the daily battle to protect Zapata County from the invasion of drug lords and human smugglers. Lots of drug money, filthy lucre, as I call it, fund these dangerous drug organizations and human smugglers that lurk across the Rio Grande River. These outlaws have better guns, better

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vehicles, better electronic surveillance equipment than the good guys. They even track our peace officers with GPS when they use their cell phones. These drug demons who bring narcotics into the United States make $30,000 a week. Sheriff Gonzalez makes about $40,000 a year.

Sheriff Gonzalez is an unwavering patriot and an outstanding Texas lawman. He is defending America against illegal invaders and fighting the war against vicious, violent drug cartels that threaten our home and our country. He and his dedicated deputies need resources and funding to help fund the war for the border. Our homeland is worth protecting. That is just the way it is.

THREE GREAT WOMEN

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

Mrs. JONES of Ohio. Madam Speaker, I rise today to discuss the lives of three great women. The old people used to say that trouble comes in threes; and the threes I am thinking of are Constance Baker Motley, who was the first African-American woman elected to the New York State Senate in 1964, first woman to serve as Manhattan Borough president in 1965, and appointed the first African-American Federal judge in 1966.

The second is C. Delores Tucker, the first African-American woman to serve as Secretary of State of the Commonwealth of Pennsylvania, and in any State in America. She went on to be an advocate for appointment of women in presidential administrations.

Third, we lost Rosa Parks this week. They are three significant, hard-working, dedicated African-American women who stood out in history in the work that they did. I stand today and ask all of you to join me in extending sympathies and condolences to the families of C. Delores Tucker, Constance Baker Motley, and Rosa Parks.

PRESIDENT ADDRESSES ECONOMIC CLUB OF WASHINGTON, DC

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

Mr. PENCE. When it comes to making tough choices in the wake of Hurricane Katrina, Madam Speaker, Presidential leadership will make the difference. Yesterday in remarks before the Economic Club of Washington, DC, the President of the United States called on Congress to ''redouble our efforts to be wise about how we spend your money.'' The President went on to say, ''We can help the people of the gulf coast region recover and rebuild and we can be good stewards of the taxpayers' dollars at the same time.'' He called on Congress to reduce unnecessary spending, to identify offsets, and pledged again to offer spending rescissions to provide the emergency relief, in his words, in a fiscally responsible way.

President George W. Bush yesterday encouraged Congress to push the envelope when it comes to cutting spending, and his strong leadership will make the difference. Congress should heed the call of President Bush to rebuild with generosity and fiscal responsibility in the wake of Hurricane Katrina.

CLIMATE CHANGE

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

Mr. KUCINICH. Madam Speaker, I am urging all Members of the House to join in support of House Resolution 151, which is a resolution of inquiry that requests the President of the United States to provide to the House of Representatives documents in his possession relating to the anticipated effects of climate change on the coastal regions of the United States.

With the devastation of hurricanes Wilma, Rita and others, we are aware that there is a new phenomenon that is affecting this country with respect to climate change. Scientists may dispute whether or not the meteorological changes that we have witnessed are somehow related to changes in the global climate, but one thing for sure, it is important that Congress begin a dialogue with the administration.

It is important that we find out what connection there may be with climate change and effects on coastal regions. Hurricane Katrina certainly illustrated that we should be concerned about climate change. This resolution of inquiry, now sponsored by 151 Members of the House, aims to get the facts from the administration and begin a dialogue that would be important to our Nation's economy and our national security.

CONCERN—NOT PANIC

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

Mr. PRICE of Georgia. Madam Speaker, have you seen the headlines:

Bird Flu Anxiety Spreads Across Europe.

Bird Flu Could Kill 150 Million People.

WHO Warns of Dire Flu Pandemic.

Media should report facts, not create panic. Unfortunately, today many of the stories we see and read are short on facts and long on panic. It is time we brought some sanity to all the sensationalism. No one should doubt the potential of the bird flu. However, responsible people are working diligently to be certain that we are prepared for any threat and are able to respond quickly.

Certain facts are important to keep in mind. This Avian flu virus has been around since at least 1997. It is not a new phenomenon. The CDC states that ''the current risk to Americans is low.'' So there is cause for concern, but not panic. Our real concern should be expanded. We need to address our ability to respond to any infectious disease. Providing incentives to U.S.-based companies for vaccine production and building a routine adult immunization program are just two of the positive steps we should take. Importantly, these actions should move forward in an environment of concern, not panic.

□ 1015

IRAQ MILESTONES

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

Mr. EMANUEL. Madam Speaker, this week we passed two milestones in Iraq: The constitution was ratified, and, tragically, the 2,000th American died. These milestones, one positive, one clearly negative, provide us with an opportunity to review our progress in Iraq. This is not a time to debate how we got into Iraq. What is important is resolving the mess.

Hear what the experts are saying: Retired Army Lieutenant General William Odom, former head of the National Security Agency, said that the invasion of Iraq ''will turn out to be the greatest strategic disaster in U.S. history.''

Brent Scowcroft, National Security Adviser under the first President George Bush, said, ''You have to know when to stop using force. You can encourage democracy over time, with assistance, and aid, the traditional way. Not how the neoconservatives'' are trying to do it in Iraq.

And Lawrence Wilkerson, a retired lieutenant colonel and former Secretary of State Colin Powell's former Chief of Staff at the State Department, said President Bush's foreign policy was ''ruinous'' and said that ''we have courted disaster in Iraq, in North Korea, in Iran.''

These are not the words of partisans or the board members of MoveOn.org. As these experts and the American people know, it is time for a new direction and new priorities. We can do better. The current path is not a path to success. It is time for the President to level with the American people and produce a plan forward.

SUPPORTING THE NOMINATION OF DR. BEN BERNANKE

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

Mr. WILSON of South Carolina. Madam Speaker, I am thrilled that President Bush has nominated a son of South Carolina to serve as Chairman of the Federal Reserve Board.

As a boy in Dillon, South Carolina, Ben Bernanke demonstrated his brilliance for economics at a young age. He

taught himself calculus, excelled at his SATs, and eventually received his doctorates from the Massachusetts Institute of Technology, where he specialized in monetary policy.

Throughout the course of his career, he has taught our Nation's top schools and been a leader of our economic institutions. As President Bush's economic adviser, he has played a pivotal role in sustaining economic growth in our country. Today Dr. Bernanke is respected as one of the world's most accomplished monetary economists.

As a successor to Chairman Alan Greenspan, Dr. Bernanke will certainly have big shoes to fill. With his background, I am confident that he has the knowledge, experience, and ability to serve as Chairman of the Federal Reserve Board.

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

HONORING THE LEGACY OF ROSA PARKS AND JUDGE CONSTANCE BAKER MOTLEY

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

Mr. MEEKS of New York. Madam Speaker, it is with great pain that I stand here today to mourn the recent passing of several phenomenal women and leaders in our Nation's struggle for equal justice under the law. The passing of Rosa Parks and Judge Constance Baker Motley is a sad reality, but I stand to commemorate their triumphant lives. Judge Motley and Rosa Parks faced racism head on and continued to work for a more just world until their last days.

Rosa Parks was 92 years old and almost made it to the 50th anniversary of the Montgomery bus boycott, which she set in motion by refusing to give her seat to a white man on Montgomery's segregated city bus system. Mrs. Parks was arrested for her action.

As a New Yorker, I hold dearly the legacy of Judge Constance Baker Motley. That is why I introduced legislation to honor her. Constance Baker Motley won nine out of 10 civil rights cases she argued before the Supreme Court. She worked on all of the major school segregation cases, including Brown v. Board of Education, and advised civil rights leaders including Dr. Martin Luther King, Jr.

Judge Motley was the first African-American woman to serve in the New York State Senate. She was the first black woman to be appointed to a Federal judgeship.

Rosa Parks once said, ''Memories of our lives, of our works, and our deeds will continue in others.'' She was absolutely right. Not only will the memories live on, but the legacy has forever stirred the resolve of many in our Nation to advocate for social justice, human dignity, and harmony.

CONTINUING THE FIGHT AGAINST BREAST CANCER

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

Mrs. KELLY. Madam Speaker, I rise today, as we near the end of Breast Cancer Awareness Month, to emphasize that we must continue doing everything possible to help women across our country suffering from breast cancer. This Congress must remain committed to increased breast cancer research and ensure that necessary laws are in place so that no woman is forced to fight breast cancer and red tape at the same time.

I urge my colleagues to support the bipartisan Breast Cancer Patient Protection Act that I sponsored together with the gentlewoman from Connecticut (Ms. DELAURO). One hundred and fifty-one cosponsors in the House have recognized the importance of passing this bill, but we need more support. Together we can improve treatment coverages and access to inpatient care for the more than 200,000 women diagnosed with breast cancer each year.

The widespread commitment to fighting breast cancer was seen in so many amazing community efforts this past month. I particularly want to recognize the outstanding efforts of Lillian Jones and our Hudson Valley chapter of the American Cancer Society. They organized our very successful Making Strides Against Breast Cancer walk in Central Valley, New York. Also deserving of tremendous praise are Willa Wright and the Putnam County chapter of ACS and so many other groups in New York's Hudson Valley who continue to unite to fight breast cancer.

Congress must unite and fight breast cancer right along with them.

SUPPORTING BREAST CANCER AWARENESS MONTH

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

Mr. BISHOP of New York. Madam Speaker, too many American families have experienced the loss of a loved one or know someone close who has suffered from some form of cancer. Breast cancer in particular is the leading cause of death among between 40 and 55, including my sister-in-law Abby Irwin, who died at 41 after an 11-year struggle.

Two hundred thousand new cases of breast cancer will be diagnosed this year alone, including 1,100 in my district. The good news is the 96 percent survival rate when breast cancer is detected early. In fact, a study being published today in the New England Journal of Medicine found that mammograms contributed to a 65 percent drop in breast cancer deaths in the last decade.

Back home on Long Island, I am proud to have an active breast cancer advisory board with leading researchers, advocates, and survivors. I found their insights and ideas to be invaluable assets.

We should continue to do all that we can every day, not just during Breast Cancer Awareness Month, to encourage the survivors, volunteers, and health care professionals to keep up the fight against breast cancer.

Madam Speaker, by raising awareness, we bring ourselves that much closer to the promise of a cure.

REFORMING OUT-OF-CONTROL FEDERAL SPENDING PROGRAMS

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

Mr. HENSARLING. Madam Speaker, this week the House will begin work on reconciliation, which is a way that we begin to reform out-of-control spending programs in order to help pay for the hurricane relief. There are only three ways that we can pay for this hurricane relief. Either, number one, we are going to raise taxes on the American people yet again, we are going to pass debt on to our children, or we are going to find a way to moderate the growth of Federal programs.

The Democrats say that this is tantamount to massive cuts that will hurt the poor. Madam Speaker, next year's budget is going to be greater than this year's budget, which was greater than last year's budget.

What we call mandatory spending, which encompasses most of these welfare programs, mandatory spending is going to grow at a rate of 6.3 percent as opposed to 6.4. I believe only an accountant for Enron would call that a cut.

Also, Madam Speaker, the best way to help the poor is through paychecks, not welfare checks. And under the economic policies of this administration, 4 million new jobs have been created with a future. We have the highest rate of homeownership in the history of America and unparalleled economic growth.

DENOUNCING THE PRESIDENT OF IRAN'S STATEMENT THAT ''ISRAEL MUST BE WIPED OFF THE MAP''

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

Mr. LANTOS. Madam Speaker, three generation ago Adolf Hitler threatened to destroy the Jewish people, and the appeasers and the pseudosophisticates said it was merely oratory. A few months ago, the leadership of Syria threatened to destroy the Prime Minister of Lebanon, and the pseudosophisticates and the appeasers thought it was only oratory. Yesterday

the President of Iran announced that it is his policy to destroy the State of Israel, and the pseudosophisticates and the appeasers again say this is only oratory.

But of course, it is more than that. I call on the United Nations, and all civilized nations, to take appropriate action, in the U.N. and individually, denouncing this outrageous statement. There is no room for the President of a nation to call for the destruction of a member state of the United Nations, the sole democracy in the Middle East and a close ally of the United States.

CELEBRATING THE LIFE OF JUDGE CONSTANCE BAKER MOTLEY

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

Ms. NORTON. Madam Speaker, Sadly, I have had to commemorate the lives of two important black women who died earlier: C. Delores Tucker, Rosa Parks.

However, this morning I rise to celebrate the life of one of America's great lawyers, Constance Baker Motley, the first black woman on the Federal bench. That, however, is surely not her greatest public service. What greater service to one's country than to have been an architect of the legal strategy that brought equality under law to the United States. She argued 10 cases before the Supreme Court. Perhaps the most notorious was the James Meredith case that integrated the University of Mississippi. She made 22 trips into Mississippi for that case alone; then, the University of Alabama; also the University of Georgia, where she helped Charlane Hunter-Gault integrate that university. Charlane Hunter-Gault said that Ms. Motley ''talked about the South in those days as if it were a war zone and she was fighting in a revolution. No one . . . was going to distract her from carrying her task to a successful conclusion.'' Indeed, in the 1960s, the South was a war zone not only for activists, but for their lawyers.

In a car with Medgar Evers, Mr. Evers told her to put away her legal pad and not to look back. He, of course, was later assassinated.

She was so outstanding that every office wanted Mrs. Motley to be their first. She was the first woman to serve in the New York Senate, the first to serve as Manhattan borough president. She was the first woman, and for me perhaps the most important of her firsts, to argue a case before the United States Supreme Court, because she inspired a whole generation of young lawyers.

It should astonish us that the first African-American woman was appointed to the bench only in 1966, only 40 years ago. It should remind us that the integration of the courts of our country is and remains part and parcel of establishing equality under the law.

H.R. 4011, MERCURY IN DENTAL AMALGAM PROHIBITION BILL

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

Ms. WATSON. Madam Speaker, dentistry must stop hiding the large presence of mercury in dental fillings. The common name for dental fillings is ''silver.'' The term is deceptive because it contains more than 50 percent mercury.

Who can conclusively say dental mercury is safe when in our bodies? It is undisputed as a fact that mercury vapor is released during the entire life of a mercury filling.

Madam Speaker, mercury amalgam is considered dangerous when it is put in the mouth, and it is labeled a hazardous waste when it is coming out. Dental offices contribute approximately 54 tons of toxic mercury to the environment each year. Mercury hurts the body's immune system. Mercury also causes neural development problems. My bill will protect children, pregnant women, and nursing mothers immediately.

We have abandoned other remnants of pre-Civil War medicine, and we have abandoned all other uses of mercury in the body. Now is the time to ban mercury in dental fillings.

CONGRATULATING THE 2005 WORLD SERIES CHAMPION CHICAGO WHITE SOX

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

Mr. JACKSON of Illinois. Madam Speaker, did you see the headlines? ''Sox Win the World Series.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The gentleman will remove his hat.

Mr. JACKSON of Illinois. I thank the Speaker. This House will never be out of decorum. I see that.

Madam Speaker, the headlines are clear: The Sox win the World Series, and I rise to congratulate the 2005 World Series Champions, the Chicago White Sox, on their first title in 88 years. Not only were the White Sox in first place in the Central Division every single day of the 2005 baseball season, but they also had the best record in the American League for the entire season as they amassed a total of 99 wins.

This team had no batters with an average above .300, they had no superstars, yet they came together as a team, led by manager Ozzie Guillen, characterized by their stellar pitching and tenacious defense. This team epitomized the work ethic of the city of Chicago.

I would like to congratulate the Houston Astros on a great season and a hard-fought World Series. Every game was close and could have gone the other way.

I would also like to congratulate the American League Championship Series MVP Paul Konerko and World Series MVP Jermaine Dye for their stellar play.

Congratulations are also in order for the entire front office of the White Sox, including Chairman Jerry Reinsdorf, Vice Chairman Eddie Einhorn and General Manager Ken Williams, who were the architects of this championship team.

Madam Speaker, last, but not least, I would like to congratulate the dedicated and long-suffering fans of the city of Chicago and the South Side who once again celebrate a champion.

And to my friends and colleagues from the other side, both Democrats and Republicans:

''Na na na na,
Na na na na,
Hey hey hey,
Goodbye.''

Maybe next year, guys.

Thanks, and God bless you.

Go Sox.

□ 1030

COMMUNICATION FROM DISTRICT DIRECTOR OF HON. DENNIS MOORE, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mrs. MILLER of Michigan) laid before the House the following communication from Julie Merz, District Director of the Honorable DENNIS MOORE, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
October 20, 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 subpoena, issued by the District Court of Johnson County, Kansas, for testimony in a criminal case.

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,

JULIE MERZ,
District Director.

PROVIDING FOR CONSIDERATION OF H.R. 420, LAWSUIT ABUSE REDUCTION ACT OF 2005

Mr. GINGREY. Madam Speaker, by direction of the Committee on Rules, I call up H. Res. 508 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 508

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. 420) to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, 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. 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. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 508 is a structured rule. It provides for 1 hour of general debate, equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary. It waives all points of order against consideration of the bill, and it provides that 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.

It makes in order only those amendments printed in the Rules Committee report accompanying the resolution. It provides that the amendments printed in the report may be offered only in the order printed, may be offered only by the 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.

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

Madam Speaker, I rise today in support of House Resolution 508 and the underlying legislation, H.R. 420, the Lawsuit Abuse Reduction Act of 2005.

First, I want to commend the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on the Judiciary, not just for the underlying bill but for a number of recent bills aimed at strengthening our legal system by protecting people's rights under the law and shielding them from frivolous proceedings. Additionally, I want to thank the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on the Courts, the Internet, and Intellectual Property, for sponsoring H.R. 420.

Madam Speaker, over the past couple of weeks, this House has taken several important steps to reform our legal system, to relieve our overburdened court dockets and drastically reduce the number of costly frivolous claims against innocent and legitimate businesses.

On October 24, we passed and sent to the President's desk S. 397, the Lawful Commerce in Arms Act of 2005, by a vote of 283 to 144 in the House. I might add that in the spirit of bipartisanship, 59 Democrats and one Independent joined 223 Republicans in passing this landmark legislation that refocuses liability for gun violence on the actual criminal, the person who pulled the trigger.

Additionally in this House, 226 Republicans, along with 80 Democrats, passed H.R. 554, the Personal Responsibility in Food Consumption Act of 2005. This bill also reaffirms the need for individuals to take responsibility for their own actions and not expect someone else to foot the bill for the adverse health consequences of their own gluttony.

Today, Madam Speaker, we have another prime opportunity to pass meaningful legislation to strengthen our court system even further and to protect the falsely accused.

The Lawsuit Abuse Reduction Act of 2005 will go a long way to curb the actions of individuals who would seek to abuse our courts by gaming the judicial system. Last week, there were probably millions of people across this country who tuned in, ticket in hand, to see if they had won a $340 million Powerball jackpot. Unfortunately, there are also people who look to the courts, legal briefs in hand, as if it were the Powerball lottery.

However, Madam Speaker, it is the American people and small businesses that pay the ultimate price for frivolous lawsuits and this type of jackpot justice. They pay for it through higher prices for goods and services, they pay for it through diminished quality of products, they pay for it through loss of economic freedom, and they pay for it through a clogged court system that has been turned into an ATM for junk lawsuits. In fact, the current tort system is estimated to cost American people well over $200 billion per year.

Clearly, the Lawsuit Abuse Reduction Act of 2005 is a bill that is sorely overdue, sorely needed and, I might add, was approved by this House in the last Congress by a vote of 229 to 174.

With respect to the underlying bill, it would amend Rule 11 of the Federal Rules of Civil Procedure by restoring the mandatory sanctions for the filing of frivolous lawsuits. This bill would require that courts impose an appropriate penalty on attorneys, law firms, or parties who continue to file frivolous lawsuits. Also this bill would eliminate the ''free pass'' provision that allows attorneys to avoid sanctions if they withdraw their frivolous claim after a motion for sanctions has been filed.

Madam Speaker, H.R. 420 also would prevent forum shopping by requiring that personal injury cases only be brought in those jurisdictions either where the plaintiff, the defendant or a related business resides, or where the alleged injury or surrounding circumstances occurred.

This act would also institute a three-strikes-and-you're-out sanction that would suspend an attorney from practicing in Federal court if a Federal judge determines the lawyer has violated Rule 11 on three or more occasions.

H.R. 420 clearly emphasizes that personal responsibility is not just some catch phrase that applies only to some people, such as a fast-food connoisseur, a firearms owner, a consumer or, indeed, a doctor. Personal responsibility and professional accountability should be the rule for those in the legal field, too, and that is why this House should pass this bill.

In closing, Madam Speaker, I would just emphasize that House Resolution 508 is a straightforward rule and H.R. 420 is a straightforward bill. Simply put, it just makes sense to stop and punish the willful abuse of our legal system by the slash-and-burn tactics of frivolous lawsuits.

As always, I look forward to the consideration of this rule, and I ask my colleagues to support it and the underlying bill.

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I want to thank the gentleman from Georgia (Mr. GINGREY) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

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

Mr. MCGOVERN. Madam Speaker, here we go again. Whenever the Republican leadership appears to be floundering or simply needs some legislative

filler, they turn to the Judiciary Committee for some kind of anti-lawyer, anti-lawsuit bill.

We recently considered a bill to ban lawsuits against people who want to sue fast food companies, even though these cases are nonexistent. Now we are here considering another bill that will pass the House and go nowhere in the Senate.

The fact is that the Republican leadership has run out of meaningful legislation to consider. They have run out of ideas. So here we are once again considering another bill that attacks America's judicial system and takes away rights from our fellow citizens.

Time after time, the Republican leadership refuses to bring necessary legislation to the floor. Where, Madam Speaker, is the legislation combating poverty or ending hunger or increasing access to affordable and comprehensive health care? Where are their priorities? There are 45 million Americans who have no health insurance in this country. Where is the increase in the minimum wage? Where is the legislation to lower gas and oil prices?

It was comical to see the Republican leadership gather at a press conference the other day in reaction to the news that oil companies are making record profits. And what was their response? They very nicely asked the oil companies to do more. Why should the oil companies do more when they have passed legislation to give oil companies more tax breaks and more oil subsidies?

Where, Madam Speaker, is the oversight into the Iraq war? Over 2,000 Americans have lost their lives in Iraq, and all we get from this leadership and all we get from this White House is ''stay the course.'' Well, stay the course is not a policy; it is a sound bite. We owe our young men and women more than just a sound bite.

Where is the genuinely independent 9/11-style commission to investigate the botched response to Hurricane Katrina and to make recommendations on how to prevent such another tragedy in the future? Where is the fully constituted, functioning Ethics Committee to look into the numerous ethics charges that are mounting in this body?

No, here we are dealing with legislation that we dealt with last year that is going nowhere.

The fact is, the Republican leadership does not care much about these issues, and I know they are out of step with the American people on these issues. So, instead, they bring us the Lawsuit Abuse Reduction Act once again. This is like watching a bad TV rerun. It was not good the first time; it is even worse the second time.

□ 1045

Remember, we considered this bill last year, and just like last year, it will pass this Republican-controlled Congress. They will do their press releases, they will send it over to the Senate, and it will go nowhere.

Later today we will hear from members of the House Judiciary Committee who have particular subject expertise on the specifics of this legislation. I will leave it to these Members to explain the intricacies of the Federal Code and the Rules of Civil Procedure and how Rule 11 fits in. I would like for a few minutes, however, to talk about the continued abuse of power that the Republican majority takes to a new level today.

Under this rule and under this bill, Republican fund-raisers are rewarded, while the majority party continues its unabashed assault on the judicial branch of this Nation. Do not just take my word for it, Madam Speaker. One of the broadest arrays of groups that I have ever seen has come together to oppose this misguided, short-sighted, mean-spirited legislation. These groups include, but are certainly not limited to, the NAACP, the Legal Defense Fund, the American Bar Association, the National Conference of State Legislatures, the National Women's Law Center, and the Consumers Union.

The one that stands out the most, however, is the opposition from the Judicial Conference of the United States. Now, what is that? What is this conference that opposes what my Republican friends will describe as a critically important piece of legislation?

The Judicial Conference was created by this very Congress in 1922. Their congressionally mandated mission is to be the principal policymaking body concerned with the administration of the United States courts. The presiding officer of this organization is none other than the Chief Justice of the Supreme Court. You know what the Judicial Conference has to say about this legislation? In a three-page letter to Chairman SENSENBRENNER, in short, they say it is unnecessary and it is harmful. If they were less judicious in their choice of words, they would say what I say: It stinks.

But what they say, Madam Speaker, this group representing the Federal judges of this country, is that this legislation is fatally flawed. They say that Rule 11 of the Federal Rules of Civil Procedure, what the underlying legislation aims to fix, is working better today than ever before. In fact, in their letter to the Judiciary Committee chairman, they say that Federal district judges are united in their opposition to any legislation which seeks to amend rule 11. They specifically urge Congress to reject this legislation.

Now, Madam Speaker, let us think this through for just a second, shall we? The organization representing President-appointed, Senate-confirmed judges thinks this legislation is unwise. Why do we think we know better than our Federal judges how to operate the Federal judiciary? Frankly, I would laugh if I did not think that the majority was so sincere in their attempts to undermine the constitutional rights of every single American. Shame on you. Shame on all of you for trying to eviscerate the Constitution, all for a few extra campaign dollars, because that is what this is about.

The underlying legislation is not sound public policy, plain and simple. On the contrary, it is outright political grandstanding. So let us be honest and let us call this bill and this debate what they really are: legislative abuse and a political charade.

The majority's reckless disregard for judicial integrity mocks our Constitution's separation of powers doctrine, and I implore my colleagues to reject this rule and the underlying legislation.

Madam Speaker, I reserve the balance of my time.

Mr. GINGREY. Madam Speaker, in response to some of the comments that were made, I just want to hold up this document that lists over 300 groups in support of LARA, the Lawsuit Abuse Reduction Act of 2005, and I will include them in the RECORD.

I would like to also point out that the Federal Judicial Center was in opposition to class action reform, which we passed in the previous Congress and in the 108th by a vote in this body of 279 to 149.

GROUPS SUPPORTING H.R. 420—THE LAWSUIT ABUSE REDUCTION ACT OF 2005

Advanced Medical Technology Association.
Air Conditioning Contractors of America.
Alabama Civil Justice Reform Committee.
Alabama Restaurant Association.
Alabama Trucking Association, Inc.
Alaska Cabaret, Hotel, Restaurant and Retailers Association.
Alliance of Automotive Service Providers of Minnesota.
Alliance of Automotive Service Providers of Pennsylvania.
America Chamber of Commerce (NV).
American Apparel and Footwear Association.
American Automotive Leasing Association.
American Bakers Association.
American Boiler Manufacturers Association.
American Business Conference.
American Chemistry Council.
American Council of Engineering Companies.
American Health Care Association.
American Home Furnishing Alliance.
American Insurance Association.
American International Automobile Dealers Association.
American Legislative Exchange Council.
American Machine Tool Distributors Association.
American Petroleum Institute.
American Rental Association.
American Road & Transportation Builders Association.
American Supply Association.
American Trucking Associations.
American Tort Reform Association.
American Veterinary Distributors Association.
American Wholesale Marketers Association.
Antelope Valley Chamber of Commerce (CA).
Ardmore Chamber of Commerce (OK).
Arkansas Chapter, National Electrical Contractors Association.
Arkansas Hospitality Association.
Arizona Chapter, National Electrical Contractors Association.

Arizona Restaurant & Hospitality Association.
Associated Builders & Contractors.
Associated General Contractors of America.
Associated Equipment Distributors.
ASFE—Associated Soil & Foundation Engineers.
Associated Wire Rope Fabricators.
Association for High Technology Distribution.
Association of Equipment Manufacturers.
Association of Pool & Spa Professionals.
AMT—The Association for Manufacturing Technology.
Automotive Aftermarket Industry Association.
Automotive Parts Remanufacturers Association.
Automotive Parts & Service Association of Illinois.
Aviation Distributors & Manufacturers Association.
Bay Area Citizens Against Lawsuit Abuse.
Bearing Specialists Association.
Brunswick-Golden Isles Chamber of Commerce (GA).
Business Council of New York State, Inc.
Business Roundtable.
California Central Coast Chapter, National Electrical Contractors Association.
California Restaurant Association.
California/Nevada Automotive Wholesalers Association.
Central California Citizens Against Lawsuit Abuse.
Central Illinois, National Electrical Contractors Association.
Chamber of Business and Industry of Centre County (PA).
Chamber of Commerce for Anderson & Madison County (IN).
Chamber of Commerce of the Mid-Ohio Valley (WV).
Citizens Against Lawsuit Abuse of Central Texas.
Citizens for Civil Justice Reform.
City of Chicago, National Electrical Contractors Association.
Civil Justice Association of California.
Cleaning Equipment Trade Association.
Cleveland Chapter, National Electrical Contractors Association.
Coalition for Uniform Product Liability Law.
Colorado Civil Justice League.
Colorado Motor Carriers Association.
Colorado Restaurant Association.
Connecticut Restaurant Association.
Construction Industry Round Table.
Copper & Brass Service Center Association.
Council of Insurance Agents and Brokers.
Crawfordsville/Montgomery Chamber of Commerce (IN).
Dayton Area Chamber of Commerce (OH).
Delaware Motor Transport Association.
Delaware Restaurant Association.
East Texans Against Lawsuit Abuse.
The Employers Association.
Electrical Manpower Development Trust.
Equipment Leasing Association.
Florida Chamber of Commerce.
Florida Restaurant Association.
Food Industry Suppliers Association.
Gas Appliance Manufacturers Association.
Gases and Welding Distributors Association.
General Aviation Manufacturers Association.
Georgia Association of Petroleum Retailers, Inc.
Georgia Industry Association.
Georgia Restaurant Association.
Great Lakes Petroleum Retailers & Allied Trades Association.
Georgia Motor Trucking Association.
Hawaii Restaurant Association.
Hawaii Transportation Association.
Health Industry Distributors Association.
Healthcare Distribution Management Association.
Heating, Air Conditioning & Refrigeration Distributors International Association.
Hobbs Chamber of Commerce (NM).
Hospitality Association of South Carolina.
Hospitality Minnesota—Minnesota's Restaurant, Hotel & Lodging and Resort & Campground Associations.
Hudson Valley Chapter, National Electrical Contractors Association (NY).
Humble Area Chamber of Commerce (TX).
Idaho Lodging and Restaurant Association.
Illinois Chapter, National Electrical Contractors Association.
Illinois Civil Justice League.
Illinois Lawsuit Abuse Watch.
Illinois Quad City Chamber.
Illinois Restaurant Association.
Independent Electrical Contractors.
Independent Insurance Agents & Brokers of America, Inc.
Independent Sealing Distributors.
Industrial Compressor Distributor Association.
Industrial Supply Association.
International Association of Plastics Distributors.
International Foodservice Distributors Association.
International Franchise Association.
International Furniture Suppliers Association.
International Housewares Association.
International Safety Equipment Association.
International Sanitary Supply Association.
International Sign Association.
International Sleep Products Association.
International Truck Parts Association.
Iowa Hospitality Association.
Iowa Motor Truck Association.
Jackson Area Manufacturers Association.
Kansas Chamber of Commerce.
Kansas City Chapter, National Electrical Contractors Association.
Kansas Restaurant and Hospitality Association.
Kentucky Motor Transport Association.
Kentucky Restaurant Association.
Kern County Chapter, National Electrical Contractors Association (CA).
Kingman Area Chamber of Commerce (AZ).
Lakewood Chamber of Commerce (WA).
Latrobe Area Chamber of Commerce (PA).
Lawn and Garden Marketing and Distribution Association.
Lebanon Valley Chamber of Commerce (PA).
Los Angeles Citizens Against Lawsuit Abuse.
Los Angeles Fastener Association.
Louisiana Motor Transport Association.
Louisiana Restaurant Association.
Maine Liability Crisis Alliance.
Maine Restaurant Association.
Manufactured Housing Institute.
Manufacturers' Association of Northwest Pennsylvania.
Marion Area Chamber of Commerce (IL).
Maryland Business for Responsive Government.
Maryland Chapter, National Electrical Contractors Association.
Massachusetts Restaurant Association.
Material Handling Equipment Distributors Association.
Mechanical Contractors Association of America.
Memphis Chapter, National Electrical Contractors Association.
Metals Service Center Institute.
Mason Contractors Association of America.
Michigan Chamber of Commerce.
Michigan Lawsuit Abuse Watch.
Michigan Restaurant Association.
Minnesota Trucking Association.
Mississippi Hospitality and Restaurant Association.
Mississippi Manufacturers Association.
Mississippi Trucking Association.
Mississippians for Economic Progress.
Missouri Motor Carriers Association.
Missouri Restaurant Association.
Montana Chamber of Commerce/Montana Liability Coalition.
Montana Motor Carriers Association.
Montana Restaurant Association.
Motor & Equipment Manufacturers Association.
Motorcycle Industry Council.
National Association of Chemical Distributors.
National Association of Convenience Stores.
National Association of Electrical Distributors.
National Association of Home Builders.
National Association of Manufacturers.
National Association of Mutual Insurance Companies.
National Association of Sign Supply Distributors.
National Association of Wholesaler-Distributors.
National Concrete Masonry Association.
National Council of Chain Restaurants of the National Retail Federation.
National Electrical Contractors Association.
National Federation of Independent Business.
National Lumber & Building Materials Dealers Association.
National Marine Distributors Association.
National Paint & Coatings Association.
National Pest Management Association.
National Propane Gas Association.
National Restaurant Association.
NRF—The National Retail Federation.
National Roofing Contractors Association.
National School Supply & Equipment Association.
National Shooting Sports Foundation.
NAHAD—The Association for Hose & Accessories Distributors
NPES—The Association for Suppliers of Printing, Publishing and Converting Technologies.
National Small Business Association.
Nebraska Restaurant Association.
Nebraska Trucking Association.
Nevada State Medical Association.
New Hampshire Lodging and Restaurant Association.
New Jersey Automobile Wholesalers Association.
New Jersey Business & Industry.
New Jersey Motor Truck Association.
New Jersey Restaurant Association.
New Mexico Alliance for Legal Reform.
New Mexico Chapter, National Electrical Contractors Association.
New Mexico Restaurant Association.
Nevada Restaurant Association.
New York State Automotive Aftermarket Association.
New York State Motor Truck Association.
New York State Restaurant Association.
North American Horticultural Supply Association.
North Carolina Citizens for Business and Industry.
North Carolina Restaurant Association.
North Carolina Trucking Association.
North Dakota State Hospitality Association.
North Florida Chapter, National Electrical Contractors Association.
North Louisiana Chapter, National Electrical Contractors Association.
North Texas Chapter, National Electrical Contractors Association.

Northeastern Illinois Chapter, National Electrical Contractors Association.
Northern California Citizens Against Lawsuit Abuse.
Northern Illinois Chapter, National Electrical Contractors Association.
Northern New York Chapter, National Electrical Contractors Association.
Northern Rhode Island Chamber of Commerce.
Office Products Wholesalers Association.
Ohio Association of Wholesaler-Distributors.
Ohio Manufacturers Association.
Ohio Restaurant Association.
Ohio Trucking Association.
Oklahoma Restaurant Association.
Orange Chamber of Commerce (CA).
Orange County Citizens Against Lawsuit Abuse.
Oregon Restaurant Association.
Outdoor Power Equipment & Engine Service Association.
Outdoor Power Equipment Institute.
Outdoor Power Equipment Aftermarket Association.
Pacific Printing & Imaging Association (AK, HI, ID, MT, OR, WA).
Packaging Machinery Manufacturers Institute.
Painting & Decorating Contractors of America.
Penn-Ohio Chapter, National Electrical Contractors Association.
Pennsylvania Health Care Association.
Pennsylvania Restaurant Association.
Paris Area Chamber of Commerce & Tourism (IL).
Pennsylvania Automotive Wholesalers Association.
Pet Industry Distributors Association.
Petroleum Equipment Institute.
Petroleum Marketers Association of America.
Petroleum Retailers & Auto Repair Association.
Plumbing-Heating-Cooling Contractors Association.
Post Card and Souvenir Distributors Association.
Power Transmission Distributors Association.
Printing & Graphic Communications Association.
Printing & Imaging Association of Mid-America (KS, MO, OK, TX).
Printing & Imaging Association, Mountain States.
Printing Association of Florida.
Printing Industries Association of San Diego.
Printing Industries of Michigan.
Printing Industry Association of the South (AL, AR, KY, LA, MS, TN, WV).
Printing Industries of America.
Printing Industries of Illinois/Indiana Association.
Printing Industries of New England (ME, NH, VT, MA, RI).
Production Engine Remanufacturers Association.
Property Casualty Insurers Association of America.
Red River Valley Chapter, National Electrical Contractors Association (TX).
Retail Industry Leaders Association.
Restaurant and Hospitality Association of Indiana.
Restaurant Association of Maryland, Inc.
Restaurant Association of Metro Washington, Inc.
Rhode Island Hospitality and Tourism Association.
Richmond/Spring Grave Chamber (IL).
Rio Grande Valley Partnership.
Rubber Manufacturers Association.
Safety Equipment Distributors Association, Inc.
Saguaro Chapter, National Electrical Contractors Association (AZ).
St. Paul Chapter, National Electrical Contractors Association (MN).
San Diego Chapter, National Electrical Contractors Association.
San Diego County Citizens Against Lawsuit Abuse.
San Diego Employers Association.
Scaffold Industry Association.
Security Hardware Distributors Association.
SSDA–AT—Service Station Dealers Of America/ National Coalition Petroleum Retailers and Allied Trades.
Silicon Valley Citizens Against Lawsuit Abuse.
SBE Council—Small Business and Entrepreneurship Council.
Small Business Legislative Council.
SMC Business Councils.
Snack Food Association.
South Carolina Trucking Association.
South Carolina Civil Justice Coalition.
South Dakota Retailers Association.
Southern Nevada Chapter, National Electrical Contractors Association.
Specialty Equipment Market Association.
Society of American Florists.
The State Chamber of Oklahoma.
Steel Tank Institute.
Tarpon Springs Chamber of Commerce (FL).
Tennessee Chamber of Commerce & Industry.
Tennessee Restaurant Association.
Texas Association of Business.
Texas Civil Justice League.
Texas Restaurant Association.
Textile Care Allied Trades Association.
Tire Industry Association.
Truck Renting and Leasing Association.
U.S. Chamber of Commerce.
U.S. Chamber Institute for Legal Reform.
Utah Restaurant Association.
Valve Manufacturers Association.
Vermont Lodging and Restaurant Association.
Virginia Hospitality and Travel Association.
Virginia Trucking Association.
Washington State Liability Reform Coalition.
Washington Restaurant Association.
Waste Equipment Technology Association.
West Virginia Chamber of Commerce.
West Virginia Hospitality and Travel Association.
West Virginia Motor Truck Association.
Western Association of Fastener Distributors.
Western New York Chapter, National Electrical Contractors Association.
Western Pennsylvania Chapter, National Electrical Contractors Association.
Weston Area Chamber of Commerce (FL).
Wisconsin Manufacturers & Commerce.
Wisconsin Motor Carriers Association.
Wisconsin Restaurant Association.
Wood Machinery Manufacturers of America.
Woodworking Machinery Industry Association.
Wyoming Lodging & Restaurant Association.
Wyoming Trucking Association, Inc.

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, if I could inquire from the gentleman how many more speakers he has, because I am the last speaker on my side.

Mr. GINGREY. To the gentleman from Massachusetts, we do not actually have any additional speakers at this time, so right now I am reserving the balance of my time for the purpose of closing, unless another speaker comes.

Mr. MCGOVERN. Madam Speaker, I would like to enter into the RECORD as well another letter signed by a number of groups urging a vote against H.R. 420.

I would also like to include a letter that was sent to every Member of Congress by Michael S. Greco, the President of the American Bar Association, opposing this legislation.

I would also like to insert in the RECORD the text of the letter that I mentioned in my opening speech from the Judicial Conference of the United States which very strongly opposes this legislation.

OCTOBER 25, 2005.

DEAR REPRESENTATIVE: We urge you to oppose H.R. 420, a bill that would restore the discriminatory impact of the old version of Rule 11 of the Federal Rules of Civil Procedure, trample on states' rights to run their own courts, and increase the extent and expense of litigation rather than reduce it.

H.R. 420 seeks to roll back Rule 11 of the Federal Rules of Civil Procedure to an earlier 1983 version of the rule, which would undermine carefully crafted standards that were enacted in 1993. Those changes expanded responsibilities of litigants, while at the same time providing greater constraints and flexibility in dealing with violations of the rule. The current rule requires litigants to ''stop-and-think'' before making legal or factual contentions. It also, however, emphasizes the duty of candor by subjecting litigants to potential sanctions for insisting upon a position after it is no longer tenable, and by generally providing protection against sanctions if they withdraw or correct contentions after a potential violation is called to their attention.

There is no evidence that the current Rule 11 is not working. In fact, Department of Justice statistics show that the number of lawsuits is declining in both federal and state courts. The end result of H.R. 420 would be a shift of the function of Rule 11 from deterring frivolous litigation to increasing litigation by those who have the resources and the time to litigate against opposing counsel. History shows that mandatory Rule 11 sanctions imposed in 1983, and to which H.R. 420 would have us return, were used disproportionately against plaintiffs' (particularly civil rights) attorneys and those attempting to extend the law in support of unpopular causes. More than a decade ago, civil rights organizations—including some of the undersigned organizations—worked to amend Rule 11 because the old rule unfairly discouraged meritorious civil rights claims. H.R. 420 seeks to force litigants to operate under the terms that we fear, like the former rule we worked so hard to amend, will be used to punish and deter valid claims of discrimination.

Nationwide surveys about the former rule found that motions for sanctions were most frequently sought and granted in civil rights cases. Expressing his concerns about the former Rule 11, the Honorable Robert L. Carter, United States District Court Judge for the Southern District of New York, noted, ''I have no doubt that the Supreme Court's opportunity to pronounce separate schools inherently unequal [in Brown v. Board of Education] would have been delayed for a decade had my colleagues and I been required, upon pain of potential sanctions, to plead our legal theory explicitly from the start.'' The language of H.R. 420 purporting

to protect civil rights claims provides insufficient protection for victims of discrimination because the more severe rules outlined in H.R. 420 can still be applied in civil rights. Had supporters of the bill wanted to effectively protect those who seek justice under our civil rights laws, they could have exempted those claims from the scope of the bill.

Moreover, H.R. 420 not only changes the rules for federal courts, it is unprecedented in that its reach extends to state court cases. Section 3 of the bill provides, upon motion, the court is required to assess the costs of the action ''to the interstate economy.'' If the court determines that the state court action ''affects interstate commerce,'' Rule 11 of the Federal Rules of Civil Procedure ''shall apply to such action.'' Imagining the proceedings necessary to determine whether a particular state court action ''affects interstate commerce'' is mind-boggling. This provision will certainly spawn satellite litigation. Moreover, the total disregard for federalism is astounding.

Finally, the vast majority of the federal judiciary opposes the changes contained in H.R. 420. The Judicial Conference of the United States, headed by the late Chief Justice Rehnquist, clearly stated in a letter to Chairman Sensenbrenner that ''the proposed changes to Rule 11 will not help deter litigation abuses, but will increase satellite litigation, costs, and delays.'' The letter also notes there is ''a remarkable consensus'' among Federal district court judges in opposition to changing the rule.

If you have any questions or need more information, please contact Pamela Gilbert, Cuneo Gilbert & LaDuca, LLP, representing the Center for Justice & Democracy, 202.587.5064; Sandy Brantley, Legislative Counsel, Alliance for Justice, 202.822.6070; or Jillian Aldebron, Civil Justice Counsel, Public Citizen's Congress Watch, 202.454.5135.

Sincerely,

Alliance for Justice.
Center for Justice & Democracy.
Citizens for a Safer Minnesota.
Consumer Federation of America.
District of Columbia Million Mom March.
Legal Community Against Violence.
Maine Citizens Against Handgun Violence.
National Association of Consumer Advocates.
New Yorkers Against Gun Violence.
Public Citizen.
USAction.
Violence Policy Center.
Virginians Against Handgun Violence.

AMERICAN BAR ASSOCIATION,
Chicago, IL, October 10, 2005.

DEAR REPRESENTATIVE: I write regarding H.R. 420, the ''Lawsuit Abuse Reduction Act.'' The American Bar Association strongly opposes this legislation and respectfully urges you to vote ''No'' when it is brought to the floor of the House of Representatives in the near future.

Without any demonstrated problem with the enforcement or operation of Rule 11, H.R. 420 would (1) impose mandatory sanctions for any violation of Rule 11 of the Federal Rules of Civil Procedure and remove its current ''safe harbor'' provisions; (2) enforce a mandatory suspension from practicing law of an attorney who has violated Rule 11 three times; (3) impose federal mandatory Rule 11 sanctions upon any civil state court claim that materially affects interstate commerce; and (4) impose specific venue designation rules upon any personal injury claim filed in any state or federal court.

As a threshold matter, the ABA strongly opposes the legislation because these amendments to the Federal Rules of Civil Procedure are being proposed without utilizing the process set forth in the Rules Enabling Act. This departure from the procedure of the Rules Enabling Act is also being proposed without any demonstrated problem with the operation of the Rules Enabling Act. The ABA fully supports the Rules Enabling Act process, which is based on three fundamental concepts: (1) the essential and central role of the judiciary in initiating judicial rulemaking; (2) the use of procedures that permit full public participation, including participation by members of the legal profession; and (3) provision for a Congressional review period. We view the proposed rules changes to the Federal Rules in H.R. 420 as an unwise retreat from the balanced and inclusive process established by Congress when it adopted the Rules Enabling Act.

In 28 U.S.C. §§ 2072–74, Congress prescribed the appropriate procedure for the formulation and adoption of rules of evidence, practice and procedure for the federal courts. This well-settled, congressionally specified procedure contemplates that evidentiary and procedural rules will in the first instance be considered and drafted by committees of the United States Judicial Conference, will thereafter be subject to thorough public comment and reconsideration, and will then be submitted to the United States Supreme Court for consideration and promulgation. Finally and most importantly, the proposed rules resulting from the inclusion of all of the stakeholders, is transmitted to Congress, which retains the ultimate power to veto any rule before it takes effect.

This time-proven process proceeds from separation-of-powers concerns and is driven by the practical recognition that, among other things:

(1) rules of evidence and procedure are inherently a matter of intimate concern to the judiciary, which must apply them on a daily basis;

(2) each rule forms just one part of a complicated, interlocking whole, rendering due deliberation and public comment essential to avoid unintended consequences; and

(3) the Judicial Conference is in a unique position to draft rules with care in a setting isolated from pressures that may interfere with painstaking consideration and due deliberation.

We do not question Congressional power to regulate the practice and procedure of federal courts. Congress exercised this power by delegating its rulemaking authority to the judiciary through the enactment of the Rules Enabling Act, while retaining the authority to review and amend rules prior to their taking effect. We do, however, question the wisdom of circumventing the Rules Enabling Act, as H.R. 420 would do. The fact that the proposed changes to the Rules are flawed should give pause to those who are asked to support the circumvention of the process of the Rules Enabling Act. Not following the processes set forth in the Rules Enabling Act would frustrate the purpose of the act and potentially harm the effective functioning of the judicial system.

The ABA supports the current version of Rule 11 because it has proven to be an effective means of discouraging dilatory motions practice and frivolous claims and defenses. There has been no demonstrated problem with the enforcement or operation of Rule 11. The ABA opposes the provisions in H.R 420 to enforce a mandatory suspension of an attorney for Rule 11 violations. The filing of frivolous claims and defenses is an important issue that deserves attention. It is appropriate and right for courts to have the ability to sanction attorneys for abusing the legal system by filing claims meant to harass or intimidate litigants. It is, however, important to remember that Rule 11 violations can be levied even when, in hindsight, there may have been a legitimate claim, especially for civil rights cases or environmental litigation. Attorneys practicing in these areas may be subject to more Rule 11 sanctions than attorneys who handle other types of cases.

A system that provides for mandatory suspension of attorneys with three Rule 11 violations would have an extremely chilling effect on the justice system and could disproportionately impact attorneys who practice in particular areas, such as civil rights or environmental law. This type of mandatory suspension is even more damaging when taken in combination with efforts to require mandatory sanctions for Rule 11 violations, which cannot be appealed until after a judgment is rendered in a case.

Equally important, the ABA strongly opposes enactment of H.R. 420 because Congress should not dictate venue rules for state courts. State rules relating to venue and jurisdiction should be developed at the state level and supported by extensive study, vetted publicly, and made subject to comment by the legal profession. To do otherwise would violate our long-established principles of federalism. It should remain solely within the purview of the individual states to establish local rules for procedures, either through their state legislatures or through a grant of rulemaking authority to their state judiciaries.

The imposition of Rule 11 mandatory sanctions upon the individual state courts would also violate our time-honored principles of federalism. Earlier this year, the Conference of Chief Justices adopted a resolution in opposition to federal usurpation of state court authority as guaranteed by the United States Constitution. This resolution ''strongly opposed'' the enactment of any federal legislation that would ''drastically change the traditional state role in determining ethics, jurisdiction and venue rules in state litigation.'' The determination of the states to establish and operate their judicial systems in accordance with principles important to each state is entitled to respectful deference from the federal government. Great deference should also be given to the views of these state court leaders.

For these compelling reasons the ABA strongly opposes the enactment of H.R. 420. We respectfully urge you to vote ''No'' on this legislation.

Sincerely,

MICHAEL S. GRECO,
President.

JUDICIAL CONFERENCE
OF THE UNITED STATES,
Washington, DC, May 17, 2005.

Hon. F. JAMES SENSENBRENNER, JR.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am pleased to provide you with a copy of the Federal Judicial Center's Report of a Survey of United States District Judges' Experiences and Views Concerning Rule 11, Federal Rules of Civil Procedure. The report was prepared at the request of the Judicial Conference's Advisory Committee on Civil Rules to provide information as part of the Advisory Committee's study of proposals introduced in Congress to amend Rule 11. The report makes it clear that the vast majority of federal district judges believe that the proposed changes to Rule 11 will not help deter litigation abuses, but will increase satellite litigation, costs, and delays.

Since 1995, legislation has regularly been introduced that would reinstate a mandatory sanctions provision of Rule 11 that was adopted in 1983 and eliminated in 1993. The 1993 change followed several years of examination and was made on the Judicial Conference's recommendation, with the Supreme

Court's approval, and after Congressional review. The 1983 provision was eliminated because during the ten years it was in place, it did not provide meaningful relief from the litigation behavior it was meant to address and generated wasteful satellite litigation that had little to do with the merits of a case. On January 26, 2005, Representative Lamar Smith introduced the Lawsuit Abuse Reduction Act of 2005 (H.R. 420). The bill would restore the 1983 version of Rule 11, undoing the amendments to Rule 11 that took effect in December 1993. The enclosed report shows a remarkable consensus among federal district judges supporting existing Rule 11 and opposing its amendment.

In 1983, Rule 11 was amended to require judges to impose sanctions for violations that could include attorneys' fees. The 1983 version of Rule 11 was intended to address certain improper litigation tactics by providing some punishment and deterrence. The effect was almost the opposite. The 1983 rule presented attorneys with financial incentives to file a sanction motion. The rule was abused by resourceful lawyers. A ''cottage industry'' developed that churned tremendously wasteful satellite sanctions litigation that had everything to do with strategic gamesmanship and little to do with the underlying claims or with the behavior the rule attempted to regulate. Rule 11 motions came to be met with counter motions that sought Rule 11 sanctions for making the original Rule 11 motion. The 1983 version of Rule 11 spawned thousands of court decisions unrelated to the merits of the cases, sowed discord in the bar, and generated widespread criticism.

The 1993 amendments to Rule 11 were designed to remedy major problems shown by experience with the 1983 rule, allow courts to focus on the merits of the underlying cases rather than on Rule II motions, but still provide a meaningful sanction for frivolous pleadings. The rule establishes a ''safe harbor,'' providing a party 21 days within which to withdraw a particular claim or defense before sanctions can be imposed. If the party fails to withdraw an allegedly frivolous claim or defense within the 21 days, a court may impose sanctions, including assessing reasonable attorney fees. Rule 11 does not supplant other remedial actions available to sanction an attorney for a frivolous filing, including punishing the attorney for contempt, employing sanctions under 28 D.S.C. 1927 for ''vexatious'' multiplication of proceedings, or initiating an independent action for malicious prosecution or abuse of process.

H.R. 420 would amend Rule 11 to restore the 1983 version, by removing a court's discretion to impose sanctions on a frivolous filing and by eliminating the rule's safe-harbor provisions. The Judicial Conference opposed the Lawsuit Abuse Reduction Act of2004 (H.R. 4571), the predecessor of H.R. 420. The Judicial Conference based its position on the problems caused by the 1983 version of Rule 11, which H.R. 420 would restore. The Judicial Conference noted that these problems included:

creating a significant incentive to file unmeritorious Rule 11 motions by providing a possibility of monetary penalty;

engendering potential conflict of interest between clients and their lawyers, who advised withdrawal of particular claims despite the clients' preference;

exacerbating tensions between lawyers; and

providing little incentive, and perhaps a distinct disincentive, to abandon or withdraw—and thereby admit error on—a pleading or claim after determining that it no longer was supportable in law or fact.

The Advisory Committee on Civil Rules regularly monitors the operation of the Civil Rules, inviting the bench, bar, and public to inform it of any problems. The Committee stands ready to address any deficiency in the rules, including Rule II. Although the Committee is mindful of Congressional concerns about frivolous filings addressed in pending legislation, the Committee has not received any negative comments or complaints on existing Rule II from the bench, bar, or public. To gain a clearer picture of the operation of Rule 11, the Committee asked the Federal Judicial Center to survey the experience of the trial judges who must apply the rules. The survey sought responses from judges with experience under the 1983 version as well as judges serving only after the 1993 version was adopted. The results of the Federal Judicial Center's survey show that judges strongly believe that Rule 11, which was carefully crafted to deter frivolous filings without unduly hampering the filing of legitimate claims or defenses, continues to work well. The survey's findings include the following highlights:

More than 80 percent of the 278 district judges surveyed indicate that ''Rule 11 is needed and it is just right as it now stands'';

87 percent prefer the existing Rule 11 to the 1983 version or the version proposed by legislation (e.g., H.R. 4571 or H.R. 420);

85 percent strongly or moderately support Rule 11's safe harbor provisions;

91 percent oppose the proposed requirement that sanctions be imposed for every Rule 11 violation;

84 percent disagree with the proposition that an award of attorney fees should be mandatory for every Rule 11 violation;

85 percent believe that the amount of groundless civil litigation has not grown since the promulgation of the 1993 rule, with 12 percent noting that such litigation has not been a problem, 19 percent noting that such litigation decreased during their tenure on the Federal bench, and 54 percent noting that such litigation has remained relatively constant; and

72 percent believe that addressing sanctions for discovery abuse in Rules 26(g) and 37 is better than in Rule 11.

The judges' experiences with the 1993 version of Rule 11 point to a marked decline in Rule 11 satellite litigation without any noticeable increase in the number of frivolous filings. H.R. 420 would effectively reinstate the 1983 version of Rule 11 that proved so contentious and wasted so much time and energy of the bar and bench. Rule 11 in its present form has proven effective and should not be revised. The findings of the Federal Judicial Center underscore the Federal district judges' united opposition to legislation amending Rule 11. I urge you on behalf of the Judicial Conference to oppose legislation amending Rule 11.

The Judicial Conference appreciates your consideration of its views. If you have any questions, please feel to contact me. I may be reached at (202) 273–3000. If you prefer, you may have your staff contact Karen Kremer, Counsel, Office of Legislative Affairs, Administrative Office of the United States Courts, at (202) 502–1700.

Sincerely,

LEONIDAS RALPH MECHAM,
Secretary.

Mr. MCGOVERN. Madam Speaker, I think the reason why we have no other speakers on this side is because everything that possibly could be said was said last year. So all we need to do is just replay the tape recorder and listen to all the arguments. We just seem to be repeating the same debates over and over and over again.

Again, I would urge my colleagues to vote against this legislation. This is unwise policy. I understand that the genesis of this legislation is to appeal to those who like to contribute lots of money to particular campaigns, but, quite frankly, I think that is not a sound reason to pass this legislation.

As I mentioned before, the Judicial Conference of the United States has outlined very clearly why this is a bad bill. I would hope that my colleagues would listen to some of the experts and do what is right and reject this legislation.

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

Mr. GINGREY. Madam Speaker, I might point out that the people that oppose this legislation, as the gentleman from Massachusetts mentioned earlier, are the very ones that support his party. So I think that there is a little balance there, if that be true in either instance.

Madam Speaker, I would first like to close this debate by thanking my colleagues for a very productive discussion of both the rule and H.R. 420. The opportunity before this House today is another example of how this Congress has improved our legal system and preventing frivolous lawsuits from closing the doors of justice for those who have truly been harmed.

Contrary to what the opponents of legal reform might say, the underlying bill, as well as other recent bills, do not demonstrate contempt for our legal system or the esteemed profession of attorneys, but rather demonstrate respect for the important and historic role of our judicial system in defending the rights and ensuring the constitutional application of the laws. Frivolous lawsuits have not only driven up costs and destroyed economic opportunity for the American people, but they have also damaged the image of the courts. When the American people stop respecting the decisions of the judiciary, the courts begin to lose their effectiveness, and they cease to perform their constitutionally mandated role.

For the sake of the courts and for the sake of the American people, we in this House need to push forward with this additional meaningful and genuine reform. Therefore, I would like to urge all of my colleagues on both sides of the center aisle to support this rule and the underlying bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, while the Committee on Rules reported out a rule that made in order a substantive amendment offered by the Gentleman from California, Mr. SCHIFF, I rise in opposition to it, H. Res. 508 because the legislation underlying is pernicious.

As I mentioned during the Committee on the Judiciary's oversight hearing on this legislation during its first iteration in the 108th Congress and reiterated in my statement for the markup, one of the main functions of that body's oversight is to analyze potentially negative impact against the benefits that a legal process or piece of legislation will have on those affected. The base bill before the House today does not represent the product of careful analysis and

therefore, it is critical that Members be given the ability to offer amendments to improve its provisions.

In the case of H.R. 4571, the Lawsuit Abuse Reduction Act the oversight functions of the Judiciary Committee allowed us to craft a bill that will protect those affected from negative impacts of the shield from liability that it proposes. This legislation requires an overhaul in order to make it less of a misnomer—to reduce abuse rather than encourage it.

The goal of the tort reform legislation is to allow businesses to externalize, or shift, some of the cost of the injuries they cause to others. Tort law always assigns liability to the party in the best position to prevent an injury in the most reasonable and fair manner. In looking at the disparate impact that the new tort reform laws will have on ethnic minority groups, it is unconscionable that the burden will be placed on these groups—that are in the worst position to bear the liability costs.

When Congress considers pre-empting state laws, it must strike the appropriate balance between two competing values—local control and national uniformity. Local control is extremely important because we all believe, as did the Founders two centuries ago, that State governments are closer to the people and better able to assess local needs and desires. National uniformity is also an important consideration in federalism—Congress' exclusive jurisdiction over interstate commerce has allowed our economy to grow dramatically over the past 200 years.

This legislation would reverse the changes to Rule 11 of the Federal Rules of Civil Procedure, FRCP, that were made by the Judicial Conference in 1993 such that (1) sanctions against an attorney whose litigation tactics are determined to harass or cause unnecessary delay or cost or who has been determined to have made frivolous legal arguments or unwarranted factual assertions would become mandatory rather than discretionary to the court, (2) discovery-related activity would be included within the scope of the Rule, and (3) the Rule would be extended to state cases affecting interstate commerce so that if a state judge decides that a case affects interstate commerce, he or she must apply Rule 11 if violations are found.

This legislation strips State and Federal judges of their discretion in the area of applying Rule 11 sanctions. Furthermore, it infringes States' rights by forcing State courts to apply the rule if interstate commerce is affected. Why is the discretion of the judge not sufficient in discerning whether Rule 11 sanctions should be assessed?

If this legislation moves forward in this body, it will be important for us to find out its effect on indigent plaintiffs or those who must hire an attorney strictly on a contingent—fee basis. Because the application of Rule 11 would be mandatory, attorneys will pad their legal fees to account for the additional risk that they will have to incur in filing lawsuits and the fact that they will have no opportunity to withdraw the suit due to a mistake. Overall, this legislation will deter indigent plaintiffs from seeking counsel to file meritorious claims given the extremely high legal fees.

Furthermore, H.R. 4571, as drafted, would allow corporations that perform sham and non-economic transactions in order to enjoy economic benefits in this country .

This is a bad rule that will have terrible implications on our legislative branch, and I ask that my colleagues to defeat the rule, defeat the bill, and support the Substitute offered by Mr. SCHIFF. We must carefully consider the long-term implications that this bill, as drafted, will have on indigent claimants, the trial attorney community, and facilitation of corporate fraud.

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 resolution was agreed to.

A motion to reconsider was laid on the table.

DISAPPROVING THE RECOMMENDATIONS OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

Mr. HUNTER. Madam Speaker, pursuant to section 2908(d) of Public Law 101–510, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res 65) disapproving the recommendations of the Defense Base Closure and Realignment Commission.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUNTER).

The motion was agreed to.

□ 1055

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 joint resolution (H.J. Res. 65) disapproving the recommendations of the Defense Base Closure and Realignment Commission, with Mr. GINGREY in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the joint resolution was considered read the first time.

The CHAIRMAN. Pursuant to section 2908(d) of Public Law 101–510, debate shall not exceed 2 hours.

The gentleman from California (Mr. HUNTER) will be recognized for 1 hour in opposition to the joint resolution and a Member in favor of the joint resolution will be recognized for 1 hour.

Mr. LAHOOD. Mr. Chairman, I would like to claim the 1 hour in support of the resolution.

The CHAIRMAN. The gentleman from Illinois (Mr. LAHOOD) will be recognized for 1 hour.

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

Mr. HUNTER. Mr. Chairman, I yield 30 minutes to the gentleman from Missouri (Mr. SKELTON), and I ask unanimous consent that he be allowed to control that time. I also ask unanimous consent that I be allowed to designate the gentleman from Colorado (Mr. HEFLEY) as controlling our time.

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

There was no objection.

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

Mr. Chairman, tonight marks the end of a long and difficult process for selecting military installations for closure and realignment.

Under BRAC law, the realignment and closure recommendations by the BRAC 2005 Commission will become binding, unless a joint resolution of disapproval, such as the one before us today, is enacted.

For those of us with military installations in our districts, the BRAC process is a trying one. And I might mention we have had four BRAC rounds previous to this one. Every one of us spent the last 4 years making a case to the Pentagon and the BRAC Commission with respect to the military value of our bases. Nevertheless, both DOD and the BRAC Commission have determined that a portion of our military infrastructure should be closed or realigned.

As a result, the final recommendations of the Commission include 22 closures that we would designate as major closures, 33 major realignments, and many smaller closure and realignment actions. According to the Commission, these actions will save more than $15 billion over the next two decades with annual savings of more than $2.5 billion after implementation.

Some of my colleagues have questioned the need for a round of BRAC and the timing of this round. While I understand and appreciate such concerns, I believe that these issues have been thoroughly discussed and debated. In addition, by a vote of 43 to 14, the Armed Services Committee reported this resolution adversely to the House with a recommendation that it do not pass. As such, I intend to vote against House Joint Resolution 65 today, thereby allowing the BRAC Commission recommendations to stand, and I would urge my colleagues to join me in doing so.

On a final note, I would like to thank the BRAC Commissioners for their service. Since their appointments this spring, the Commissioners visited more than 170 installations, conducted 20 regional hearings and 20 deliberative hearings, and participated in hundreds of meetings with public officials. Also, Mr. Chairman, I would particularly like to thank the chairman of the Commission, Anthony J. Principi. Tony Principi took on another tough one in chairing this BRAC Commission. It is a commission in which you get beaten up lots of times, second-guessed a lot, and cross-examined a lot. Yet, it is a necessary position, and it is one that requires a guy or a lady with a lot of integrity. Chairman Principi is just such a person.

Also, we had on our committee two former members of the Armed Services Committee who were on the BRAC Commission, Jim Bilbray and Jim Hansen, and Mr. Chairman, they have served us well as senior statesmen in

again what amounted to very, very difficult roles.

□ 1100

I would like to acknowledge the good work of all of the commissioners. It is not an easy job and it is, to some degree, a very thankless job. Nonetheless, it is necessary and they put a lot of time and a lot of sweat into this process. So I want to thank them.

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

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

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

Mr. LAHOOD. Mr. Chairman, the reason that I introduced this resolution is because I feel very strongly that we are in a position in the House to send a very strong message of support to those who are doing the hard work in Iraq, those who have done the hard work in Afghanistan, and those men and women who we call our citizen soldiers, and a big debt of thanks for what they have been doing in the work that we have asked them to do.

I have been a very strong supporter of the President's position when we went to Afghanistan because I thought we needed to bring down al Qaeda. And no politician can take credit for what has taken place in Afghanistan. It has been done by the hardworking men and women who brought down al Qaeda and the 25,000 troops that are still there.

And no politician can take credit for what has taken place in Iraq. I supported the resolution to go to Iraq. I have supported President Bush on every request that he has made before this House for the money to support our troops, and now we have more than 135,000 troops and many men and women working in the State Department and the embassy there trying to help stand up a democracy, help stand up a police force, and help bring about democracy in Iraq.

If we go along with the BRAC Commission recommendations, what we say to those hardworking men and women who have done the work that we have asked them to do is that we are thinking about, not thinking about, the BRAC recommendations would close the bases, close some of the guard bases, say to the citizen soldiers who have done the hard work, thanks, but we don't need you any longer.

This is the wrong message to be sending. These hardworking men and women have done the job that we asked them to do, and that is the reason that we have seen such great success in Afghanistan and in Iraq. So I ask Members today to support this resolution and send a message to those who have done the hard work that these BRAC recommendations are not the right approach.

When the establishment of the BRAC came about, it was prior to 9/11. It was prior to going into Afghanistan, prior to going into Iraq, and prior to us asking our men and women, the citizen soldiers and the full-time military, to do the hard work that they are doing. This sends the wrong message. This is not the message that we want to send to those that are there, that the Guard bases and the air bases and the military bases that are being recommended for closure or realignment were not right.

When we are spending the kind of money that we are spending, we are not saving an awful lot through these BRAC recommendations. I would submit to the House that if 9/11 had happened prior to us passing this BRAC, that BRAC would not have passed, we would not have established a commission, because we would need a very strong military and we would need these Guard bases.

I also want to point out to the House that there is a Federal law that has been ignored by BRAC and ignored by the Defense Department. It is a Federal law that says you cannot close air and Guard Reserve bases without the authority of the Governor of the State, and this has been ignored.

It was ignored by BRAC, and it was ignored by the Defense Department. I think it is a law that has standing, and I think it is a law that makes an awful lot of sense. The Governors should have a say in what bases are closed. But it was a law that was ignored. So I say to those in the House that today is not the day to send the kind of message that we will be sending if we do not approve the resolution that was considered by the Armed Services Committee and being considered here today. We need to pass this resolution.

If we pass the resolution, we do send a strong message to our citizen soldiers and to the military that the work that they are doing is important, that the Guard bases that they represent, that the air bases that they represent are important, and that our citizen soldiers have done the good work.

There is going to be another report coming from the Defense Department about realigning and about the kind of defenses that our country wants. We do not know what that report will say, but I think it is another indication that the BRAC is premature. I know what the chairman said about those who served on the BRAC, but I am not sure that we were quite as well served by some of those members as we could have been in some of their deliberations.

These are people that were called upon to do very difficult work. They have completed their work, and now it is up to Congress to speak. The Defense Department has spoken. BRAC has spoken. The President has spoken. Now, Mr. Chairman, it is up to the House to speak today.

I urge the House to adopt this resolution in support of those that have done the hard work, in support of those who are citizen soldiers who come from the communities that we represent and say to them, we thank you for your hard work. We thank you for what you have done. We thank you for bringing down al Qaeda. We thank you for helping stand up a democracy in Iraq, and we are not going to eliminate the bases from which you come or realign them.

Mr. Chairman, I rise today to offer H.J. Res. 65, a resolution that I introduced that would disapprove the recommendations of the 2005 Defense Base Closure and Realignment Commission.

As I have stated many times since this BRAC round began, it is absolutely wrong that we are considering closing and realigning bases while we are at war. We in Congress spend quite a bit of time proclaiming that we are doing all we can to care for our troops. Spending billions of dollars closing and realigning bases isn't caring for our troops—it's just plain wrong.

Congress created the BRAC process so that there would be a non-partisan, independent method of reviewing our military's post-Cold War excess infrastructure. Unfortunately, we live in a different world today and we face challenges that we, as a nation, couldn't even imagine in the late 1980s. There is no more "peacetime dividend" to be gained from closing bases. The Global War on Terrorism has reached deep into our military structure and showed us that we can no longer ask our military to do more with less.

This BRAC Commission was asked to do a very difficult task in a very uncertain environment. Early next year the Department of Defense will issue its latest Quadrennial Defense Review, a document that will outline the future structure of our military as they continue their fight against terror. We do not know what the QDR will contain, and what sort of infrastructure will be required to support it. We are also waiting to hear the plan for bringing as many as 70,000 troops and their families home from Europe and Asia as the Department reduces its Cold War footprint overseas. We do not know what that plan will contain, either, but those 70,000 people and their dependents will have to live and work somewhere. The BRAC Commission noted in its report to the President that the timing of this BRAC round was not ideal because of all of the uncertainty surrounding these upcoming major events. Even the most well-intentioned decisions, if they are made without taking all of the facts into account, can end up hurting those we say we are trying to help.

The list of recommendations that were released by the Department of Defense on May 13 contained more proposed actions than all previous BRAC rounds combined. In its report to the President, the BRAC Commission was very critical of the Department's methods. The Pentagon lumped together unrelated activities into one recommendation, leaving a mess for the Commission to try to untangle. The DoD proposed the consolidation of many jobs and commands that had similar names, even if they did not have the same missions. There was apparently no interaction between the Pentagon and other federal agencies that share assets and installation space, such as the Department of Veterans Affairs and the United States Coast Guard, agencies that could be now left in serious financial straits if the burden of maintaining these facilities falls completely on them. And, most striking of all, there was very little cooperation and interaction between the Pentagon and the Department of Homeland Security. How can we feel

secure in voting on these recommendations without knowing the full impact they will have on our homeland security? These bases are not simply staging areas before our military goes to fight overseas. Our military is vital to securing our homeland. We cannot make it more difficult for them to achieve that mission.

The one aspect of this year's BRAC round that brought this issue home to many of my colleagues was the inclusion of Air National Guard bases. I am proud to say that I represent 2 flying units of the Illinois Air National Guard in my district, and I have seen firsthand the vital roles they play in our nation's defense. We ask our Guard to make extraordinary sacrifices and become masters of a wide range of issues, from fighting against terrorism in Iraq and Afghanistan to rescuing victims and providing relief to those who are impacted by natural disasters here at home. They do so willing and heroically, leaving behind their families and their jobs as soon as they get the call. These Guard units, under the purview of the governors of the states, are now being closed or "enclaved" without the consent of the governors and without proper consultation of the State Adjutants General. This is how we support those who serve both their states and the federal government? These men and women are not going to uproot their entire lives to follow their units to other states. We will lose them, their knowledge, and their expertise. This is a price we cannot afford to pay.

Title 10 of the United States Code prohibits the closure or relocation of Army and Air National Guard units without the consent of the governors of the states in which those units are located. A number of governors have gone on record and refused to give their consent for the movement of their National Guard units. Many states have filed lawsuits in federal court demanding that the Pentagon and the BRAC Commission follow federal law. The Speaker, Senator DURBIN and I brought this provision to the attention of the Secretary of Defense in a letter dated March 24. To date, the Pentagon still has not been able to answer that letter. On July 14, the BRAC Commission's own Deputy General Counsel issued an opinion that not only are the proposed Air Guard moves in violation of federal law, they may be unconstitutional. The Commission ignored its own lawyer! This BRAC round is going to leave us with flying units that no longer have planes, and for what reason? These Air Guard moves do not save money. They will weaken the Air Guard in many states and make recruiting and retention of these dedicated Airmen next to impossible. Not only is this wrong, it is illegal, a clear violation of Title 10 of the United States Code. Lawsuits are still pending.

Much has been said about the proposed "savings" if this round of BRAC is enacted. A figure of $35 billion in savings over 20 years seems to be popular in the media. However, this $35 billion figure includes assumed personnel cost savings; savings that both the BRAC Commission and the GAO have stated should not be included. Once those personnel savings are removed, the total savings falls to approximately $15.1 billion over the next 20 years. We cannot forget that this round of BRAC will cost $21 billion to enact. That kind of math simply does not make sense.

This round of BRAC has strayed far from Congress' original intent. We aren't reducing excess infrastructure to save money. This BRAC is the beginning of implementing major force structure changes without the consultation of Congress. Sweeping changes like this require more than just one up or down vote.

I have heard a number of my colleagues state that they will support this round of BRAC even though they do not agree with it, simply because this is the process that Congress established. This is not something we can close our eyes and blindly support. We are a nation at war, the timing is wrong, the savings are not there, and Guard units are being moved out of their states in violation of federal law. The process did not work this time, and we need to stand up and say "Stop".

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

Mr. SKELTON. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I have long supported the base closure process as a way to eliminate excess infrastructure in the Department of Defense. This is an important and very noble goal. We need all of our resources to be devoted towards supporting our fighting men and women. This includes having the best and most efficient facilities.

For this reason, Mr. Chairman, I will today vote to uphold the list recommended by the BRAC Commission and against the resolution of disapproval.

Even though I support the BRAC, I would like to take this opportunity to comment on the process that was used in this round of BRAC. In the last three BRAC rounds, the Defense Department demonstrated that it could successfully close bases and reduce infrastructure through a measured and deliberative process.

In this round, however, neither the Department of Defense nor the BRAC Commission, in my opinion, has lived up to the high standards that we set for them. The execution of the process and the final outcome has suffered. The end result is that I doubt we will see another round of base closures due to missteps along the way.

This is it, Mr. Chairman. This is it for BRAC. But even with the BRAC shortfalls, I feel that the Congress created a law that we are obligated to follow. While it missed some opportunities, the commission made some closures that will benefit the Nation. There are some outstanding prospects for jointness included on the list.

I sincerely hope that the Department of Defense will work to maximize their effect, while it works to assist communities that will be affected by closures with redevelopment.

Mr. Chairman, we must vote upon the product that is before us and the good that it can do. This BRAC may not be perfect, but we must take the opportunity presented to us to streamline our military infrastructure.

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

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

Mr. Chairman, I rise to join Chairman HUNTER and Ranking Member SKELTON in opposing House Joint Resolution 65.

I was not a fan of us doing this BRAC round. The gentleman from Illinois said that if 9/11 had happened before the approval of this round, we probably would not have had a BRAC round. But the truth is that we have reaffirmed this BRAC round time and time again since 9/11.

Each year I would offer an amendment in the Armed Services Committee to put off the BRAC for many of the reasons that the gentleman from Illinois has stated: to put off the BRAC for 2 years until we could see where we are about bringing troops home, to see where we are on our war against terror.

Each time it would pass overwhelmingly in committee, it would pass overwhelmingly in this House, and we would be shot down in the conference committee by the Senate and the White House. We lost that battle. That would have been my choice.

But once we have gone through this process, I think we should proceed with it at this point. Just 5 months ago, the House voted down an amendment that would have delayed BRAC, the 2005 BRAC, indefinitely. I argued then, as I do today, that we must allow the BRAC process at this point to run its course.

As it turned out, that course took several unexpected twists and turns along the way. On the positive side, the BRAC Commission removed several significant bases from the closure list. In doing so, they validated our belief that our military should not give up the ability to surge to meet future crises in times of war and peace, allowing this ability that is fundamental to our Nation's security.

On the negative side, the commission's actions on some issues like the commission's directive relating to the Naval Air Station Oceana, for example, raise a number of questions about the credibility underlying the BRAC process.

Considering that credibility is the foundation upon which BRAC is built, such questions are troubling. While I do not believe the BRAC 2005 outcome to be sufficiently flawed to vote to disapprove it, I have reached the conclusion that any future use of the existing BRAC laws to close or realign bases would be a mistake.

In balance, Mr. Chairman, I feel that this may have been the best BRAC process that we have had in all of the BRAC processes we have had. There are problems with it. It has never been perfect. It was not perfect this time. But I think it was perhaps the smoothest and best process that we have had.

To those of my colleagues who still may be on the fence about today's vote, I would point out that disapproval of the BRAC 2005 recommendations would guarantee yet another round of base closures in the very near future.

Bases on today's closure list would likely appear again on the future list. And those bases that escaped closure

this time would again be at risk of closure or realignment. Whether or not you support any given closure or realignment within BRAC 2005, I hope that all of my colleagues will recognize that the alternative, which is another round of BRAC in the near future, would be even worse.

My friends, I do not want to go through this again. Any of us who represent bases across this Nation do not want to continually go through this kind of agony. For all of these reasons, I will vote against H.J. Res. 65 and vote to allow the BRAC process to run its course.

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

Mr. LAHOOD. Mr. Chairman, let me just speak for a minute or two. I thought there were going to be some other Members that wanted to speak in favor of the resolution; but until they arrive, let me just talk for a minute or two about some of the costs.

The BRAC Commission estimated that $35 billion would be saved over a 20-year period, but the $35 billion figure includes assumed cost savings due to military personnel actions. Both the BRAC Commission and the GAO believe the military personnel savings should be excluded from the overall savings figure.

Once those personnel savings are removed, the overall savings fall to approximately $15 billion over 20 years. There is a one-time up-front cost of $21 billion to implement the BRAC round, and the DOD claimed that the savings from military personnel are not savings at all. These costs do not disappear; they simply shift from one base to another, and those folks are still in the military, and we still have to pay for them.

For some Air Force recommendations, the military personnel cost savings represents 90 percent of the total savings. And in the case of the Air National Guard end strength, it remained mostly the same. Obviously, no savings come from simply moving positions around the country.

If we keep the same number of personnel, DOD spending levels will not actually be reduced. The BRAC Commission concludes that DOD savings estimates were vastly overstated and overestimated. And there is also a quote from the commission on page 330 of their report: ''In fact, the commission is concerned that there is a likelihood that the 2005 BRAC round could produce only marginal net savings over the 20-year period.''

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

□ 1115

Mr. SKELTON. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank my two very good friends, the gentleman from Missouri (Mr. SKELTON) and the gentleman from Illinois (Mr. LAHOOD) for yielding me time, and I thank the gentleman from Illinois (Mr. LAHOOD) for bringing forth this resolution, which I support because it is a resolution of disapproval.

Now, you should know where I am coming from, Mr. Speaker. In my congressional district there are almost 23,000 people being displaced because of BRAC. It is the equivalent of four major military bases. But we could accept that, and Senator WARNER, the chairman of the Senate Committee on Armed Services, has said as well we can accept that decision, but for the fact that it is inconsistent with the BRAC authorizing legislation which was designed to save money and to improve military effectiveness. It does neither.

Initially, its was supposed to save $48.8 billion over 20 years. The latest analysis tells us that it is actually going to save only $15.1 billion over 20 years, about $700 million per year, which, incidentally, is about as much as we spend in a day in Iraq now.

So the question is, why we would be disrupting the lives of so many thousands of people if we are going to save so little money. And, in fact, even this savings estimate is suspect because as the gentleman from Illinois (Mr. LAHOOD) has explained, it is based upon personnel savings, and all we are doing is moving the personnel around the country. That does not save any money.

In fact, what is going to happen based upon the surveys we have taken of the personnel that are going to be displaced from northern Virginia, as many as 50–75 percent of the employees are going to decide not to move, to leave the government. And who are these people?

Well, it turns out they are the most experienced, they are the most skilled, they are the very people that we need the most to lead our defense agencies. In other words, this is going to cause a brain drain, and it is one that we can ill afford at the Federal level. As many of you may know, because it applies to most urban metropolitan areas, with the cost of housing, both spouses have to be in the workforce, and it is very disruptive to tell families that one of the wage-earners has to move hundreds of miles away.

In this case, the Missile Defense Agency is a good example. About 2- to 3,000 people are going to be moving down to Alabama. Now, I like Alabama, I like the gentleman who represents that district, but the reality is not all of them are going to move, because they like our schools, their children are in the school system, their spouses have jobs here, and most of them have security clearances, which means they are going to be picked up by the private sector in a New York minute.

Is this in the national interest? I do not think so. I do not think it is in the national interest. I could see if we were going to save the money. I could see if we were going to follow the intent of the BRAC process, which was to improve military preparedness, but I do not know how we achieve that. We were supposed to take people that were in facilities that were overcrowded and move them to surplus facilities in other parts of the country. That is not being achieved.

Now, Senator WARNER, the chairman of the Senate Armed Services Committee, did a very extensive analysis, of the BRAC legislation because he happened to be the architect of it, and he shows that these decisions, are inconsistent with the intent of that authorizing legislation. That alone is reason to oppose the BRAC conclusions and support this resolution.

We are going to, in fact, have to spend billions of dollars on building new facilities, and the fact that that money is going to have to come out of the Military Construction, Quality of Life appropriations subcommittee where we need to be conserving money to pay for veterans health care for the thousands of veterans that are coming back from the Iraq and Afghanistan war, defies common sense.

I do not think this is in the national interest, Mr. Speaker. I think that this body should support this resolution of disapproval until we get recommendations that show us how we are actually going to save money and improve military effectiveness.

Now, Secretary Rumsfeld has improved new building standards, and that was the justification that the BRAC Commission used to move these people. And the building standards necessitate that you cannot be within 100 feet of the sidewalk where the public is allowed. You cannot be near a public transit station. You cannot have public underground parking. You cannot do any of the things that you have to do in a metropolitan area like northern Virginia or the Washington metro area, even though we have buildings that are right on the sidewalk that are just as important in Florida and Texas that were not touched. But in northern Virginia they made the decision to implement these building standards as they apply to any DOD agency no matter how unlikely a terrorist target that agency might be.

But there are very different building standards that apply to the Department of Homeland Security, the Department of Justice, the FBI, all of these other agencies that would be just as likely a terrorist target, so it does not seem to make sense. In fact, I question why we would have published the location of all of these defense agencies when terrorists did not know where they existed, could not even figure out the acronyms for the agencies.

But we have very different, inconsistent building security standards, one by the General Services Administration, which has the authorizing responsibility for building Federal buildings; and another by DOD, which is not supposed to be building its own buildings,

but are requiring enormous restrictions that preclude a location in a metropolitan area anyplace in the country, and that are going to cost such a premium to build, they are going to make them prohibitive for any other activity to be in those buildings.

Mr. Speaker, I could go on at greater length on why I do not think that these recommendations make sense from a cost standpoint, from a military effectiveness standpoint, from just a common-sense standpoint. I will not do that, but I will summarize by again pointing out that these recommendations are going to cost billions of dollars to build new buildings for DOD money that we do not have, that we are going to have to take from veterans health care. It is not going to improve our military preparedness. It is going to cause a brain drain in terms of many of the agencies that we rely so much on for technological superiority and intelligence. And when you have a recommendation that causes such additional cost and is going to make it so much more difficult to implement our military mission, I think the right thing to do is to reject it.

That is what this resolution does. That is what I would urge my colleagues in this body to do, to vote for the resolution of disapproval that has been offered by the gentleman from Illinois (Mr. LAHOOD) so as to have the administration go back and tell us ways they can, in fact, save money, ways they can, in fact, improve the efficiency and effectiveness of our military mission.

The Acting CHAIRMAN (Mr. BONNER). The Committee will rise informally.

The SPEAKER pro tempore (Mr. HEFLEY) assumed the chair.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of it clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3057. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3057) ''Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCCONNELL, Mr. SPECTER, Mr. GREGG, Mr. SHELBY, Mr. BENNETT, Mr. BOND, Mr. DEWINE, Mr. BROWNBACK, Mr. COCHRAN, Mr. LEAHY, Mr. INOUYE, Mr. HARKIN, Ms. MIKULSKI, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, and Mr. BYRD, to be the conferees on the part of the Senate.

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

S. 1285. An act to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the ''Rosa Parks Federal Building''.

The Acting CHAIRMAN. The Committee will resume its sitting.

DISAPPROVING THE RECOMMENDATIONS OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

The Committee resumed its sitting.

Mr. HEFLEY. Mr. Chairman, I yield 7 minutes to the gentleman from New York (Mr. BOEHLERT), the distinguished chairman of the Committee on Science.

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

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

Mr. Chairman, many of us who have been privileged to serve in this great institution for some time have been through this process many times. This is not the first or second or third. We have had BRAC after BRAC. But I could not agree more with my distinguished colleague from Colorado (Mr. HEFLEY) who observed this was the best BRAC of all. We are finally getting it right. This was the least political, most professional BRAC we have ever had. And that is a tribute to Chairman Principi and all of the distinguished members of the panel: Admiral Gehman; General Newton; former Congressman and colleague Jim Bilbray; Phil Coyle; Sam Skinner; General Turner; Jim Hansen, another former colleague who served with great distinction; and General Hill. This reads like a Who's Who list of distinguished Americans who are providing a very important service for our Nation.

The fact is DOD had too much physical inventory. It is costing DOD to maintain that physical inventory. It is costing the taxpayers. So understandably they wanted some realignment, adjustments; and there had to be winners and losers. As someone who has been on both sides of that issue, let me say I know what it is like. I can feel the pain of the losers. But I would say to those who are on the short end of the recommendation, one, you should have confidence that the recommendations were made once again by the least political, most professional BRAC we have ever had, a BRAC whose individual members, including the Chairman, were available not just to have a courtesy photo opportunity, but to hear out those of us who had presentations before that Commission.

They asked pertinent questions. They had on-site visits. They were very, very serious about their important work; and they were not alone. The highly dedicated and very competent professional staff of BRAC was even more accessible. You can understand when you get on the phone and you try to get a conversation with Chairman Principi or General So-and-So or Admiral So-and-So, a lot of people want to talk to them. I must say that I was fortunate to be able to talk to each and every one of them. I had quality time. But the fact of the matter is the staff followed through once again with on-site visits, and that was so very important.

The dedication and determination demonstrated by the Commission, its accessibility for individual members, their willingness to listen produced a product that I think we can all be proud of.

Let me once again address those who represent communities who are not treated favorably by the BRAC recommendations. I have been through that before with a magnificent Air Force base that dissolved back as a result of the 1993 Commission report, and in 1995 it actually closed down with a couple of exceptions. And there were some people in the community at large who wanted to write the economic obituary for that community, Rome, New York, and the surrounding areas. There were others, a lot of us, not just me, the mayor, the county executive, local officials, business communities, that were determined to make the best of a bad situation.

□ 1130

Today, that once-vibrant military installation, Griffis Air Force Base, is now a very vibrant business and technology park with upwards of 4,000 people gainfully employed there; but part of that installation involves an Air Force research laboratory which was set off as a containment area as a result of the decision to close the base in 1993, and the people at DOD and everywhere were wondering would this work.

It has worked in spades, and now the Air Force research laboratory, incidentally operating out of a $25 million state-of-the-art new facility, is the center of excellence for the entire Air Force in command, control, communications, and intelligence technology. It is an information directorate, and it not only services the Air Force well but it services a whole wide range of other activities. It is serving so well.

So BRAC looked at that and made the decision that some operations that had been located there should be transferred elsewhere in line with the overall scheme of the Air Force to consolidate like operations at a central facility. Some moved out; some moved in. The net result is maybe a gain of 15 to 25 jobs for Rome, New York. I am not supporting the BRAC because we have got 15 or 25 jobs. I am supporting the process and what it did and what it produced.

Let me tell my colleagues another story. At that same business and technology park, we now have a defense finance accounting service, and that employs exactly 382 people. DOD said, well, we want to consolidate, restructure. We do not need 26 locations all

over the country. We want to go down to three locations. That did not really make a heck of a lot of sense; and when all was said and done, when the BRAC looked at that, they recognized that maybe the answer was somewhere in between. Instead of going from 26 to three, they went from 26 to about five or six, consolidating, saving money, improving efficiency.

Guess what. This facility at Rome, New York, which incidentally is operating and out of a new $10 million state-of-the-art facility, was examined very carefully. They did not just listen to me, and they did not make a decision that was posited with that because I had a scintillating personality or I had some influence down here. Influence down here did not make much difference in this process.

What they listened to were the facts, and the facts are that when they examined all of the DFAS operations, in 16 measurable categories where you could quantify, where you could measure, where you could compare the output of one against the other, this installation was at or near the top.

A final BRAC decision, not only are those 382 jobs preserved, 600 additional are coming.

So I say it from the perspective of a proud Member of a district who is gaining, and I say it as a proud Member of this institution who identified with creating a process that is serving our Nation well; and therefore, I would strongly oppose the resolution to disapprove and urge that the movement go forward.

Mr. LAHOOD. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey (Mr. HOLT).

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

Mr. HOLT. Mr. Chairman, I thank the gentleman from Illinois both for introducing this resolution and for yielding me some time to speak in support of the resolution.

The stakes could not be higher. Of course, we should take steps, even if politically difficult, to cut waste and improve efficiency in the military. Let us look where we are.

The Pentagon has recommended closures through the BRAC Commission. The BRAC Commission has approved them. Now the House is going to stamp them approved before the Department of Defense has completed its force structure review. This is exactly the opposite of what was supposed to happen. The BRAC commissioners themselves pointed out when they began their hearings this summer that the entire process has the cart before the horse.

Also, the Overseas Basing Commission noted that the Pentagon had not factored in the impact of the return of tens of thousands of personnel from Europe to the United States in its BRAC recommendations; and even now, we are proceeding with the BRAC process before the Pentagon has even completed its periodic force review, which is supposed to be the blueprint for what we need for the 21st century.

So we will be closing bases, losing key personnel, diminishing critical capabilities, even before we have determined which of those capabilities we need in order to meet current and future threats. The process, Mr. Chairman, has been backwards.

I certainly can find fault with some of the specifics in here. I am very familiar with the excellent work done by the people at Fort Monmouth in central New Jersey where they do electronics, command, control, communications, computers. They have taken the lead in developing countermeasures to detect and disarm roadside bombs in Iraq. It is hard to think of anything that could be more important.

We know that a large number of these scientists, probably 70, 80 percent of these scientists and engineers and procurement experts will not make the move if Fort Monmouth is closed. That capability would be lost at a time that we cannot afford it.

The harm to the military, to the Army, and to the joint services effort, I can assure my colleagues, is much greater than the harm to New Jersey. That is why I am highlighting this example of the problems.

Let me be clear, I have nothing but great respect for each of the commissioners and their staffs. They worked for months a grueling schedule, reams of data, listening attentively, openly. In the end, however, the commission produced a series of recommendations that could not be right because the whole thing was flawed from the beginning. They got the cart before the horse.

In the resolution before us today, we have the means to stop this flawed and dangerous process, and it is apparent that the commissioners knew that they were not getting it right.

In the case of Fort Monmouth, for example, in their recommendations, they charged Congress, not that they are able to charge Congress, but nevertheless they did, to review their results with respect to Fort Monmouth to say do not go ahead with them if it might hurt the capabilities that we need to fight terrorism around the world, to support our troops in the field and Iraq and Afghanistan. They actually said that in their recommendations. They were acknowledging that they were not getting it right, or at least they thought they might not be getting it right.

They have got the cart before the horse. It is a flawed process. To give us a chance, I will urge my colleagues to vote for this resolution so that we can get it right. Our country's security depends on it.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I thank the gentleman from Missouri (Mr. SKELTON) for the opportunity to be heard.

After a series of hearings and debates today, the House will vote on H.J. Res. 65, disapproving recommendation of the Defense Base Closure and Realignment Commission. I stand here in opposition to that resolution and support the BRAC process.

Since the Department of Defense released those dreaded base closure recommendations on May 13, 2005, elected officials, community leaders, and employees have come together to make the case for keeping their respective facilities open.

I respect the BRAC process. I understand that it is necessary for the Department of Defense to reconfigure its infrastructure into one where operational and support capacity is optimized for both war-fighting capability and efficiency. I also understand that the BRAC process assists the Department in maximizing joint utilization of defense resources and reallocates military personnel from supporting and operating unnecessary and underutilized infrastructure. However, I believe that the BRAC process should remain a fair process, allowing for every facility to be evaluated in a clear and consistent manner.

Let me state that I am extremely pleased that on August 26, 2005, the BRAC Commission decided not only to reverse its decision to close the Defense Finance Accounting Service in Cleveland, Ohio, but to expand and add jobs at this facility. This facility has earned the right to remain open and continue to provide A-plus services to its executive clients and, most importantly, the men and women serving in Afghanistan, Iraq, and around the world.

DFAS Cleveland is an integral part of the nerve center that supports our troops on the ground in Iraq and worldwide. It is the homesite of the Reserve pay center of excellence which processes payroll for the Army, Air Force, Naval Reserves and National Guard. It has a track record of innovation and success that has been recognized on more than one occasion.

I thank the entire BRAC Commission, particularly Chairman Principi and General Lloyd Newton, for their service. In addition, I would like to thank the gentleman from Ohio (Mr. LATOURETTE) who is seated on the floor and his staff for all the work they did in supporting DFAS, as well as the gentleman from Ohio (Mr. KUCINICH) for his tireless efforts.

Through our collaboration, we were able to outline to the commission the various discrepancies in the initial recommendation and make a good case for reversing the recommendation for removing the Cleveland DFAS office.

I want to thank also the Cleveland Partnership and its membership. Thanks to Carol Caruso behind the scenes and thanks to attorney Fred Nance, the managing partner of Squires, Sanders and Dempsey, who argued our case before the commission. He was brilliant.

Finally, I would like to say that this process has been a grueling process. In the city of Cleveland, we have lost so many jobs over the past 4 years. The thought that we would lose another 1,200 jobs if DFAS moved was just grueling, and we are thankful for the commission's recommendation. Again, I vehemently argue in opposition to H.J. Res. 65 and thank my colleagues for their support.

Mr. HEFLEY. Mr. Chairman, it is my pleasure to yield 5 minutes to the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. Mr. Chairman, I thank the distinguished gentleman from Colorado for the time.

First, let me thank the BRAC Commission head Anthony Principi and all of the panel members for their hard work for listening to all of us, both at the regional hearings and in person, and with the staff and the Department of Defense who worked with so many of us in these very difficult decisions.

I rise in opposition to my colleague from Illinois's resolution, but I share some of his concerns. I would like to talk about a few of these.

In the State of Indiana, the previous round of BRAC, I was legislative director for the junior Senator from Indiana when we watched all of our active military bases get wiped out in the State of Indiana, one of the number one recruiting States in the United States.

My hometown in Fort Wayne, Indiana, is one of the major centers of defense electronics in the United States with ITT Aerospace, with Raytheon, Defense Electronics based there making many highly classified electronics, defense systems, with General Dynamics with a huge facility there, with BAE Systems with a huge facility there, with USSI with a huge facility there, with Northrop Grumman with a large and expanding facility there.

We have defense electronics and a very patriotic, one of the highest, if not the highest, congressional districts in America in military recruiting for Army, Navy, Air Force and all of the various Guard and Reserve groups.

We have an Air Guard base there in Fort Wayne, Indiana, that is gaining under this process. It was a very difficult process as to how we deal with the Guard and particularly the Air Guard, and it was a very stiff competition with the gentleman from Illinois' air base and the air base in Terre Haute, and we can argue the relative merits.

What I heard at the hearing is, look, I am very proud of our Air Guard. They are way over. They have the highest percent retention, actually overretention at 116 percent of their recruiting quota. They have won national outstanding unit award three times by the Air Force and recipient of the National Guard number one Air Guard unit in the United States.

But I also heard from the people in the capital region Air Guard unit and the people in the Terre Haute Guard unit. In fact, they were all high in recruitment, and they were all high in national awards.

□ 1145

The problem is the Air Force is cutting. The F–16s are aging and declining in quality and disappearing from our defense system, and the Air Force plans are to reduce the number of fighter planes by two-thirds. So where is this going to leave the Air Guard and the Reserve, and how do we work this through when we head into a BRAC process? I am very concerned where we are headed long term with this, not just this BRAC process but the next BRAC process.

It is clear we are leaning heavily on Guard and Reserve. Are we going to the point where Guard and Reserve and the Air Force are only going to be at active bases, and where does that leave the heartland of the United States as we move everything to the coast? Where does it leave us in homeland security?

The gentleman from Illinois (Mr. LAHOOD) raised a very difficult and interesting question that worked through the courts in this process, that it is pretty clear that the Department of Defense cannot close an Air Guard base, but they can move the airplanes. So we had one court ruling in Pennsylvania that said they could not close the base, but we have other rulings that said they could move the airplanes. What exactly is the role of an Air Guard base if it does not have any airplanes, and how are we going to work this through?

I believe there will be other types of defense systems in homeland security that hopefully will be located in Terre Haute and will be located in Springfield, Illinois, very important cities to homeland security and our national defense. We have to work this through.

I believe the BRAC Commission made the right decisions, but this does not necessarily give us much guidance as to where we are headed and how we are going to integrate and maintain the defense structure we have in the United States with our Air Guard, Army Guard, and all of our Reserve units around the country if we do not have an adequate base structure, if we do not have adequate training places and ways to do this.

I hope we can find, in addition to the fighter planes that are located in Fort Wayne, and the expansion of our base, for which I am very thankful, ways to work with Springfield, Illinois, with Terre Haute, Indiana, and other bases around the United States because we need all of those pilots. We need all of those Guard and Reserve people around the United States because we are strapped very thin. I hope this BRAC Commission report, while I strongly support it, will also be a launching point as to how we are going to work and build and keep this very diverse Armed Forces system in the United States.

Mr. LAHOOD. Mr. Chairman, I yield 4 minutes to the gentleman from Tennessee (Mr. COOPER).

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

Mr. COOPER. Mr. Chairman, I come here today to praise the men and women of the 118th Air Wing who fly out of Nashville, Tennessee. They have been mistreated by this BRAC process. I do not blame the BRAC Commission. I think the fault lies originally with the Pentagon recommendation because they simply did not take into account one of the best flying units in America. They are proven, they are ready, they have performed valiantly every time the Nation has called them to service. They have volunteered for extra duty. They fly C–130s. We have, and we soon will miss, those eight C–130 airplanes.

The bottom line for the Pentagon decision, did it really have anything to do with military judgment for value or cost savings? No. What did it have to do with? A political calculation on the part of the Pentagon that because Tennessee had a great air unit in Memphis with C–5s and a great air unit in Knoxville with KC–135s, that therefore, Nashville had to lose one of the best Air Guard units in the country.

Now, they did not close down our base entirely; they did not have the temerity to do that, but they took all our aircraft. They took the ''air'' out of the Air National Guard in Nashville, Tennessee.

Now, Members might say, well, I am just protecting a local interest. Look at the facts. First they came at us with wrong data because the Air Guard unit there does not own the runways; we only lease them from a fine commercial airport. We got no credit for that. So we addressed that problem.

Then they did not take into account the fact that we had some of the newest and best facilities in all of our military, the number one best hangar in America, brand new, barely opened, and it will probably never see an airplane. It won the top Air Force award for best hangar in the country, so why did American taxpayers pay $55 million for that hangar never to see it used?

Guess what, almost every other facility on that base is less than 2 years old, and we are taking away all of the aircraft. How does that make sense? It only makes sense if you look at the politics. Tennessee had three bases; they wanted to cut us down to two and distribute it more evenly around the country. So they can take our airplanes, are they going to train the new air crews at these other bases? Are they going to build them brand new and wonderful facilities and hangars? Will that save the American taxpayer money when we already had one of the top units in the country in Nashville performing perfectly?

If you ask Secretary Rumsfeld, he knows about the men and women from Nashville who have flown him wherever he needed to go, in the Middle East or other places in the world.

So I am in an ironic situation. I believe in the BRAC process. I do think Congress needs a restraint. We cannot just all protect our local bases, but the Pentagon's recommendation has to be based on sound military judgment, and at least in this one small case, it was not. Unfortunately, the BRAC commissioners did not have the temerity to override in this case, at least, the Pentagon recommendation.

If Members talk to top folks in the Pentagon, they will tell you that from the expected savings from the BRAC round, they are virtually gone, because the BRAC Commission did interfere in a lot of other bases, and some services, so 70 to 80 percent of the expected savings are not there. I think history will chalk this up as a failed BRAC round, not because of Nashville but because of larger issues.

So I hope and pray that when the next BRAC round comes around, we will do a better job starting with the Pentagon and through the BRAC Commission.

Mr. Chairman, I rise today in favor of H.J. Res. 65, which would reject the recommendations of the Defense Base Closure and Realignment Commission.

As a member of the House Armed Services Committee I initially supported the BRAC process. It is very important that the composition of our bases and infrastructure support the operational needs of the 21st century—a century that is emerging to be as dangerous and challenging as the 20th century. We must adapt to new threats and challenges. But our decisions concerning future base structure must be based on what best supports the national security of the United States. The BRAC decisions regarding the Air National Guard do not meet this test.

Consequently, I disagree with the Department of Defense's recommendations concerning the Air National Guard. Our citizen soldiers of the Air National Guard are a critical part of our defense structure. They have done heroic work since 9-11. We simply would not have been able to sustain the current pace of our operations without the Air National Guard.

The Air Force BRAC recommendations failed to fully consider the unique capabilities and civilian-military partnerships of many of our Air Guard facilities and the legitimate recruiting, training and retention concerns of the state adjutants. Moreover, the BRAC analysis did not address the potential impact of realignments on State homeland security missions. These ill considered recommendations generated almost unanimous opposition from State Adjutants. Despite the efforts of the commission, this entire process has done great harm to the vital relationships between the Air National Guard and the Air Force. This harms our national security.

Let me briefly discuss these flaws using the 118th Air Wing (AW) stationed in Nashville as an example. The decision regarding the realignment of the 118th AW, one of the premier C130H flying units in the United States, illustrates the nature of the flawed recommendations that grew out of a closed process.

First, the loss of aircraft from the Air National Guard and the movement of aircraft to fewer sites will have negative impact of the retention of our most experienced air crews and maintenance personnel. Unlike active duty airmen and pilots, Air National Guard personnel do not just pack up and relocate with their aircraft. It is highly unlikely that the majority of the 118th AW's highly experienced pilots and maintenance personnel will move with the C130H aircraft to new base locations.

Next, consider the airmen and airwomen left behind in enclaves. The realignment of the 118th and many similar units across the country essentially takes the "air" out of Air National Guard. Attracting and retaining highly motivated young men and women for a placeholder organization with no real mission will be difficult, if not impossible.

Third, rebuilding the deep operational experience and cohesion of units like the 118th AW, forged through multiple deployments and demanding combat missions that have continued through the rescue and recovery efforts associated with Hurricane Katrina will require many, many years. The direct and indirect personnel costs of realigning units like the 118th AW do not appear to have been considered in the BRAC process. It takes time and money to recruit, train and develop experienced pilots and co-pilots and highly skilled maintenance and support personnel. Indeed, duplicating the skill, experience and dedication of the 118th AW may be impossible.

Fourth, it appears that the Air Force failed to fully consider the military value of the Air National Guard facilities under consideration. For example, in Nashville, we have spent over $55 million over the last five years on military construction to include a new state of the art hangar/maintenance complex that won an Air Force design award. Yet it appears much of this new construction was not considered in the evaluation of the 118th AW's "Military Value." Consequently, these excellent facilities will remain in limbo—neither closed nor fully operational. Where is the efficiency, cost savings or operational advantage in this arrangement?

Finally, the overall BRAC savings are minimal. According to the Base Closure and Realignment Commission, the Department of Defense claimed that their recommendations would save $47.8 billion over twenty years. The Commission concluded that once one time up-front costs of $21 billion are subtracted and personnel costs are accurately calculated the total savings to the American taxpayer will only be $15 billion. This figure is likely high because costs for the retraining of pilots, air crews and mechanics are not factored into the up-front costs. This is extraordinary.

Consequently, I have concluded that the marginal fiscal benefits of these recommendations do not out-weigh the costs to our Air National Guard flying formations and our national security. I will vote "yes" on H.J. Res. 65.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I rise in opposition to this resolution because I believe the BRAC Commission has performed its job admirably. It wisely chose to remove from the closure list the Defense Finance and Accounting Services in Cleveland which was scheduled to lose 1,028 jobs. This came after a very strong community effort in Cleveland that was led by the Greater Cleveland Partnership and attorney Fred Nance, whose brilliant presentation at the BRAC Commission hearing was quite persuasive.

It also came as a result of work that was done by our colleague from Ohio (Mr. LATOURETTE). The gentleman from Ohio has demonstrated that a bipartisan cooperation and partnership can be quite successful in helping to strengthen a community's economic position.

We worked together, along with the gentlewoman from Ohio (Mrs. JONES), other Federal officials, and local officials to ensure that we made the best case possible as to why the people who do an admirable service at DFAS in Cleveland should be permitted to continue doing their work.

The 2005 Department of Defense recommendations put on the BRAC closure list inappropriately the Cleveland area, and they targeted Cleveland with over 1,000 job cuts. We made the case that those potential job losses were unjust and unfair and counterproductive to the interest of our Federal Government. The BRAC Commission reversal wound up adding 475 jobs, in addition to saving the current jobs. This means Cleveland will host 1,500 DFAS jobs and continue to be a major financial center for the Department of Defense.

The BRAC Commission showed independence from the Pentagon, which is a rare feat in Washington, D.C. and Cleveland is grateful for their independence. This shows all of us why independence in our government's decision-making process is a crucial ingredient to ensure that the right decisions are made. This is another opportunity to move our great city off the list of cities with the highest poverty rate. The commission accepted the argument that the Pentagon should not move jobs from Cleveland, a city with one of the highest poverty rates in the Nation, to other cities which ranked much lower in poverty.

So in all, I believe that the BRAC recommendations represented a very thoughtful, well-reasoned set of recommendations. I was honored to have the opportunity to participate and actually see the process at work, and I was also honored to work closely with my colleagues from the House of Representatives, the gentlewoman from Ohio (Mrs. JONES) and the gentleman from Ohio (Mr. LATOURETTE).

Mr. HEFLEY. Mr. Chairman, I yield 3½ minutes to the gentleman from Ohio (Mr. LATOURETTE).

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

In one of the few times since 1995 when we arrived in the House together, I am going to disagree with the gentleman from Illinois and will vote against this resolution today.

I want to talk a little bit about the Cleveland experience and then the process and how we moved forward, which has been addressed by the gentleman from Ohio (Mr. KUCINICH) and the gentlewoman from Ohio (Mrs. JONES).

I understand why the gentleman from Illinois has brought this resolution here today because I remember the shudder that can go through a community when 1,200 jobs are being discussed, in some cases more, some cases less. In Cleveland's case, they were jobs that pay an average of $54,000 a year. You are not just talking about the loss of the tax base. You are also talking about individuals who have made lives, whether it be in Cleveland, Indiana, Colorado, Missouri or other parts of the country.

I had one grandmother who came up to me in Lake County, Ohio, after the decision was made to keep the facility open in Cleveland, and she said I want to thank you because it means my grandchildren will not be going to some faraway place. I can understand the shudder, and as the gentleman from Colorado said, maybe we should reexamine how we engage in this. But I want to talk about the process.

The process, although it was nerve-racking, was also healthy. It was healthy because it gave me the opportunity to work together with the gentlewoman from Ohio (Mrs. JONES) and the gentleman from Ohio (Mr. KUCINICH). I am Republican and they are Democrats, and we all put our shoulders to the same wheel to get the same result. It was good to see the labor community and the business community in Cleveland all come together, because sometimes they have disagreements. It was encouraging to see the leadership of the city of Cleveland come together, with Mayor Campbell and others all working towards achieving this result. From bad news, good news took place.

But as the gentleman from New York (Mr. BOEHLERT) said, it was not because the gentlewoman from Ohio (Mrs. JONES) and the gentleman from Ohio (Mr. KUCINICH) and I are so powerful. This was a process done on facts. Anthony Principi and the BRAC commissioners and the professional staff, and hats off to Marilyn Wasleski in particular, they took the time to look at the numbers and figure out that when the Pentagon came up with its original proposal, they had the numbers wrong. Just one small example: they overvalued the square footage that was being paid to the General Services Administration so Cleveland did not score as well.

It would have been easy to say we are not going to pay attention to that, but the BRAC commissioners paid attention. They paid attention to the arguments and observations; and at the end of the day, Cleveland did not win because Cleveland had more political muscle, Cleveland won on the facts and on objective standards.

Another thing that impressed me, the BRAC Commission not only looked at the numbers, they looked at the human cost. They considered the value of the 1,100 people that work in that building, the Celebrezze Federal building in the city of Cleveland, and they said to those Federal employees, you have value, you have worth. They recognized what they have accomplished in becoming centers of excellence, and they were rewarded for that. That is exactly what we would want to encourage.

The last thing I want to say, we have some force protection issues, antiterrorism protection for Federal properties are coming up in 2009. I understand that when it comes to the men and women who are serving in the active military, but the Cleveland facility is made up primarily of accountants. And I want to protect our men and women in uniform, but the folks in the Cleveland building are accountants, by and large. And I try to read all of the chatter from al Qaeda and everywhere else, and I do not hear a lot of chatter about taking out the accountants. I would argue that our civilian Department of Defense employees are valuable, but they are no more valuable than the people who work for the Social Security Administration or the U.S. Marshal's Office. Before we make sure that we fortify and penetrate all of these buildings for DOD civilian employees' work, we should look at force protection for everybody who works for the Federal Government.

Mr. LAHOOD. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico (Mr. UDALL).

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

Mr. UDALL of New Mexico. Mr. Chairman, I would like to thank the gentleman from Illinois for introducing this resolution. I will be voting today in favor of H.J. Res. 65 because I believe the BRAC Commission's recommendations should be overturned. I commend the commission for their thorough and diligent work. They certainly had a very difficult job.

□ 1200

However, I believe that now is not the time to implement a BRAC round, considering the number of operations our armed services are currently engaged in around the world. I have great concern about the Pentagon's ability to adequately assess our needs and assets while there are so many soldiers abroad and while the Pentagon awaits the results of the Quadrennial Review.

I am also concerned about the Commission's recommendation to place Cannon Air Force Base in enclave status. This decision places Cannon in enclave status until 2009, or until a new mission can be identified for the base. I do view this recommendation as a partial victory for New Mexico since the Department of Defense initially slated Cannon for closure, but I firmly believe that Cannon should simply have been removed from the list altogether.

Cannon offers the Air Force and its pilots unrestricted airspace and training ranges just off its runways. This is a rarity in today's Air Force, as more bases experience increasing encroachment. This unparalleled airspace is in the process of being expanded, making the base even more valuable. When approved, the New Mexico Training Range Initiative would make Cannon's airspace wider and taller and allow for training at supersonic air speed.

I strongly believe we will be able to identify appropriate missions for Cannon Air Force Base to minimize the amount of time during which the base will remain in enclave status. Nevertheless, Cannon is too important to our national defense for it to be placed in enclave status.

I urge passage of H.J. Res. 65.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in permitting me to speak against this resolution. I understand the frustrations that have been expressed by some of our colleagues here on the floor about the BRAC safety valve. I understand their frustration. We were in the crosshairs in my community, and some of the issues that were raised earlier about the friction within the Pentagon, the inability to appropriately focus on the value of the Air Guard and there were some other issues that were at work here. I think this process is helping.

I appreciate the debate here on the floor. I hope that we are able to further clarify the role that the Guard, especially the Air Guard and Ready Reserve, play as opposed to the Pentagon.

The BRAC process in our case allowed us to make the case. We pulled together as a community. We were able to document that the transfer of the Air Guard actually would end up costing the taxpayer money, and we were able to demonstrate that it would leave a whole sector of the Northwest United States vulnerable, taking away critical air support that has loomed larger as we deal with the role of homeland security in our national defense.

I would hope that our friends on the Armed Services Committee would focus on adjustments that may need to be made to the BRAC process to allow a higher priority attached to homeland security in these decisions in the future. It was not as clear when the BRAC legislation was enacted almost 20 years ago. I think things have shifted. I think it is time to readjust it.

I would also hope that this would be an opportunity for us to focus on what we are leaving communities with after the bases are closed. I have come to the floor pleading for more support from Appropriations and more attention from the Armed Services Committee to unexploded ordnance and military toxins.

The problem we are facing right now, after the 1988 BRAC process, we still have a dozen communities where they have not finished cleaning up those bases. Indeed, the Mather Air Force Base in California, in Sacramento,

closed in 1988. The cleanup is not going to be completed until 2072. That is not fair to communities where bases are closed.

While I support the BRAC process, I oppose the resolution. I think, in the main, BRAC has worked. I hope we are able to clarify the role of the Guard and the Ready Reserve as it relates to national security.

I do hope this is a wake-up call to what we are leaving communities with, and we can accelerate the cleanup process.

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

Mr. LAHOOD. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. EVANS) who represents one of the largest military installations in our State.

Mr. EVANS. Mr. Chairman, today I rise in support of H.J. Res. 65. I totally disagree with the Base Realignment and Closure Commission's decision pertaining to Rock Island Arsenal and other key installations across the Nation, including Springfield Air Base as well.

The BRAC process is seriously flawed. Both the Department of Defense and the BRAC Commission failed to follow the criteria established by Congress to base its decisions on military values and cost savings. I expected the DOD and the Commission to follow the criteria outlined in the BRAC legislation. It failed to do so.

The BRAC Commission stated it will actually cost the American taxpayer with no further expectation of future savings. The government will never receive a financial payback from this move.

The BRAC Commission recommended realignment of installations in the 17th Congressional District of Illinois, but failed to base its decision on military value criteria. Rock Island DFAS was rated number one in military value, but the Commission recommended consolidation at facilities rated substantially below Rock Island: Columbus, 7; Indianapolis, 9; Cleveland, 12; Limestone, 17; Rome 19.

The BRAC decisions regarding not only bases in Illinois, but throughout the Nation, are extremely frustrating because the Commission recognized the military value and cost savings provided streamlining of bases already undertaken on a local level.

I am a former marine, and I will not surrender this fight to save jobs at the Rock Island Arsenal. I will continue to work with the Quad City Development Group and local officials to strengthen the arsenal and to bring more jobs to the island.

Mr. Chairman, I want to thank the gentleman from Peoria, Illinois who has done an outstanding job in fighting this battle. I look forward to working with him on the cleanup of this process and hope that we do not have to go through it again. I appreciate his leading the charge on this bill today.

Mr. LAHOOD. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Chairman, there is no shortage of valid complaints to be made of this round of the Defense Base Realignment and Closure Commission's work. I generally support the BRAC process. But what is important about the BRAC process is the process and how it is handled by the Commission itself. I feel that insufficient attention was paid to the role each individual base played in the United States national security, and, more importantly, the homeland security.

The recommendations seem to be based much more on bean counting than strategic value, nowhere more so than in the case of Ellington Field in Houston, Texas. Ellington Field is currently home to the Texas Air National Guard's 147th Fighter Wing, who just got back from Iraq and showed themselves to be exemplary not just in their efforts before going to Iraq, but in Iraq itself. They were absolutely exemplary in their efforts and in their service. We appreciate them in everything that they do.

But Ellington is also home to several other branches and resources of our armed services, all of whom are responsible for the protection of the entire gulf coast. Its national and homeland security facilities should be plain to anyone as in need of more personnel, greater maintenance and better military assets.

Yet the BRAC Commission has chosen to realign Ellington, removing its F–16 Fighter Wing and leaving the gulf coast, to my mind, in many ways more vulnerable than it is now. The Houston-Galveston region has all nine of the FBI targets. It is the only region in the entire United States that has all nine of those targets.

The Commission's Ellington decision was a bad one. I join with the proponents of this resolution and, for that matter, the two BRAC Commissions, including Chairman Principi who voted to save Ellington, in their frustration. The flawed methodology and dangerous implications of the Commission's work, particularly with regard to the Ellington Field decision, leave me no choice but to oppose the BRAC recommendations and support the resolution before us.

We should all support the work of the BRAC Commission to consolidate and improve the alignment of our military assets to strengthen our national security. This round of recommendations, in my view, does not accomplish that goal. I will continue to work on behalf of Ellington Field and to ensure national and homeland security interests of the gulf coast region.

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

Mr. LAHOOD. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I am proud to follow my neighbor from Texas (Mr. DELAY). Ellington is in his district, but I am the next closest Member.

I rise to express my disapproval for the recommendations of the Defense Base Realignment and Closure and urge my colleagues to support the gentleman from Illinois' resolution, of which I am a proud cosponsor. This is the most ill-advised, ill-timed round in base closure history. We currently have men and women fighting in two countries, and we passed three large supplemental requests, and the fourth likely in the next few months. We are in the process of closing bases overseas and bringing them home. Given these uncertainties, we cannot know what our base needs or our threat needs will be for the next 5, 10 or 20 years.

Ellington is home to the 147th Air National Guard Wing, Texas Air National Guard Wing. Houston is the fourth largest city in our Nation. It is our home and has a huge petrochemical complex that accounts for nearly half of the Nation's base petrochemical production. The Houston ship channel in the Port of Houston handled more foreign tonnage than any other port. We have the Texas Medical Center and NASA's Johnson Space Center. One of the most vulnerable targets in the area is the petrochemical complex, along with these other assets. Yet the base closure commission on a close vote decided to close Ellington.

Now, what they are doing is they are saying that we are going to provide service from San Antonio, Texas. The problem is that is 23 minutes away. As we know, an airborne attack on a refinery complex could seriously disrupt our Nation's energy supply, causing major nationwide economic impacts. An attack on a chemical plant could result in a hazardous release and thousands of casualties.

Currently our 147th Air Wing provides air security in the area, and the solution from the Pentagon is rotating several planes to fly on alert out of Ellington, which provides a much smaller deterrent than having a full squadron. What would happen if we had multiple planes that are attacking different facilities?

I urge a ''yes'' vote on the resolution.

Mr. Chairman, I rise to express my disapproval with the recommendations made by the Defense Base Realignment and Closure Commission, and to urge my colleagues to support this resolution.

This is the most ill-advised and ill-timed round in the history of Base Realignments and Closures. We currently have men and women fighting in two countries, we have passed three of the largest supplemental requests in our Nation's history with a fourth likely in the next several months, and we are in the process of closing bases overseas and bringing troops home.

Given these uncertainties, we cannot begin to know what our basing needs will be 5, 10, or 20 years down the road. However, instead of postponing this round of closures for 2 or 3 years like many members of the House and Senate supported, one of the most contentious rounds of BRAC was pushed through.

Like many other communities across the country, the district I represent was affected

by the Defense Department's plan to consolidate Air National Guard units, leaving one of the largest metropolitan areas in the country less prepared to respond to a terrorist attack.

Houston is the fourth largest city in the Nation, and is home to a petrochemical complex that accounts for nearly half of the Nation's base petrochemical production capacity. The Houston shipping channel and the Port of Houston handle more foreign tonnage than any other U.S. port. Also, we have NASA's Johnson Space Center, and the Texas Medical Center.

One of the most vulnerable targets in the area, and possibly the country, is the petrochemical complex; a tremendous complex that stretches the length of the Houston Ship Channel and continues along the coast through Beaumont, Texas. We have seen in the aftermath of Katrina and Rita the negative effects caused by disruptions in our oil supply and refining capacity, and leaving this area unprotected is leaving the door open to a terrorist attack on this critical infrastructure.

The Port of Houston is the second largest petrochemical complex in the world, and the largest in the Western Hemisphere, which produces over 35 percent of the Nation's gasoline at a great many refineries.

Numerous chemical plants also line the channel, producing a number of volatile compounds. According to the U.S. Coast Guard, 7,600 deep draft vessels arrive each year, and 60 percent of those ships carry sensitive oil/chemical cargos.

An airborne attack on the refinery chemical complex could seriously disrupt the Nation's energy supply, causing major nation-wide economic impacts. An attack on a chemical plant could result in a hazardous release with thousands of casualties.

Currently the 147th Fighter Wing of the Texas Air National Guard provides air security in the area and could respond to a threat on the complex or at the port in minutes because of the close proximity.

Rotating several planes to fly on alert out of Ellington, provides a much smaller deterrent than having a full squadron permanently stationed there, and would not provide enough planes to respond to multiple attacks on multiple targets in the area.

Meanwhile the closest full squadron would be in San Antonio, and would take approximately 23 minutes longer to respond to a threat than the F–16s at Ellington can currently provide.

In addition to providing security for the Houston area, the 147th is capable of providing precision strikes, close air support, offensive counter air, defensive counter air, and suppression of enemy air defenses.

The area around Ellington also provides the 147th with excellent training airspace, including over-water air-to-air training on the Gulf of Mexico allowing them to perform supersonic flights and lights out training from the surface to 50,000 feet.

Terrorists have proven their intent and capability to attack ground targets with multiple aircraft and retiring the 147th Fighter Wing's F-16s leaves Houston vulnerable to an attack.

The savings estimated in the DoD's BRAC report are minimal and do not justify moving the F–16s away from Ellington; while it is estimated that retiring the F–16s will save DoD $3.6 million over 20 years, an attack on any of the possible targets listed above, especially the petrochemical facilities and Port of Houston, would cost our national economy billions of dollars.

Mr. Chairman, this round of BRAC is ill-advised and ill-timed and I urge my colleagues to join me in supporting this resolution.

Mr. LAHOOD. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. HOBSON).

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

□ 1215

Mr. HOBSON. Mr. Chairman, I rise reluctantly in support of this motion. I have always supported the BRAC. I have been here through three of these, and I always thought they were well reasoned before, win, lose or draw; and by the standards of win, lose or draw, I probably came out okay in a lot of ways in this, because four out of five facilities in my area did well. The Army did well in this BRAC.

But I always thought the BRAC was based upon numbers and savings and mission, and suddenly I find out that is not true. I am going to read something here in a minute about that. That is what troubles me in this one, because the Air Force set out on a plan to arrive at a number, and they destroyed, in my opinion, much of what one of their components does best, and that is the Air National Guard.

Let me give you an example. At Mansfield, Ohio, they realigned the base. ''Realignment'' means you do not technically get BRAC'ed, but you get no airplanes, so you have to find something else to do. Let me tell you, the soldiers that were in the Dome shortly after Katrina were Ohio Army Guardsmen. They were flown there in 130s out of Mansfield. The soldiers that were in Mississippi from Ohio were flown down by 130s from Mansfield. The soldiers that were in Texas from Ohio were flown in by 130s from Mansfield.

When BRAC gets done, there are not any airplanes at Mansfield. So how many days are we going to wait to come in and pick those people up and bring them down? Because we have still got a large Army Guard that can perform, and they have shown they can perform; but 2 years from now, that is not going to happen. That does not look smart to me.

If you look at the chart that shows the support in the hurricane by the Air National Guard, it is far superior to what the Air Reserve did or especially the active duty in response to these hurricanes. That is not going to be there 2 years from now.

Now, closer to home, my Springfield Air National Guard Base. It is a training base. I did not ask to do this mission. The Air Guard and the Air Force came to me and said, We screwed up. We have closed much of our flight training. We need another place to do this. Will your State take this on? My State said it will.

They came to me, I was chairman of the MILCON, if you wonder how they came to me. They said, Will you take this on at your Springfield F–16 base? We saluted and said, Yes, sir, we will do it.

We put in over $85 million to make this a first-class flight school. We have not even opened the $8.5 million tower yet. We just finished the fire station. We put in a $10 million pad. And what do we find out? We are being realigned. ''Realigned'' means you lose your airplanes; you lose your mission. What are we going to do? Now I find out there is another mission available for flight school, but they want to take it and possibly put it in another place, someplace else, and spend the money again and take these airplanes.

Let me tell you what the Commission's findings were regarding Springfield Air National Guard Base. I am upset because they always did this by the numbers in the past. This was not done by the numbers, and that is why I am so infuriated about what happened, because I do not mind a fair fight.

We thought we had this won, until the Air Force went to the commissioners at the last moment and said, Hey, you have got to change this, because they were going in the right direction the day before. The next day when they got up, I knew we were dead.

Let me read the commission findings: ''The commission found that the Department of Defense recommendation to realign Springfield-Beckley Municipal Airport Air Guard Station should be supported even though the military value criteria were flawed and the realignment will be a cost instead of a savings to the Department.''

I mean, give me a break. It is flawed and there is no savings; but, by the way, the mission is going away, and we are not going to train these pilots. This place is training pilots better than they were expected to do and more than they were expected to do, and yet it is being realigned. The airplanes are gone. If we are going to do this this way, this is wrong and we have to stand up and say it is wrong.

I think this happened in more instances than just mine, and that is why I am so upset about the way this was done. It was not done by the numbers; it was done to drive to a number that the Air Force had to get to to save some airplanes like the F–22 and some other things.

So I am just hoping the people will vote in support of the resolution.

Mr. Chairman, I rise today to support this resolution of disapproval on the Base Realignment and Closure Commission's (BRAC) recommendations that are now before Congress. This is not a decision that I have come to lightly. During this latest BRAC round, there were several recommendations made that will benefit the State of Ohio and the 7th Congressional District that I represent. However, I cannot in good conscience accept a process that was fundamentally flawed and very unfair in the decisions made with regard to our country's National Guard and Reserve.

I represent four military bases, including the Springfield Air National Guard Base (ANG),

the Defense Supply Center Columbus (DSCC), Wright Patterson Air Force Base (AFB), and Rickenbacker International Airport. Each of these military installations has an exceptional workforce dedicated to the military missions assigned to them, whether it is logistical support for deployed troops, research and development, or pilot training.

Mr. Chairman, this is the third BRAC round that I have been through, so I understand the importance of community leaders and base officials doing the homework necessary to define the installation's military value, and the potential economic impact this process will have on communities where bases are located. During this latest round, I would argue that Ohio had some of the most hardworking and competent individuals working on behalf of our State's installations.

We testified at hearings in Buffalo and Washington, DC, and briefed BRAC Commissioners and staff during site visits to DSCC in Columbus and to Wright-Patterson. We also worked together in reviewing the numbers used by the Pentagon in making their BRAC recommendations.

Mr. Chairman, I think that I can speak for other delegations when stating that our efforts in getting information from the Air Force during this BRAC round did not start well. When we requested material on how they came to their recommendations, we didn't receive it for weeks. And when we did receive the data, it was inaccurate.

As I've already stated, I was very disappointed by the DOD and BRAC Commission's final recommendations with regard to the Air National Guard. This was especially true regarding their recommendations to redistribute the 178th Fighter Wing F–16 aircraft from the Springfield Air National Guard Base.

I have said all along that if the BRAC process had been fair and done ''by the numbers'', that I would accept the outcome, even if I didn't like it. But unfortunately, this was not the case.

First of all, the BRAC analysis material stated there is only one F–16 Formal Training Unit in the Air National Guard. This is wrong! There are two Air National Guard F–16 Formal Training Units, and one of them is at the Springfield ANG Base.

Second, I was asked several years ago if I would support Springfield taking on this training mission that would require specialized infrastructure to support it. I was the Chairman of the Appropriations Subcommittee for Military Construction at the time, and I agreed to support the Air Force in this effort. More than $75 million in federal funding has been invested in the Springfield base to support its F–16 training mission. Over the years, we have put in a new ramp to accommodate the plane, a flight simulator, a dining hall, an operations building, and a new control tower that is still under construction. Some of these assets are only now becoming operational.

Third, everyone agrees there are no cost savings achieved by realigning the Springfield ANG Base. In fact, the commission actually concluded in its report that DOD's ''recommendation to realign the Springfield base should be supported even though the military value criteria were flawed and the realignment will be a cost instead of savings to the Pentagon.''

Fourth, the Air Force lacks sufficient training capacity for F–16 pilots. If we further reduce this capacity through this proposed realignment, it even further diminishes this capability, especially since this unit is the highest F–16 pilot production unit in the Guard. The BRAC analysis on Springfield shows that operational personnel will begin to leave the base in 2007, while there are student pilots scheduled for training in 2008.

Mr. Chairman, there is also the issue of homeland security. Like some of my colleagues, I think it is fair for us to consider what these BRAC recommendations will mean for the future of the National Guard in responding to emergency situations. As we saw in the days following the recent hurricanes in the gulf coast region and on 9/11, the Air National Guard was a critical resource in transporting troops, supplies and protection. For example, the Mansfield, Ohio-based 179th Airlift Wing flew over 50 missions in support of Hurricane Katrina relief efforts. Yet, homeland security did not appear to be a major part of this BRAC process.

Overall, I was very disappointed in the process by which the Air National Guard decisions were made, particularly the flaws in the Air Force analysis. These flaws run throughout the entire BRAC process, from the consolidation of aircraft models, and the so-called right sizing of operations, to the poor or nonexistent analysis of the cost to replace the people from the locations that are being set aside. This doesn't even consider the recruiting and retention issues that we already face. And, it doesn't speak to the cost of personnel training to recreate this capability, and the loss of experience that will occur by the Air Force plans.

Finally, I was dismayed that there was absolutely no discussion by the BRAC commissioners or staff regarding the National Guard recommendations during the final considerations on August 26th. Until then, there was much talk about the lack of consultation and the quality of the recommendations by the Air Force throughout this BRAC round. There was even the suggestion that the entire set should have been thrown out by the BRAC commission.

On the day the BRAC Commission upheld their recommendation to realign the Springfield Air National Guard Base, I wrote a letter to each BRAC Commissioner to express my disappointment with the way they handled decisions regarding the National Guard. I pointed out that there was no discussion when, by the numbers, we had demonstrated the flaws in the Pentagon's proposal. I also asked for an explanation on how the commissioners arrived at their decision, and I received no answer.

Finally, in early September, I wrote to the President requesting the same information, and for his consideration to send the recommendations impacting the Air National Guard back to the BRAC Commission with instructions to use programmatic changes to reshape our state militia forces. Unfortunately, for the men and women in the Guard and Reserve, I am still waiting for a reply.

As I stated before, opposing the BRAC recommendations was not an easy decision. Overall, Ohio faired well during the commission's final proceedings. Wright-Patterson will keep over 2,000 information and technology jobs that were to be transferred to Hanscom, Massachusetts, and it will also keep a first-class post-graduate program known as the Air Force Institute of Technology (AFIT). In Columbus, the Defense Supply Center will maintain its 6,000 jobs, and is scheduled to receive many high-paying jobs.

But, Mr. Chairman, I think that in the years to come when the recommendations regarding the Guard and Reserve are set in motion, people will realize that this latest BRAC round was flawed, and consequently the wrong thing to do. It is for these reasons that I will stand here today and support this resolution to overturn the 2005 BRAC recommendations.

Mr. LAHOOD. Mr. Chairman, I yield 7 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, I have come to the same conclusion as the great gentleman from Ohio (Mr. HOBSON). I have just probably been at it longer. Article I, section 8 of the Constitution gives Congress the responsibility to provide for the national defense. It does not make us generals; it does not make us admirals. We do not tell admirals how to sink ships; we do not tell generals how to takes hills. We do, hopefully, provide sound business decisions for them.

The whole concept of BRAC is taking that decision-making process away from the people who begged for the job and were given the job by the citizens and delegating it to some other people. I did not run for Congress to delegate my responsibilities. I take them very seriously.

The service Secretaries would come before our committee, for years they have come before our committee and said, We have too many bases. Every single service Secretary. The gentleman from Hawaii (Mr. ABERCROMBIE) and I would respond to the service Secretaries, Name one base that you want to close. Just one. The same service Secretaries who said they wanted to cancel the Crusader, who said they wanted to cancel the Arsenal ship, who wanted to cancel the Joint Strike Fighter, the same guys who have no hesitation on canceling things and making tough decisions, never named one base that they wanted to close.

We followed that up with a very simple question: In the three previous rounds of BRAC, can you name one weapons system that you have bought with those savings? Can you name one additional benefit that you have given to the troops? Can you name one good thing that came out of this? Never once could they answer that question.

You see, BRAC saves no money. What people miss in all of this is that when a base is closed, the local communities then come to Congress, as they should, and say, Look, you have just put all my folks out of work. We at least want the property back. And in every instance Congress has given that property back to the locals, so there is no savings of selling off the property.

As a matter of fact, it gets worse, because our Nation has to live by the same laws as everyone else. If an individual pollutes a piece of property, they have to clean it up before they can sell it. To date, our Nation has spent $15 billion cleaning up properties before we gave them away.

The gentleman from Ohio (Mr. HOBSON) makes an excellent point: every time you lose a base, you lose a capability. The worst of Hurricane Katrina hit my congressional district. I was very fortunate to be friends with Admiral Mullen, the Chief of Naval Operations. I was very fortunate to be friends with General Steven Bloom, the head of the National Guard Bureau. In my frantic calls to them in the aftermath of the storm begging for their help, their first response was, Where can I put my people? Name a barracks, name an airfield, name a place where I can put my people so they can help the people of Mississippi.

Every time you lose a base, you lose a place to put those people in the event weather, whether it is a tsunami in the Pacific, a hurricane in Mississippi, a flood or earthquake on the west coast, a flood in the Midwest, you lose a capability to help the American people.

We are at war. Goodness gracious, we have 140,000 Americans fighting and dying in Iraq. We have another 20,000-plus in Afghanistan. Did anyone see these wars coming? The truth of the matter is, in my time in Congress we have had a war in Panama that no one saw coming, we have had two wars in Iraq that we really did not see coming, we had a war in Bosnia that no one saw coming. So when you close a base, you close it forever and you lose that capability to respond to future contingencies.

Above all, when some new weapons system comes along, you lose a place to deploy it. Right now our Nation is buying 30,000 acres in North Carolina, and some people in North Carolina think it is a great idea and some people think it is a terrible idea. We are spending a heck of a lot of your money buying land in North Carolina so we can build a base to land F–18s, the newest version of the F–18, when they come off the carriers.

Then we have to buy the land and build a runway. And everyone who has served knows it does not end with the runway. You have to have a fire station, barracks for the enlisted, barracks for the single guys, family housing for the married folks, you have to have commissaries, you have to have fun things for the guys to do when they are off duty, because we are trying to attract young people like you to come serve our country. All of these things cost money, and we are going to build all these things in North Carolina at great expense to the public.

With you we already had all those things. We had all those things that we are getting ready to buy and build in North Carolina in Jacksonville, Florida. It was called Cecil Field. It had a 10,000-foot runway and three 8,000-foot runways. It had an excellent quality of life, and it was all paid for by the American taxpayer, and a previous round of BRAC closed that.

So, please, proponents of this, tell me how we are saving the taxpayers money, how we are making the Nation more secure, and, above all, if the service Secretaries cannot name a single base that they think is worthy of closing, why are we going to close so many bases in one fell swoop?

We were elected to follow the Constitution. The Constitution clearly gives Congress the responsibility to provide for the Army and the Navy. Let us do our job and let us not hide behind some commission to do our work for us. I urge Members to vote against the recommendations of this commission.

Mr. LAHOOD. Mr. Chairman, I thank the gentleman from Mississippi for his very articulate statement.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, let me say initially I do not believe in the BRAC. I have opposed every BRAC initially from the very beginning, and I have been here in Congress 18 years.

The reason I do not believe in BRAC was somewhat articulated by the previous speaker. I think it is a abrogation of Congress' responsibility. There is no reason why we cannot make these decisions, and to give these decisions to an independent commission, I think, is just a cop-out on our part. So I want to start out with that.

I also want to say in this particular round in 2005, I strongly disapproved of the BRAC even more so than in the past because we are in a war in Iraq. You do not shut down, in my opinion, military infrastructure at a time of war. I think this BRAC in particular is poorly timed and ill advised.

Now, the 2005 round of BRAC also was done hastily, in my opinion, with very little regard to the actual warfighter. A number of bases with great functional value are being shut down in the name of savings. I do not believe anyone at the Department of Defense or any member of the BRAC Commission actually believes that this round of BRAC will actually save us any money, and I listened to many of the BRAC hearings.

I am also truly disappointed because I believed that the BRAC ultimately would try to be an independent broker and that the commission would review each facility, analyze the data, and come to conclusions based on facts. I do not think that was the case. The opposite was the case. In the case of Fort Monmouth, which is the installation near my district, a lot of the people employed there live in my district. We successfully proved, myself, the two Senators and several other Congressmen, including the gentleman from New Jersey (Mr. HOLT), we successfully proved to the BRAC Commission, in my opinion, that the Army substantially deviated from six of the eight BRAC criteria. The BRAC actually said that, that the Pentagon deviated from six of the eight BRAC criteria.

But, even so, even though the BRAC was supposedly an independent commission tasked with ensuring that the DOD's recommendations would not hurt the warfighter, even though they admitted there was a serious concern about the warfighter and how in the days of Fort Monmouth the communications and electronics functions crucial to Iraq might be seriously hampered, they still decided to include it on the list.

Mr. LAHOOD. Mr. Chairman, I yield 4 minutes to my friend from Hawaii (Mr. ABERCROMBIE).

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

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

Look, we are down here on the floor, it is empty. Maybe some folks are listening in their offices. I hope they are. I hope at least some of the staff, some folks may be paying attention.

□ 1230

Our problem here is very, very simple. Over and over again our colleagues will say to us, well, I got out of this okay, or we have resolved that issue. I am one of those folks. I can say that. I have had people come up and say to me, well, why are you bothering? Pearl Harbor made it out of there.

Why was it taken up in the first place? I will tell you why. It is politics. This has nothing to do with whether or not there is some rational process that has been undertaken, and everybody in here knows it. For once, can we not come down on this floor and actually vote the way all of us really understand where our responsibilities are?

Pearl Harbor got brought up for a very simple reason. They were going to close a facility up in Maine, and the people in Maine in their panic said, do not take us, take Pearl Harbor instead. They started comparing some naval apples, some shipyard apples with some shipyard oranges, and they came up with, well, go get Pearl Harbor. It had nothing to do with it. I did not come back and say, no, no, no, not us; go back to Maine, go get them. What kind of a process is that where we try to devour each other? I said, let us keep all of them open. We need every shipyard facility that we can get in this country.

We are going to be going back out to Guam soon because of what is taking place in the Pacific right now, and having to recapitulate everything that got put under the water out there in Guam, billions of dollars is going to have to be put back into Guam in order for us to be able to protect and project our strategic interests in the Pacific.

We are under a review right now in the Armed Services Committee, and we do not even have the courage of our own convictions under our own jurisdictions in our committees.

It is not that I am right or Mr. LAHOOD is right or Mr. HOBSON is wrong or right, or Mr. TAYLOR. That is not the issue. The issue is are we meeting our responsibilities here? We are

constantly admonished that no sacrifice is too great. We are constantly admonished that we have to honor the sacrifices that are being made by our fighting men and women all over the world right now. Yet we cringe from our own responsibilities as Members of Congress to meet those responsibilities and obligations with regard to bases.

Now, I have been told over and over again, well, that is all well and good, but people are going to come down here, and you are going to lose anyway. It happens occasionally some people come down and say, you know, I was going to vote the other way. Let us, for once, come down here, and I make this appeal out there to anybody who is thinking about coming to the floor. Vote for Mr. LAHOOD's recommendation.

We are not down here just to hear ourselves. When you come over here, search your conscience, and, for once, let us live up to what people expect of us in this Congress. For once let us not fulfill some stereotype that we are just going to roll over because we managed to make it out the door. That is not what we are here for.

If this is just a job to you, then do not run again. This is a calling. This is a vocation. It is supposed to be. That is the way I feel about it, and I know that is the way most Members feel about it. They want to be able to look in the mirror at night and recognize somebody with a little bit of integrity and walk into their homes justified.

If we are going to justify our job, everybody knows in their heart that we should not be voting for this, regardless of our good friends being on it, like Mr. Hansen and Mr. Bilbray, for example, who are colleagues and personal friends to many of us here. It is not a question of whether they did their job or did not do their job; it is whether we are doing our job, and we are meeting our obligations.

So I appeal to everybody on their way over here. Let us vote for RAY LAHOOD's resolution, and let us do the right thing by ourselves and the Nation.

Mr. LAHOOD. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. FITZPATRICK).

Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, I rise today in strong support of the resolution and join the growing chorus of the Members of Congress who are coming down to the floor today disappointed in the recommendations of the Base Realignment Closure Commission.

I cannot understand why, in a time that we are fighting a global war on terror, a war where we are actively engaged on two fronts and obligated to also increase domestic defense against terrorism here at home, the Department of Defense has suggested, in fact recommended, that we close bases across the Nation.

More troubling is the fact that the Department of Defense has moved ahead in this BRAC round by applying a Cold War model to a post-Cold War security environment. Remember, the Department of Homeland Security has not been consulted, Mr. Chairman, on the impact these base closures pose to our domestic security.

Mr. Chairman, the world has changed enormously since the last BRAC round. Our threats are not static as they once were. Today we face an asymmetric threat from an enemy that knows no borders nor rules of warfare. The threat of international terrorism requires us to have the best tools available to respond to threats on our allies, our interests, and our homeland at a moment's notice, and I am afraid that the current BRAC recommendations hamper our ability to do so.

Take, for instance, the recommendation that the largest joint reserve base on the east coast should be closed. The Willow Grove Joint Reserve Base directly borders my district in Pennsylvania. Hundreds of my constituents rely on that base for their National Guard training. Thousands of my constituents rely on the customer traffic the servicemen and women stationed at Willow Grove provide for their local businesses that surround the base. And, on a larger scale, both my constituents and Americans from New York to Baltimore benefit from the base's protection. Willow Grove's strategic position allows its air assets to protect the ports of Philadelphia, Wilmington, and Baltimore. It serves as a FEMA alternative site, providing a staging ground so Federal resources can be distributed in the event of a natural disaster or a terrorist attack.

Militarily the base has a great track record of achievement by training combined arms jointly for over a decade, practically setting the standard for interoperability between branches of the armed services.

I urge my colleagues to support this resolution.

Mr. LAHOOD. Mr. Chairman, I believe I have the right to close. I have no other speakers, and if these gentlemen are ready, when they finish, I will close.

The Acting CHAIRMAN (Mr. BISHOP of Utah). The Chair will recognize for closing speeches in reverse order of opening. It will be the gentleman from Missouri (Mr. SKELTON), the gentleman from Illinois (Mr. LAHOOD), and the gentleman from Colorado (Mr. HEFLEY).

The Chair recognizes the gentleman from Missouri (Mr. SKELTON).

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

Mr. LAHOOD. Mr. Chairman, I yield myself whatever time I have remaining.

Mr. Chairman, let me just pick up on a couple of the people that have spoken. I want to pick up on a point that Mr. DELAY made. He has an Air Guard unit returning to Ellington Air Force Base to a slap in the face, to essentially being told, you have done great work, thanks for what you did in Iraq; oh, by the way, we are closing your base. Now, what kind of a message is that? That was my point earlier on in my opening statement. We owe it to the people.

I ask Members to consider this: To the people who are doing the hard work in Iraq, the people that did the hard work in Afghanistan, this is not the way to say to them, job well done. It is not the way to say to them, you did a great job in standing up for democracy in Afghanistan and doing the hard work in Iraq. And, oh, by the way, there is no base to come back to, because your unit is being eliminated. Is that the message we want to send to the people who do the hard work, to the 130,000, 140,000 people now serving in Iraq, the citizen soldiers that have left their jobs and their families and left their communities? I do not think so.

The point that Mr. TAYLOR made, why not give Congress the responsibility, the Armed Services Committee the responsibility; why lay it off on somebody else? We should not be doing that. This is our responsibility. That is why we are elected, to make these decisions.

The report is flawed. You can say all you want about the great work that was done. I know people that serve on the base closing commission, and I know they spend a lot of time, but this work is flawed. This is a flawed report. This is our opportunity in the House to speak up and speak out. The Defense Department has had their say. The President had his say. The BRAC Commission had their say. Now it is the House's turn to say to the hard-working citizen soldiers, we appreciate your work, we are going to stand with you, we are going to allow these bases to remain open, we are going to vote for the resolution that says that this BRAC should not stand, that these recommendations should not stand. That is what the House should be saying today. I hope the majority of Members will do that.

I mentioned earlier, there is a law on the books, passed by Congress, that says that you cannot close air and Guard bases unless you get the authority from the Governors. We even had a report from one of the people that was working for BRAC that this law has standing. The BRAC ignored this. The Defense Department has ignored us on this. We should not be doing this. This is the wrong message. This is the wrong idea to send to our country, to send to the people who are doing the work and continue to do the work.

As I said earlier, I have supported the President and this administration and the Secretary of Defense, who is a friend of mine from Illinois, in everything they have wanted to do in Afghanistan and Iraq. I know a lot of Members have. The majority of the membership of this House has. Now we ought to say to them, we do not agree with your recommendations. We do not agree that we should be realigning

bases, turning people away, turning out bases and shutting down bases where the good work has been done.

So based on that argument, based on the flawed BRAC report, based on a law that is on the books, a Federal law that says you cannot close these air and Guard bases without the authority of the Governor, I ask Members to speak up today, to be a voice for the people, to be a voice for the military, to be a voice that says, this BRAC is not right, and I urge Members to vote for the resolution.

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

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

Several Members have spoken eloquently about the fact that this is our job. Mr. TAYLOR did an excellent job of that. Mr. ABERCROMBIE did an excellent job of that, that we ought to be making these decisions, that we should not turn it over to a commission. I would agree with that wholeheartedly, except this is a job that we simply cannot seem to do.

We did not close a major base in this country from the 1970s until the BRAC process began. I did not like supporting the BRAC process when the BRAC process was first introduced, but I saw it as the only way that we could ever deal with the question of excess inventory.

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

Mr. HEFLEY. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I might point out to the gentleman that we in Congress did pass the basic BRAC law which we are following today.

Mr. TAYLOR of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. HEFLEY. I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Mr. Chairman, I would like to remind the gentleman that this Congress closed the naval station at Roosevelt Roads without a BRAC.

Mr. HEFLEY. Mr. Chairman, reclaiming my time, we did, following the introduction of the BRAC process, but we did close that. But we basically do not have the power to do that, because if I have the power to close Mr. SKELTON's base, he might vote to close my base, and we keep going around the room like that, and we are unable to do it.

So the BRAC process has worked for better or for worse. I see both sides of it. I chaired a committee that oversees the BRAC process. I do not want any more BRAC processes like this. But I would remind my colleagues again that if we vote for this resolution, and this resolution passes today, and we turn down this BRAC process, we will be back here in this room a year from now or 2 years from now, probably more like a year from now, we will be back in this room dealing with another BRAC process, and we will have the same arguments as we are having here today.

Now, it may be different people. Maybe some of the people that are dissatisfied today will be satisfied at the next round, but we would all have to go through this again next year or the next. And we would, all of our communities that have any base connected to them would have to go through this again. I am not sure we would get any better results, no matter what process we use, than we have today. Some would be happy, some would be unhappy, some would complain, some would want it to go just like it is. I think we would end up with the same kinds of results as we have today.

So while I agree that this is not a perfect process, I do not think we want to go through it again next year.

I would ask each of my colleagues to vote against this resolution, and let us proceed to make the best we possibly can out of this for the defense of this country.

Mr. MEEHAN. Mr. Chairman, as a member of the House Armed Services Committee, I reluctantly support the BRAC recommendations today, and oppose this motion of disapproval pending before the House.

I support these recommendations because I believe that the goals of BRAC are worthy—to maximize warfighting capability and efficiency for both traditional warfighting and counterterrorist efforts. An integrated military force able to communicate and coordinate effectively in response to conflict remains crucial to national security and the war on terrorism.

I am concerned by technical errors and the overall process used by the Pentagon and the Base Realignment and Closure—BRAC—Commission to reach the recommendations before us this evening, and it is my hope that in the future, significant improvements will be made on the current model when realignment and closure decisions are made.

However, within the current model, there are some successes to which we can point. For instance, the Pentagon and the BRAC Commission rightly highlighted the key role that Hanscom Air Force Base, located in my congressional district, plays in our national security efforts.

The process reaffirmed Hanscom's role as the military's pre-eminent development center for communication and intelligence technologies. Hanscom will clearly play a central role as we transform our military in the coming decades.

In its decisions on Hanscom, the BRAC process recognized that the success or failure of a base in fulfilling its mission relies on the availability of skilled and experienced personnel and the connections that develop in intellectual clusters.

Unfortunately, the Commission wrongly decided to move an estimated 200 jobs from Hanscom's Air Force Research Lab—AFRL—Space and Sensors Directorates. Those functions are best left at Hanscom to maintain existing synergies and human capital.

When the BRAC Commission held their New England Regional Hearing in Boston on July 6, I submitted testimony to the commission arguing that the decision to realign the AFRL at Hanscom was inconsistent with other aspects of the Pentagon's analysis of Hanscom, and could disrupt key programs operating there. I am deeply disappointed by the commission's decision to move these Directorates from their home at Hanscom.

I am concerned that the recommendation to realign the AFRL did not appropriately value the highly skilled workforce currently at these facilities, and that the expertise of many of these employees will be lost as the recommendations are implemented. The relocation of AFRL's Sensors and Space Vehicles Directorates will result in significant costs with few gains.

While I strongly protest this decision, I am pleased that overall, the commission's recommendations on Hanscom reaffirmed the value of the regional human capital capabilities in science and technology—and I am encouraged by the commission's indication that the Air Force will look to expand the mission at Hanscom outside of the BRAC process. I look forward to working with the Air Force as this process takes shape.

With respect to the overall BRAC process, I am concerned by flaws in the current model that led to a number of errors. For instance, questions remain unanswered about the Pentagon's failure to consult with State governors, State adjutants general, and the Department of Homeland Security on decisions related to the National Guard and key homeland security functions located outside the Pentagon's bureaucracy. These questions resulted in lawsuits against the Pentagon and the BRAC Commission by a number of States, including my home State of Massachusetts.

Additionally, a lack of organization was evident during the commission's consideration of the possible expansion of Hanscom, as well as the commission's overall recommendations related to Otis Air Force Base at Cape Cod.

While I support the 2005 BRAC recommendations, I am deeply concerned that these types of errors set a bad precedent for future BRAC rounds. The Pentagon must ensure that the Department of Homeland Security and other relevant stakeholders are appropriately included in their process, and that our Nation's homeland security needs are fully evaluated.

Mr. MICHAUD. Mr. Chairman, today, the House will likely vote not to reject the recommendations of the Base Realignment and Closure Commission, moving the BRAC process one step closer to an end. This has been a very difficult BRAC round for the State of Maine. When the list came out 5 months ago, all of Maine's three facilities were in great jeopardy, and few believed that we had a chance of saving any of them. But the entire delegation, the governor, and the communities came together and presented the best possible arguments in all three cases, and as a result, Maine did better than anyone thought we could. We saved Portsmouth Naval Shipyard and in a victory that would have been unthinkable only a few months before, we actually grew DFAS Limestone, bringing jobs to an area that desperately needs them. These two actions represent tremendous victories for the people of Maine.

I strongly disagree with the recommendation to close Naval Air Station Brunswick. It was the wrong decision and I have fought it every step of the way together with the whole Maine delegation.

Today's vote is difficult. I deeply believe that Naval Air Station Brunswick should not be closed. Yet, when this process began, Maine stood to loose everything, and now we have

saved and expanded two of the three endangered facilities. The likely alternatives for the State were far worse. Indeed, if this resolution were to pass today and the BRAC process were to be reopened from scratch, there would be no guarantee of saving Brunswick, but Portsmouth could be closed and Limestone with its planned increase in jobs could be lost. That is why I am going to vote against the resolution to disapprove the BRAC list.

As we approach the end of this very difficult BRAC round, it is important that we remain focused on promoting the best interests of the entire State and that we continue to work as one Maine. I will do whatever I can to make sure that we build upon the successes of saving Portsmouth and growing DFAS Limestone, and that we make the best of a difficult situation by enabling the Brunswick community to build a bright future.

Ms. SCHWARTZ of Pennsylvania. Mr. Chairman, the base realignment process is designed to provide a more efficient and effective military structure. But, BRAC 2005 failed to meet these goals and that is why I will vote against implementing the recommendations of the Department of Defense and the Base Realignment Commission.

The base realignment recommendations fall short because they eliminate military resources and installations without producing meaningful cost-savings. And, the base realignment recommendations fall short because they call for the closure of Naval Air Station Joint Reserve Base Willow Grove, a military installation that plays a vital role in our Nation's security.

Mr. Chairman, at a time when we are fighting a global war on terror and facing new and very real threats, the Nation must be fully prepared. This BRAC round does not live up to the original goals of the process and, therefore, it should be rejected.

Mr. OXLEY. Mr. Chairman, I stand in support of House Joint Resolution 65, disapproving the recommendations of the Base Realignment and Closure Commission.

This will be my first vote against a BRAC list, and it is not a vote I take lightly. I support the BRAC process as a whole as a reasonable and apolitical method for evaluating our Nation's defense infrastructure needs, and recognize the necessity of this first BRAC round in a decade. But while I salute the hard work of the BRAC Commission members in their deliberations and recognize the difficulty of their task, this BRAC round took place in the context of flawed methodology as regarded Air National Guard bases.

It was my expectation that the Department of Defense would solicit input from all relevant sources in evaluating our Air National Guard requirements—most importantly, the adjutant general of each State. But at no time in the Pentagon's development of its Air Force BRAC recommendations did it ask the Adjutant General of Ohio or any of the other 53 adjutants general for input. I find this shocking, considering that the Army consulted the adjutants general when crafting its recommendations—and considering that 37 of the 42 Air Force BRAC proposals involved Air National Guard units.

For the past 24 years, I have had the privilege of representing the guardsmen of one of those units: the 179th Airlift Wing of the Ohio Air National Guard, located at Mansfield Lahm Airport. The 179th has been a vital part of Mansfield and Richland County since 1948, with an annual economic impact of roughly $70 million. Members of the airlift wing have served more than 195,000 days just since 9/11 in support of homeland defense and the global war on terror.

More recently, the guardsmen of the 179th have flown sorties to the gulf coast region, delivering much-needed supplies and transporting hundreds of troops to assist those affected by Hurricane Katrina. Relief missions such as this are nothing new for the men and women of the 179th, who have answered the call during past hurricane relief missions in Florida and other States, and have assisted with vital defense operations in Iraq, Saudi Arabia, Afghanistan, Kosovo, and elsewhere.

I was disappointed, therefore, at the inclusion of the 179th on the Pentagon's proposed closure list in May. As I said in a letter to President Bush last month in support of the 179th, the unit has always stood ready to accept any flying assignment, and represents a wealth of expertise and professionalism that Ohio and the Nation can ill afford to lose.

Contrary to national trends, the 179th has consistently excelled in recruiting and retention, currently standing at 105 percent of assigned strength. Mansfield draws from a rich recruiting base, boasting the best personnel strength figures of any Air National Guard C–130 unit. The men and women of the 179th are highly experienced, with an average of more than 12 years of service; Mansfield's aircrews have an average of 16 years of military aviation experience. In just the last few years, all Mansfield aircrew members have flown combat sorties in the Middle East and Asia, and have received 116 air medals for their bravery, courage, and skill.

In its final deliberations, the BRAC Commission found that closing Mansfield was ''not supportable'' and recommended instead that a ''contiguous enclave'' be established at Mansfield Lahm. The commission further acknowledged that the Air Force did not adequately consult with governors and State adjutants general with respect to its Air Guard recommendations. Had there been consultation, better decisions could have been made about Air Guard infrastructure in view of our national defense and homeland security needs.

In short, the Air Force would have done well to follow the Army's BRAC model, which stood as an example of good consultation among parties. When the Joint Systems Manufacturing Center—located in Lima in my congressional district—was placed on the BRAC list with a recommendation to reduce manufacturing space by 27 percent, top Army officials working on the BRAC staff made themselves available to meet with representatives of JSMC and the community. The JSMC delegation explained that such a reduction would impede operations at the plant, resulting in a higher cost to the government for the weapons systems the plant produces. As a result of these discussions, the BRAC staff recommended that the commission remove the JSMC proposal from its final list, which it did. The Army's deliberations on JSMC were an ideal example of how the BRAC process works well: when information is shared and all relevant parties are consulted.

Even with the commission's decision to reverse the JSMC proposal—and even with the partial reversal of the Mansfield decision and the encouraging possibilities for obtaining a new mission for the more than 1,000 guardsmen of the 179th—I will vote for this resolution of disapproval. By statute, the purpose of BRAC is to reduce excess infrastructure. The current BRAC round, though, is being used to implement operational policies and transfer Mansfield's C–130s from the Guard to the Active and Reserve Forces. Such complex issues should not be handled within the BRAC procedure.

Although I strongly oppose the transfer of Mansfield's planes, I welcome the opportunity to work with the Department of Defense and State officials to obtain a new mission for Mansfield, should the BRAC recommendations be upheld. In just the last 8 years, more than $20 million has been invested in the 179th's facilities at Mansfield Lahm. Thanks to the efforts of Mansfield Mayor Lydia Reid and other local officials, the city has made 163 acres adjacent to the airport available for Guard expansion or joint service activities. This significant investment and possibility for expansion should make Mansfield an even more attractive site for locating a new air-based mission.

Nonetheless, given Mansfield's solid track record as a C–130 unit and its many contributions to our Nation and world, I oppose the transfer of its planes. At a time when our troops are already stressed by operational tempos, and when our national recruiting and retention rates are reaching record lows, I fear any disruption to our well-equipped and well-manned Guard units. Our planes are only as good as the people who maintain and fly them, and our country cannot afford to lose their skills.

Mr. EVERETT. Mr. Chairman, I rise today in opposition to H.J. Res. 65, a resolution disapproving the recommendations of the Defense Base Realignment and Closure Commission.

It is clear that we have too much military infrastructure in this country, whose operations and maintenance compete for scarce resources needed by our warfighter and modernization efforts. This BRAC process has become the most effective way to rid the military of installations that provide minimal military value.

I am pleased that the commission recognized the importance of keeping the Operations and Sustainment Systems Group—OSSG—at Maxwell-Gunter AFB in Montgomery, Alabama. After an extensive review, the BRAC commissioners did not adopt the Department of Defense's recommendation to realign the OSSG and its 1,251 civilian and military jobs from Maxwell-Gunter AFB to Hanscom AFB.

The BRAC decision was due in large part to the world-class combat operational support provided by the OSSG to Air Force bases and DOD agencies around the world from Montgomery for more than 30 years. It did not need to be moved in order to continue to perform this critical national security mission. The OSSG is the only organization with experience fielding systems across the entire Air Force and DOD. Moreover, Gunter is home to one of four major Defense Information Systems Agency—DISA—nodes, which provide the backbone on which Air Force Systems run. The DISA presence, along with the OSSG, enables testing of enterprise-wide combat support software applications in an operational environment. With its extensive background, experience, and expertise, this organization is truly a one of a kind national resource and belongs in Montgomery.

While I intend to vote for the implementation of the commission's recommendations, I remain very troubled by some of the things the commission did not do. Specifically, I have trouble seeing the logic in overturning DOD's recommendation to move the Aviation Logistics School to Fort Rucker. I am disappointed that the commission failed to see the significance of co-locating the Aviation Logistics School with the aviation pilot training under one roof at Fort Rucker. This move would have consolidated Army Aviation training and doctrine development at Fort Rucker. I still hold the belief that consolidating aviation logistics training with the Aviation Center and School will foster consistency, standardization, and training proficiency. As the premier rotary wing aviation training center in the United States, this move would have completed the formation of the Army's decision to create an aviation branch in 1983. The benefit of being able to train the entire flight crew, from the maintainers to the pilots, is quite significant. A flight crew who must go to war as a team, should train as a team.

A second notable absence from the BRAC recommendations is consolidation of rotary wing pilot training at Fort Rucker. Although DOD did not make this recommendation, I believe a thorough review of the facts would have led the commission to include this in its final list. Currently, both the Army and Air Force conduct their rotary wing pilot training at Fort Rucker, which has sufficient capability to support Navy initial rotary wing pilot training as well.

Numerous reviews conducted by DOD and the GAD dating back to 1974 have been made regarding the relocation of this Navy mission. In addition, when Colin Powell was chairman of the Joint Chiefs of Staff, he testified before the House Armed Services Committee that he supported this consolidation at Fort Rucker. Similarly, the overwhelming majority of the reviews have called for the Navy to move their operation to Fort Rucker for a number of reasons. Past studies have indicated that tens of millions of dollars per year could be saved by going through with this consolidation. Unit costs would be reduced for both aircraft maintenance and logistics. Additionally, both the Army and the Navy use the same training helicopter which would allow for further savings by using the Army's existing instructor pilots. This consolidation will also advance a key component of DoD's way ahead, jointness.

Finally, I was troubled to see that the commission supported the DOD recommendation to move the Aviation Technical Test Center—ATTC—to Redstone Arsenal. This issue is very close to me personally as I have been intimately involved with it for over 10 years. In the mid–90s, there was an effort made within the Pentagon to move the ATTC out of Fort Rucker. As is the case now, I was very disturbed by this, and began to investigate in an effort to determine if this would be best for the Army, highlighted by a personal meeting with the then-Secretary of the Army, Togo West. This culminated when my amendment was included in the House version of Fiscal Year 1996 National Defense Authorization Act—H.R. 1530—which blocked the Army's proposal to relocate the ATTC until an outside independent study of the proposal could be completed. After the Army reviewed this further, not only did the ATTC stay at Fort Rucker, but the Airworthiness Qualification Test Directorate was moved from Edwards AFB to Fort Rucker as well. I believe the arguments presented then still have substantial merit today.

At Fort Rucker, the ATTC is able to have their fleet of approximately 40 test aircraft maintained by the large maintenance and logistics operation that supports the training mission on post. A move to Redstone disregards these significant costs of keeping the test fleet flying. The vast pool of pilots and aircraft from the Aviation Center also facilitates the ATTC's ability to realize a greater return on the testing dollar invested.

Another problem with this recommendation revolves around airspace. As the home of Army Aviation, Fort Rucker is blessed with over 32,000 square miles of airspace to conduct its mission. This irreplaceable natural asset cannot be duplicated in Huntsville. A potential move also undermines the synergies that currently exist between the schoolhouse and the experimental pilots. Finally, with Fort Rucker being the Army proponent for unmanned aerial vehicles—UAVs, it is crucial that the ATTC be able to leverage the expertise associated with this proponency to conduct its tests on UAVs.

While I do not agree with all of the recommendations included in the commission's report, I do recognize that the BRAC process must go forward. At present, DOD has excess infrastructure which needs to be realigned or closed in order to achieve the billions of savings which will result from the implementation of these recommendations. As costs of weapons systems crucial to winning the war on terror continue to rise, it is important that we explore all avenues in order to find the money necessary to give the warfighter everything he or she needs to complete their mission. In conclusion, I would like to thank all of the commissioners and their staffs for their tireless efforts on one of the most thankless jobs in government. I urge a no vote on the resolution and yield back the balance of my time.

Mr. ALLEN. Mr. Chairman, I rise in support of H.J. Res. 65, to disapprove the recommendations of the Base Realignment and Closure Commission—BRAC.

Closing surplus military infrastructure makes sense, but only if it is done in a proper strategic context and through a rational, deliberative, and fair process. The 2005 base closure round does not meet these tests.

Secretary of Defense Rumsfeld proposed this BRAC in 2001, before September 11 and our occupation of Afghanistan and Iraq. The world changed, but the Defense Department's BRAC process did not.

I voted against this BRAC in 2001, on the grounds that it presumptively put infrastructure decisions before force structure decisions. At the time, I said that with "uncertainty about our future military needs in the new security environment, I believe that this is not the right time to add a new layer of uncertainty to our military communities in Maine by approving a new base closure round."

My view has been validated by the statements of the Base Realignment and Closure Commission itself. In its final report, the commission faulted the Department of Defense—DOD—for making infrastructure decisions prior to conducting a "comprehensive review of the underlying strategic issues that is to be set forth in the [2006] Quadrennial Defense Review [which] may have better informed and assisted the Commission in making its final recommendations."

The commission also criticized DOD for failing to provide necessary source data on its proposals for as long as a month after the DOD list was submitted. This delay hampered the ability of the commission to do proper analysis and hamstrung communities trying to defend their bases.

My view has been validated by the Overseas Basing Commission, which found that the "massive realignment of forces requires that the pace of events be slowed and reordered." It faulted the administration's plans to bring 70,000 troops home from overseas without a full analysis of the infrastructure to accommodate them.

My view has been validated by a recent revelation by BRAC Commissioner Phillip Coyle that information gathered to support some of DOD's BRAC recommendations were based largely on Google searches. The commission observed that several DOD plans to consolidate multiple military facilities were based not on in-depth analytic work but on Internet search engine queries used only to match facility names and functions.

Lastly, my view has been validated by the questions my constituents repeatedly asked me:

Why are we closing military installations when we are at war?

Why are we building new bases in Iraq while closing them in America?

Will our troops in Iraq and Afghanistan have the right facilities to come home to?

I don't have good answers to those questions, but neither does the Pentagon.

By pushing BRAC at the wrong time, our Nation risks losing key assets that can never be reconstituted. We jeopardize our security if we close infrastructure before we first come to consensus on an overall defense and homeland security strategy.

The BRAC Commission's decision to remove several major bases from DOD's list demonstrates that the Pentagon put the cart before the horse. For example, the commission voted to keep open the submarine base at New London, CT, and the Portsmouth Naval Shipyard, in my district. The commission expressed serious doubts about DOD's force structure plan and the submarine force's ability to confront uncertain future threats.

In addition, I object to this BRAC list due to the inexplicable and unwise closure of the Brunswick Naval Air Station—NASB. This facility is the last remaining fully operational military airfield in the northeast. Its loss will hamper our capability to perform homeland defense and maritime patrol missions in the region, leaving a vulnerable flank for the entire Nation.

NASB was the only major base closed by the commission that was not recommended for closure by DOD. I believe the commission failed to adequately justify its decision that the base was "not needed." The commission completely ignored the combined military value judgment of combatant commanders that Brunswick is a vital strategic asset. It failed to explain how, or at what monetary or mission cost, the military could perform essential maritime patrol missions in the northeast without Brunswick.

In closing NASB, the commission appeared to deviate from its own charter. It justified closing the base merely in order to ''reduce excess capacity and result in significant savings,'' despite its own directive to seek a balance between the goals of realizing savings and rationalizing our military infrastructure to meet the needs of future missions.

I was pleased that the commission listened to the arguments put forth to them and voted to reject the closure of two facilities in Maine: the Portsmouth Naval Shipyard and the Defense Finance and Accounting Service in Limestone, where the commission also agreed to double the number of jobs. Despite these positive outcomes, however, the unjustified closure of Brunswick affirms my opposition to this BRAC list, as well as the underlying fact that this was the wrong time in our Nation's history for this BRAC.

The fundamental purpose of BRAC is to save money. Let's put its ''savings'' in perspective. The 20-year savings (approximately $800 million) from the closure of Brunswick Naval Air Station is the equivalent to half a week of operations in Iraq. The entire projected 20-year savings from the BRAC list—$36 billion—are exhausted by just 6 months in Iraq. The entire savings is also merely half that of the President's proposed tax cuts this year—$70 billion, and minuscule compared to the $4 trillion in Federal revenue losses from upper-income tax breaks passed since 2001.

The BRAC process is also a huge unfunded mandate on communities. I commend my congressional colleagues from Maine and New Hampshire, Governors John Baldacci and John Lynch, the employees, unions, management, local government officials, task force members and volunteers for the long hours devoted to defending Maine's defense facilities. While it was a worthy cause, I regret that we were forced to spend so much time on BRAC, rather than on new initiatives to improve our communities. The lost human productivity caused by BRAC, not only for communities but on DOD personnel as well, is something we must calculate if we ever debate a future BRAC round.

Again, I urge passage of H.J. Res. 65 to reject this BRAC list. In a time of uncertainty, we risk losing national assets we can never recover.

Mr. SIMMONS. Mr. Chairman, I stand in opposition today to H.J. Res. 65, a resolution to disapprove the recommendations of the Defense Base Closure and Realignment Commission. I oppose this resolution not because I support this BRAC round and the closure and realignment of these bases, but because the Department of Defense should not be authorized to execute another one anytime soon. A no vote on this resolution will spare the Armed Forces, our defense budget and our base communities the unnecessary stress of another BRAC round if the current recommendations are approved.

I opposed this BRAC round from the start for several reasons.

First and foremost, Mr. Chairman, were—and remain—a nation at war. We have troops abroad fighting in Iraq, Afghanistan and globally as part of a broader war on terrorism. I argued that we need to focus all of our energy on supporting those troops in the field. We should not be distracted with the complicated burden of realigning our whole military base structure.

In October of 2003, I went to Iraq and learned that the troops desperately needed armor on their vehicles. In November of 2003 the Secretary of the Army said that getting armor into the field was a ''top priority''. And yet today there are still tens of thousands of vehicles that are still not armored.

Just last week the Armed Services Committee held a hearing on the issue. Chairman Hunter discovered that the Army was sitting on hundreds of armored humvees in Texas and Kuwait. Mr. Speaker, I wonder if Congress would have unearthed this hidden problem earlier had it not been faced with the time-consuming BRAC process.

I opposed BRAC because we need to recapitalize our aging defense platforms and our shrinking fleets. Our Armed Forces have been on a strict diet because of a procurement holiday that has been in effect since the end of the Cold war.

Mr. Chairman, the average age of an Air Force bombers is over 30 years old. The average pilot is younger than his aircraft. Yet there are planned procurement cuts to the F–22 program. We have been living on the Reagan buildup of the 1980s, but those systems are all nearing retirement. What's left from the 80s is old and undependable. This threatens our military readiness and the safety of our service members.

Mr. Chairman, this year the Navy planned on building only four ships—the same as Canada and less than most of our European allies. If we stay on this track, our fleet will shrink from a little under 300 to just 120. China is on no such diet. Its shipbuilding rates are so high that its fleet win overtake ours by about 2015. By that time, China will have twice as many submarines as the U.S.

I also opposed BRAC because our strategic environment remains in flux. The threats from North Korea, China and Iran are rising while we are still engaged in Iraq and Afghanistan. We benefited from neither the Quadrennial Defense Review nor the report of the Overseas Basing Commission because they were not yet delivered. How could we know, what our Nation's future basing requirements will be? We couldn't!

I opposed BRAC because DOD still maintained dozens of bases that were slated for closure that remain open. How could we target another 100 bases when we had a hundred waiting on death row? Closing bases costs billions of dollars in environmental clean up costs. The Department of Defense cannot dispose of this property until it is clean. But the investment of these ''clean-up'' dollars takes dollars away from our troops in the field during war.

I opposed this BRAC round because we have hundreds of thousands of troops in the Middle East, Europe and Korea that will hopefully return home soon.

Congress authorized the BRAC round anyway. The Department of Defense relatively little time to develop a set of recommendations for the President. Not surprisingly, some mistakes were made. The biggest mistake was the recommendation to close Naval Submarine Base New London, the world's greatest center of excellence for undersea warfare. My good friend, the Ranking Member of the Armed Services Committee, IKE SKELTON, noted that the BRAC round so suffered from secondary agendas designed to achieve policy outcomes under cover of base closure and realignment. I agree with him.

The BRAC Commission had even less time than the Pentagon, but was ultimately able to fix the largest mistakes. Chairman Anthony Principi's commission took New London and other bases off of the list after looking at the big picture. They looked at the overall effects on the Nation and the individual services. They listened to the arguments of outside experts. They considered the advice of key defense industry partners, senior retired officers, Members of Congress, and even a former U.S. president. In the end the BRAC Commission gave the President and Congress a good product given the circumstances.

So, Mr. Chairman, I will vote no on the resolution because the BRAC solution before us is the best of a bad situation. It would have been better never to have attempted this round of base closures. Our military is no better for it, and our Nation is no safer. Nevertheless, a vote for yes is a vote for another, painful and counterproductive BRAC round that will drain resources and time from the critical tasks at hand.

Mr. Chairman, our Nation faces great national security challenges right now. For this reason, I will vote to put BRAC behind us today and for the foreseeable future.

Mrs. CAPPS. Mr. Chairman, I rise in reluctant support of the resolution to reject the recommendations of the Base Closure and Realignment Commission.

I support the BRAC process and believe that over the years it has led to the orderly reorganization of our Nation's defense infrastructure.

I believe the Pentagon and the BRAC Commission made a good-faith effort to carefully examine every base.

Nonetheless, I continue to believe the Commission made a terribly shortsighted decision when it voted to uphold some of the Pentagon's recommendations for Naval Base Ventura County.

I am particularly disappointed the Commission voted to move some of the RDT&E missions away from the base.

In my view, the Commission ignored a number of important factors.

First, the Commission's vote went against the recommendation of its professional staff.

The staff correctly recognized that Naval Base Ventura County has significant military value, and its missions contribute to the readiness of our war fighter.

Second, relocating the vital functions performed by the personnel at the base will have lasting consequences for our national security.

The activities conducted at this site for the Navy, Air Force, Missile Defense Agency, and others cannot be replicated anywhere else in the Nation.

Moreover, the base's sea range is linked with other inland ranges in California—providing an unmatched capability to the Defense Department.

The realignment will diminish these existing operational capabilities and efficiencies and negatively impact the ability of our fighting men and women to get their jobs done.

The effect of this would be immediately felt in Iraq and Afghanistan.

Finally, realigning the base's missions will waste, not save, taxpayer dollars.

We cannot afford to spend a lot of money to move missions and personnel when there's no long-term savings involved.

Especially now that we're looking at spending more than $200 billion to help rebuild the

Gulf Coast areas devastated by Hurricanes Katrina and Rita.

Mr. Chairman, the BRAC process must be logical and fair. I do not believe this round of closures met those criteria.

I continue to strongly believe the missions at Naval Base Ventura County are a critical element of our national security system and an important asset to our local community.

I urge my colleagues to join me in supporting the resolution of disapproval.

Mr. ORTIZ. Mr. Chairman, I rise in support of the bill before us to reject the BRAC recommendations; and I thank the gentleman from Illinois for his work on this bill.

While this process has proceeded during a global war, many of us in Congress—including me—have taken issue with the timing. Doing this during a war and before we establish our global military footprint through the Quadrennial Defense Review sends the wrong signal to our allies and to the soldiers and families who may depend on services at the bases we are closing.

I have fought this from the get-go. The BRAC list hit my South Texas district hard with the closure of Naval Station Ingleside in San Patricio County. It was a base into which the taxpayers of Nueces County and the State of Texas plowed $50 million to assist the Navy in bringing the base there.

The main thing that worries those of us in South Texas—and elsewhere along the Gulf Coast—is that after BRAC the Gulf of Mexico will be a less safe place for all of us. We have been concerned over the past couple of years about the illegal immigrants known as OTMs—other than Mexicans—that are routinely released by law enforcement into the U.S. population. Many law enforcement officers believe we have—or could be—releasing potential terrorists who will do us great harm.

Our nation's refining capability and trading lanes run through the Gulf of Mexico. For these reasons—and many more—we must have a Navy presence in the Gulf. After BRAC, there will not be a single surface Navy base in the entire Gulf. The Gulf holds the nation's bread basket and is the primary provider of petrochemicals and refined products to power the nation's cars, heaters, and other machines we depend upon hourly in our daily lives.

Those are my primary concerns. Now, the other concerns I have deal primarily with how the South Texas community I represent will recover from the economic devastation that is part of a base closure in local communities. As BRAC Chairman Principi said in an early statement, this will be a tsunami in South Texas.

So if the House chooses to support the BRAC list today, we will bear no ill will . . . and we will work very hard to make the transition as painless as possible.

While our community is less concerned about the disposition of the property itself—it should revert to the local port—we believe the local community should not have to pay a $200 million cost to retain the base. We are increasingly concerned about the enormous task before us in the coming years: how to deal with depressed property values after the base is to close . . . how to retrain the area workforce . . . and how our schools and housing market can recoup the losses we will most certainly feel in the coming years.

That will be the challenge before us in South Texas for probably the coming decade if the House today fails to adopt my colleague's bill to disapprove the BRAC recommendations.

Mr. FRELINGHUSEN. Mr. Chairman, I rise in strong opposition to House Joint Resolution 65—a resolution disapproving the recommendations of the Base Realignment and Closure Commission as approved by the President of the United States.

In total, the BRAC Commission recommended, and the President endorsed, the closure of 22 major military bases and the realignment of 33 others.

While I am deeply concerned about the recommendation to close the Army's Fort Monmouth, I note with pride the strong vote of confidence in the past, present, and future contributions to our warfighters of Picatinny Arsenal in Morris County, New Jersey.

With the support of the President, the Department of Defense and the BRAC Commission, Picatinny Arsenal will be the 'joint center of excellence' for guns and ammunition and the military's unparalleled leader for producing the latest and most advanced weaponry for our warfighters in Iraq and Afghanistan.

I strongly support this recommendation. It is well-founded on the facts and advances the DoD's "transformation."

Picatinny Arsenal is already home to: the "Single Manager for Conventional Ammunition for DoD"—PEO Ampmo; an armament engineering organization which provides fully integrated life cycle systems engineering for weapons and munitions; and 70 unique mission facilities with 16 state-of-the-art laboratories staffed by an adaptable, highly specialized workforce;

The DoD BRAC analysis found Picatinny to be the "center-of-mass" for DoD's guns and ammunition (research, development and acquisition.) It has a workload in this area more than an order of magnitude greater than any other DoD facility. It has the greatest concentration of military value in guns and ammunition (research, development and acquisition.)

Mr. Chairman, this BRAC Commission recommendation is transformational. It builds on the joint single manager for conventional ammo to create a robust guns and ammunition "joint center." It will provide for greater synergy and more efficient operations, all to benefit the warfighter—the young men and women who are protecting us at home and overseas. .

Mr. Chairman, I ask unanimous consent to enter into the RECORD important correspondence between the Chairman of the Base Realignment and Closure Commission, the Honorable Anthony Principi, and the Honorable Michael W. Wynne, Chairman of the Infrastructure Steering Committee of the U.S. Department of Defense.

I urge defeat of the resolution.

DEFENSE BASE CLOSURE
AND REALIGNMENT COMMISSION,
Arlington, VA, September 8, 2005.

Hon. MICHAEL W. WYNNE,
Chairman, Infrastructure Steering Group, Defense Pentagon, Washington, DC.

DEAR SECRETARY WYNNE: I am sending this letter for clarification of language contained in BRAC amendments 186–4a and 186–4d concerning DoD Tech–19, Create an Integrated Weapons & Armaments Specialty Site for Guns and Ammunition.

The purpose of amendments 186–4a and 186–4d was to leave existing energetics activities in place at Picatinny Arsenal, Naval Surface Weapons Center Indian Head and Naval Air Weapons Station China Lake. The language included in the Commission's recommendation for Tech–19 does not intend to consolidate these activities in anyone location, nor is it the Commission's intent to create a separate "Center of Excellence" for energetics.

Picatinny Arsenal will become the DoD Gun and Ammunition "Center of Excellence" as described in the Dodd Tech–19 recommendation and as modified by our recommendations.

Sincerely,

ANTHONY J. PRINCIPI,
Chairman.

Mr. LARSON of Connecticut. Mr. Chairman, I rise today in support of H.J. Res. 65, a resolution of disapproval of the 2005 base closure and realignment recommendations.

I am proud that my state delegation—commonly referred to back home as "Team Connecticut"—was successful in saving Sub Base New London from closure. Together our congressional delegation, Governor Rell, members of the New London community and military experts put together an airtight case for the survival of the base. As a result, the commission realized what Connecticut knew all along: That Sub Base New London is not only a critical asset to our State, but a vital part of our current and future national security.

The members of the 2005 BRAC Commission were given an extraordinary responsibility and performed their duties in a thoughtful and responsible manner. However, they were given the job of examining a flawed proposal based more on achieving the bottom line then ensuring the security of our Nation. If passed, H.J. Res. 65 would put an end to the current BRAC process—one that I have long believed to be the wrong process at the wrong time for our Nation.

Since 2002, I have voted in the Armed Services Committee and on the floor to either repeal or delay BRAC 2005 because I have felt all along that the process had serious flaws. With 150,000 of our men and women in uniform serving overseas in the Middle East, continued operations in Iraq and Afghanistan and failures to meet recruiting goals, now is not the time to close or realign major portions of our military infrastructure. We should not be closing and consolidating bases and infrastructure here in the States now, when in another two years we may be bringing a significant amount of troops and equipment back from Europe and other forward deployed locations and we would have to spend more money again to reopen or recreate space for them. We should not be closing or realigning before the completion of the Quadrennial Defense Review (QDR), which projects the threats our nation will face and guides our force structure for the next two decades. The Commission simply and rightly called conducting BRAC before the completion of the QDR "inverse" and "illogical." This is simply the wrong time for BRAC.

The final report before us for consideration includes a wide-ranging realignment of the Air National Guard that was completed without the input or consultation of our State Governors and Adjutants General. Rather than conducting an inclusive process—as in the case of the Army National Guard recommendations—the Pentagon chose to craft their Air Force proposal by shutting out the very people that both the law and common sense dictate need to be included in changes to State Guard units.

As a result the final Air Force recommendations disproportionately impact the Air National Guard, with 37 of the final 42 Air Force recommendations making changes to Air Guard units in States across the Nation. Governors and Adjutants General widely opposed this plan, citing the impact on recruiting and retention of Guard members, lack of consultation, and reduced availability of personnel for vital State emergency response and homeland security functions. Although the Commission ultimately approved a scaled down version of the Pentagon's Air National Guard plan crafted in the final days of their work, the final BRAC report states that the lack of coordination between the Pentagon, Governors and Adjutants General "unnecessarily cost the Commission additional time and resources and damaged the previously exemplary relationship between the Air National Guard and the Air Force."

This misguided recommendation hits home in my district and State, where the 103rd Fighter Wing at Bradley Air National Guard base is slated to lose their A–10 Warthogs—leaving Connecticut as the only State in the Nation without an air national guard flying mission. In presenting our case to the Commission, our message was simple: The Pentagon not only used flawed data that did not take into account many of the unique capabilities of Bradley, but failed to consult our Governor in major changes to our State's militia. While Adjutant General Thaddeus Martin, the staff of the 103rd and the State delegation made a strong case for Bradley, the base was unfortunately included in the final realignment plan. The men and women of the "Flying Yankees," and indeed all the members of the Air National Guard, deserve better than an ad-hoc transformation plan that has the potential to seriously impact the future of these citizen soldiers and their mission.

In late August 2005, I joined Connecticut Governor Rell, Attorney General Blumenthal and Senators DODD and LIEBERMAN in filing suit to prevent the realignment of the Bradley Air National Guard base. We were forced to take this action because the law is simple and clear: the Bradley A–10s cannot be removed without the consent of our Governor. Regardless of the result of today's vote, Connecticut has the law on its side and I am confident that we will secure the future of the "Flying Yankees."

One of our most important duties is to provide for the defense of our Nation. We should not be closing and realigning our bases at a time when our nation is engaged in the Middle East and faces unprecedented threats from abroad. Rejecting BRAC 2005 is simply the right thing to do for our men and women in uniform, the security of our nation, and for the future of our Air National Guard. I urge my colleagues to support H.J. Res. 65.

Mr. SCOTT of Georgia. Mr. Chairman, I appreciate the opportunity to discuss this important' legislation as I make a final push to keep Forts Gillem and McPherson open by voting in support of a joint House resolution to reject the president's approval of the 2005 round of base realignments and closures. I cosponsored the measure, H.J. Res. 65, which disapproves the recommendations of the Defense Base Realignment and Closure Commission (BRAC) as submitted by the president to Congress on September 15, 2005. I am disappointed that H.J. Res. 65 failed to pass the House today by a vote of 85–324. Congress had until October 30, 2005 to pass a joint resolution of disapproval of the list.

Unfortunately, this round of base closings and realignments has failed to accomplish the military goals of shedding excess operations and facilities without seriously weakening our national security and homeland defense. I strongly oppose the president's recommendations to close Ft. Gillem and Fort McPherson, and I have tried to make a strong case in their defense at every opportunity available to me, including directly addressing members of the BRAC Commission and urging President Bush to consider their unmatched military value and unique strategic readiness for homeland defense.

My efforts to remove Forts Gillem and McPherson from the BRAC list of closings proved partly successful since I secured the extension of six Federal functions at an enclave at Ft. Gillem, blocking a complete closing of the military base. These functions include the U.S. Army Criminal Investigation Laboratory, Georgia Army National Guard, 3rd MEDCOM, SE Army Reserve Intelligence Center, FEMA, and Red Cross.

I am very disappointed by the outcome of today's vote and that Ft. Gillem and Ft. McPherson remained on the BRAC list for closure despite the vital role they continue to play in coordinating the deployment of troops abroad and Federal response to national disasters like this year's string of devastating hurricanes. Following today's vote, the Defense Department is now charged with carrying out the recommended closures and realignments. Therefore, I will work with defense officials and the Local Redevelopment Authority during the upcoming transition period for Forts Gillem and McPherson.

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

The Acting CHAIRMAN. All time for debate has expired.

The text of the joint resolution is as follows:

H.J. RES. 65

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the recommendations of the Defense Base Closure and Realignment Commission as submitted by the President on September 15, 2005.

The Acting CHAIRMAN. Pursuant to section 2908(d) of Public Law 101–510, the Committee rises.

□ 1245

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. BISHOP of Utah, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the resolution (H.J. Res. 65) disapproving the recommendations of the Defense Base Closure and Realignment Commission, pursuant to section 2908(d) of Public Law 101–510, he reported the joint resolution back to the House.

The SPEAKER pro tempore. Pursuant to section 2908(d) of Public Law 101–510, the question is on the passage of the joint resolution.

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

RECORDED VOTE

Mr. LAHOOD. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on H.J. Res. 65 will be followed by 5-minute votes on motions to suspend the rules on H.R. 3945 and H. Res 368.

The vote was taken by electronic device, and there were—ayes 85, noes 324, answered "present" 1, not voting 23, as follows:

[Roll No. 548]

AYES—85

Abercrombie
Akin
Allen
Andrews
Barrow
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Capps
Cardoza
Carnahan
Clay
Cooper
Crowley
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeGette
Delahunt
DeLauro
DeLay
Dent
Doolittle
Drake
Edwards
Emanuel
Emerson
Evans
Fattah
Fitzpatrick (PA)
Forbes
Ford
Gallegly
Gerlach
Gingrey
Gordon
Green, Al
Green, Gene
Hinojosa
Hobson
Holt
Hostettler
Hulshof
Jackson (IL)
Jenkins
Jindal
Johnson (IL)
Johnson, E. B.
LaHood
Larson (CT)
Leach
Lewis (GA)
Lynch
Manzullo
McCaul (TX)
Menendez
Miller (FL)
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nussle
Ortiz
Oxley
Pallone
Pascrell
Paul
Pickering
Poe
Rothman
Rush
Schakowsky
Schwartz (PA)
Scott (GA)
Scott (VA)
Sherman
Smith (NJ)
Stupak
Taylor (MS)
Udall (NM)
Watson
Weller
Wicker
Wilson (NM)

NOES—324

Ackerman
Aderholt
Alexander
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
Dicks
Dingell
Doggett
Doyle
Dreier
Duncan
Ehlers
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Flake
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Grijalva
Gutierrez
Gutknecht
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hoekstra
Holden
Honda
Hooley
Hoyer
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Johnson (CT)
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)
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Maloney
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Olver
Osborne
Otter
Owens
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwarz (MI)
Serrano
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Westmoreland
Whitfield
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Cuellar

NOT VOTING—23

Boswell
Brown-Waite, Ginny
Cunningham
Diaz-Balart, L.
Diaz-Balart, M.
Foley
Gohmert
Hall
Harris
Hastings (FL)
Mack
Obey
Payne
Rangel
Reyes
Ros-Lehtinen
Roybal-Allard
Sensenbrenner
Shaw
Simmons
Tauscher
Thompson (CA)
Wexler

□ 1310

Ms. LINDA T. SANCHEZ of California, Mrs. KELLY, Ms. McKINNEY, Ms. HART, and Messrs. CARTER, BONNER, RADANOVICH, BAIRD, WALSH, LUCAS and SULLIVAN changed their vote from ''aye'' to ''no.''

Mrs. EMERSON, Ms. EDDIE BERNICE JOHNSON of Texas, and Messrs. EVANS, FATTAH, DENT, JOHNSON of Illinois, JACKSON of Illinois and CARDOZA changed their vote from ''no'' to ''aye.''

Mr. CUELLAR changed his vote from ''no'' to ''present.''

So the joint resolution was not passed.

The result of the vote was announced as above recorded.

Stated against:

Mr. THOMPSON of California. Mr. Speaker, on rollcall No. 548, I was off the floor meeting with consitutents and unfortunately missed the above listed rollcall vote. Had I been present I would have voted "no."

Mr. BROWN of Ohio. Mr. Speaker, during rollcall vote No. 548 on H.R. 65, I mistakenly recorded my vote as "yes" when I should have voted "no."

HURRICANE KATRINA FINANCIAL SERVICES RELIEF ACT OF 2005

The SPEAKER pro tempore (Mr. SIMPSON). The unfinished business is the question of suspending the rules and passing the bill, H.R. 3945, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BAKER) that the House suspend the rules and pass the bill, H.R. 3945, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 22, as follows:

[Roll No. 549]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Dicks
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
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
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
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
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
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
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
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Royce
Ruppersberger
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)
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—22

Boswell
Brown-Waite, Ginny
Cunningham
Diaz-Balart, L.
Diaz-Balart, M.
Foley
Gohmert
Hall
Harris
Hastings (FL)
Mack
Obey
Payne
Reyes
Ros-Lehtinen
Roybal-Allard
Sensenbrenner
Shaw
Simmons
Tauscher
Wexler
Whitfield

□ 1319

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

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''A Bill to facilitate recovery from the effects of Hurricane Katrina by providing greater flexibility for, and temporary waivers of certain requirements and fees imposed on, depository institutions, credit unions, and Federal regulatory agencies, and for other purposes''.

A motion to reconsider was laid on the table.

CONGRATULATING THE STATE OF ISRAEL ON THE ELECTION OF AMBASSADOR DAN GILLERMAN AS VICE-PRESIDENT OF THE 60TH UNITED NATIONS GENERAL ASSEMBLY

The SPEAKER pro tempore (Mr. SIMPSON). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 368.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and agree to the resolution, H. Res. 368, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 26, as follows:

[Roll No. 550]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
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
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
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
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
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
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
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
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Royce
Ruppersberger
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)
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—26

Boswell
Brown-Waite, Ginny
Culberson
Cunningham
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Foley
Garrett (NJ)
Gohmert
Hall
Harris
Hastings (FL)
Mack
Neal (MA)
Obey
Payne
Reyes
Ros-Lehtinen
Roybal-Allard
Sensenbrenner
Shaw
Simmons
Tauscher
Wasserman Schultz
Wexler

□ 1328

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HEFLEY. 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.J. Res. 65.

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

There was no objection.

□ 1330

MOTION TO GO TO CONFERENCE ON H.R. 3057, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006

Mr. KOLBE. 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. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. REHBERG). The question is on the motion offered by the gentleman from Arizona (Mr. KOLBE).

The motion was agreed to.

GENERAL LEAVE

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the motion to instruct on H.R. 3057.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mrs. Lowey 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. 3057, making appropriations for Foreign Operations, Export Financing, and

Related Programs for the fiscal year 2006 be instructed to insist on the provisions of the Senate bill providing a total of $2,971,000,000 to combat HIV/AIDS, Tuberculosis and Malaria, including a total of $500,000,000 for a U.S. contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentlewoman from New York (Mrs. LOWEY) and the gentleman from Arizona (Mr. KOLBE) each will control 30 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this motion to instruct the conferees on the fiscal year 2006 foreign operations bill will ensure that the House is clearly on record to provide the highest possible funding level for HIV–AIDS, tuberculosis, and malaria in 2006.

The motion I offer today makes a simple point: Although other issues have overtaken the global AIDS pandemic as front-page news, the pandemic is still growing; and we still have a responsibility to face the challenges it presents head-on.

I was very pleased, as always, to work with the gentleman from Arizona (Mr. KOLBE) to provide robust funding to fight the AIDS pandemic, both for the Office of Global AIDS coordinator at the State Department and for the Global Fund to fight AIDS, TB, and malaria. With an allocation that was more than $2.5 billion below the President's request, we were able to provide full funding, and even a little bit more, for this key priority.

Fortunately, the Senate had even a higher allocation with which to work, and I am pleased that the Senate-passed bill significantly increased funding over the President's request for HIV–AIDS, including $500 million for the Global Fund, the premier multilateral mechanism for fighting AIDS and other infectious diseases.

As we approach conference on the fiscal year 2006 foreign operations appropriations bill, we must maintain our resolve to fund the fight against the global AIDS pandemic at the highest possible levels.

When the fiscal year 2006 bill finally passes, Congress will have provided more than $10 billion to fight AIDS since 2003. Our assistance has saved millions of lives, offered hope for a better future to those already infected with HIV, bolstered the institutional capacity of developing countries to deal with serious public health challenges, and offered comfort and safety to children orphaned by AIDS.

We have done so much. Still, the United Nations estimates indicate that $15 billion will be needed in the upcoming year to fight the pandemic, a need that dwarfs the approximately $6.1 billion available. While some have benefited from our largess and that of the international community, many millions more are being left behind.

Just yesterday, we saw reports of staggering statistics about the effect of the AIDS pandemic on children. Only one in 20 of the HIV-infected children worldwide who need life-prolonging drugs gets them. Only one out of 100 gets a cheap antibiotic that can save nearly half of the death rate from secondary infections like diarrhea and malaria. Fewer than one in 10 mothers infected with the HIV virus are given drugs that can stop transmission to their babies. And every minute of every day a child dies of an AIDS-related illness.

The facts speak for themselves. We can and must do better. I urge my colleagues to support this motion to instruct.

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

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

Mr. Speaker, I thank the gentlewoman from New York (Mrs. LOWEY) for her motion. It gives our subcommittee, and it gives me, as chairman of the subcommittee, an opportunity to highlight once again how critical this battle against HIV–AIDS is, and this is something that is critical not only to this Congress but to President Bush and his administration.

Funding from these accounts in this fight against HIV–AIDS and also tuberculosis and malaria, three of the great killers of our time, has increased significantly in the years that I have been chairman of this subcommittee.

In the first year we were appropriating about $615 million in the international fight. Today, in our bill, the level is $2.7 billion. That is four times greater in just 4 years of bills for the Foreign Operations Subcommittee.

The Senate level, at nearly $3 billion, is almost five times greater.

Our bill that we passed in the House would provide $400 million for the Global Fund. That is twice what the President requested. The Senate bill has another $100 million and puts that figure at $500 million. The emergency plan for AIDS relief has revolutionized the fight against HIV–AIDS. We have not turned the corner in this disease. We have certainly not reached the end nor maybe even the beginning of the end; but to paraphrase Winston Churchill, perhaps we are at the end of the beginning. We are clearly making great progress.

According to a number of public health experts, we are finally reaching the point where the focus countries in the President's emergency program, where these resources are not the limiting factor in addressing the spread of this disease, of HIV–AIDS. More than 200,000 people now receive life-sustaining AIDS treatment in Africa, and that is thanks to the generosity and caring of the United States taxpayers. For the first time, there is hope for these people. Training and the infrastructure now has to be the focus of our efforts.

It will take the concerted will of all countries and groups that are involved with this fight to sustain and build on the progress that we have made thus far.

So once again, I want to thank my colleague for her dedication to this very important issue and for her work to help craft a bill that I think is one that we can go into conference feeling very good about and that we can defend with vigor.

So I am pleased to be able to accept the motion to instruct; and I am committed, as the gentlewoman from New York (Mrs. LOWEY) is, to reaching the highest possible level in the conference in the struggle against HIV–AIDS, tuberculosis, and malaria.

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

Mrs. LOWEY. Mr. Speaker, I yield 4 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 applaud the gentleman from Arizona (Chairman KOLBE) and the ranking member of the subcommittee, the gentlewoman from New York (Mrs. LOWEY), for the bipartisan cooperation and collaboration that has been shown by this motion to instruct and the acceptance of it.

The bad news as it relates to foreign operations that seems to trickle into the American system is that we spend so much money for foreign operations and, therefore, are not addressing the domestic crises that we face. I think this bipartisan effort truly speaks to the fact that what we do and how we reach out in our collaborative work around the world, issues of democracy, issues dealing with tuberculosis, malaria, and HIV–AIDS, issues of constructing and helping in ways of creating a world friendship, is crucial to the domestic tranquility of America.

As I have worked with Ambassador Holbrooke who has cited the vast growing, although we have made strides, devastation of HIV–AIDS, the impact on children, the number of orphans that are facing life alone because of the loss of one or two parents, there is, I think, no level of giving that would be too much to try and face up to this terrible devastation. This accepting of the motion to instruct relates to that.

But I rise today to raise an additional concern, and I know this bill is not addressing it as we speak, but because of the difficulties that we have had with Hurricane Katrina and now Wilma and certainly Rita, and the eyes of Americans focused, if you will, on those tragedies, the eyes of America focused on the tragedies in Iraq and the constant bombing and the loss of 2,000 soldiers, it sometimes steers our attention away from the earthquake in the South Asian region, impacting Afghanistan to some extent, India, and Pakistan.

We know there are 79,000 dead from the earthquake. I would hope we would be able to prepare a supplemental to address those questions. We know there are appropriations for Pakistan and the South Asian region in this particular bill, but not enough due to the

loss of life and the complete elimination of towns and villages.

I have met with many from the Pakistan-American community, doctors who are attempting to be of help, the Indian embassy that is helping as well; but focused resources are going to be crucial.

We know that the world family is looking at the kinds of resources that are needed, but we need the donor community joined with the United States to be part of this very important effort. We know that the United States has given $50 million. It is not enough. I have asked that we raise this question with the donor community so those dollars can continue to mount.

Here are the reasons why: certainly we know the medical crisis is going to be ongoing. But as I said earlier, major cities have been wiped out. People are living in tents, those who can get tents. There is a lack of food, lack of water, and a lack of how the government will rebuild the infrastructure. We realize it is in the Kashmir area, and that is a very difficult area. It is a difficult area politically and as it relates to the conflict, and so it is imperative that that area be rebuilt quickly and the infrastructure be brought into that area.

I ask my colleagues to support the motion to instruct, as I do. I want to again applaud the ranking member and the chairman of the subcommittee. I look forward to working with both of them on ways we can provide a more expedited and certainly a higher level of assistance; and, of course, I ask for the Secretary of State, Secretary Rice, and the President of the United States to consider requesting more dollars for assistance. I ask my colleagues to support the motion to instruct.

Ms. PELOSI. Mr. Speaker, I rise in strong support of the Democratic motion to support the Senate funding level of $3 billion for our global AIDS initiatives. The funding level includes $500 million for the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

Appropriations Foreign Operations Subcommittee Ranking Member NITA LOWEY and Chairman JIM KOLBE are to be commended for their leadership in the fight against the global AIDS pandemic. They are a model of bipartisan effectiveness and are leading the way in providing needed funding under tight budget constraints.

In 2003, President Bush and Congress took a bold step in authorizing $15 billion over five years toward AIDS prevention and treatment. The Senate funding levels in the Foreign Operations and Labor-HHS Appropriations bills would put the U.S. on track to meet this commitment in future years.

At this critical juncture in history, the U.S. has the opportunity and the responsibility to fully fund an ambitious global effort to combat AIDS. The statistics are staggering. Of the 40 million people currently living with HIV, 95 percent live in the developing world. This week, UNICEF released a report showing that 18 million children in Africa could be orphaned by AIDS by the end of 2010.

We know how to treat this devastating disease. Success stories can be found in every part of the world. In Uganda and Senegal, HIV rates have been brought down through effective prevention campaigns. In the past year alone, an estimated 350,000 African AIDS patients have received access to anti-retroviral drugs that will keep them alive to work and care for their families. Unfortunately, only 500,000 of the 4.7 million people in need of anti-retroviral drugs have them.

If we support what works, we can prevent nearly two-thirds of the 45 million new HIV infections projected by 2020. When we invest more resources, more people have access to life-saving drugs, more people learn how to protect themselves and their partners, more people have access to voluntary testing and counseling, and more pregnant women have services to prevent mother-to-child transmission. The longer we go without fully investing in stopping the AIDS pandemic, the further it will spread worldwide and the more expensive the bottom line will be.

The moral case is reason alone to fully fund our global AIDS initiatives, but it is also in our national security interest. As we have seen in the case of Afghanistan and Sudan, impoverished states can become incubators for terrorism and conflict. We must address the root causes of instability so that the "fury of despair" does not provoke more violence.

It is in this global context that I support the Senate funding levels for global AIDS. Let us all come together today to fully support our commitments to fight the global AIDS pandemic.

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

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

The SPEAKER pro tempore. 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 gentlewoman from New York (Mrs. LOWEY).

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

Mrs. LOWEY. 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, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. SMITH of Texas. 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. 420.

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

There was no objection.

LAWSUIT ABUSE REDUCTION ACT OF 2005

The SPEAKER pro tempore (Mr. PUTNAM). Pursuant to House Resolution 508 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. 420.

□ 1345

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. 420) to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes, with Mr. LATHAM in the chair.

The Clerk read the title of the bill.

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

The gentleman from Texas (Mr. SMITH) and the gentleman from New York (Mr. NADLER) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support H.R. 420, the Lawsuit Abuse Reduction Act of 2005.

Frivolous lawsuits bankrupt individuals, ruin reputations, drive up insurance premiums, increase health care costs, and put a drag on the economy.

Frivolous lawsuits are brought, for example, when there is no evidence that shows negligence on the part of the defendant. These nuisance lawsuits make a mockery of our legal system.

Of course, many Americans have legitimate legal grievances, from someone wrongly disfigured during an operation to a company responsible for contaminating a community's water supply. No one who deserves justice should be denied justice; however, gaming of the system by a few lawyers drives up the cost of doing business and drives down the integrity of the judicial system.

Let me give some examples. The chief executive officer of San Antonio's Methodist Children's Hospital was sued after he stepped into a plaintiff's hospital room and asked how the patient was doing. Of course, a jury cleared him of any wrongdoing.

A Pennsylvania man sued the Frito-Lay Company claiming that Doritos chips were "inherently dangerous" after one stuck in his throat. After 8 years of costly litigation, the Pennsylvania Supreme Court threw out the case, writing that there is "a commonsense notion that it is necessary to properly chew hard foodstuffs prior to swallowing." But, of course, the defendants had to absorb hundreds of thousands of dollars in legal fees.

In a New Jersey Little League game, a player lost sight of a fly ball hit because of the sun. He was injured when the ball struck him in the eye. The coach, who was forced to hire a lawyer after the boy's parents sued, had to settle the case for $25,000.

Today almost any party can bring any suit in almost any jurisdiction. That is because plaintiffs and their attorneys have nothing to lose. All they

want is for the defendant to settle. This is legalized extortion. It is lawsuit lottery.

Defendants, on the other hand, can unfairly lose their lifetime savings, their careers, their businesses, and their reputations. This is simply not justice.

There is a remedy: the Lawsuit Abuse Reduction Act. It passed the House last year by a margin of almost 60 votes. The bill applies to both plaintiffs who file frivolous lawsuits to extort financial settlements and to defendants who unnecessarily prolong the legal process. If a judge determines that a claim is frivolous, they can order the plaintiff to pay the attorneys' fees of the defendant who was victim of their frivolous claim. This will make a lawyer think twice before filing a frivolous lawsuit.

It is a problem that even the American Trial Lawyers Association has tried to address in its own code of conduct by declaring, ''No American Trial Lawyers Association member shall file or maintain a frivolous suit, issue, or position.'' However, ATLA has not disciplined a single attorney for violation of this code of conduct in the last 2 years.

This legislation also prevents forum shopping. It requires that personal injury claims be filed only where the plaintiff resides, where the injury occurred, or the defendant's principal place of business is located. This provision addresses the growing problem of attorneys who shop around the country for judges who routinely award excessive amounts.

One of the Nation's wealthiest trial lawyers, Dickie Scruggs, has told us exactly how this abuse occurs. Here is what he says about forum shopping:

''What I call the magic jurisdiction . . . is where the judiciary is elected with verdict money. The trial lawyers have established relationships with the judges that are elected; they're State Court judges; they're populists. They've got large populations of voters who are in on the deal. They're getting their piece in many cases. And so it's a political force in their jurisdiction, and it's almost impossible to get a fair trial if you're a defendant in some of these places. The plaintiff lawyer walks in there and writes the number on the blackboard, and the first juror meets the last one coming out the door with that amount of money . . . Any lawyer fresh out of law school can walk in there and win the case, so it doesn't matter what the evidence or law is.''

Forum shopping is a part of lawsuit abuse, and we must pass legislation to stop it from occurring. Even several largely recognized Democrats have acknowledged the need to end frivolous lawsuits. For instance, the John Kerry for President campaign endorsed national legislation in which ''lawyers who file frivolous cases would face tough mandatory sanctions.'' And former Vice Presidential candidate Senator Edwards stated, ''Lawyers who bring frivolous cases should face tough, mandatory sanctions.''

The Lawsuit Abuse Reduction Act is sensible reform that will help restore confidence to America's justice system.

Mr. Chairman, the following organizations support H.R. 420: American Tort Reform Association, National Association of Home Builders, National Association of Manufacturers, National Restaurant Association, American Insurance Association, and the United States Chamber of Commerce. And this legislation is the top legislative priority of the National Federation of Independent Businesses.

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

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

Mr. Chairman, I oppose this bill because it will not reduce frivolous lawsuits, but will instead increase the cost of litigation at the State and Federal level, set back the fairness of civil rights litigation, and favor foreign corporate defendants at the expense of their domestic competitors. As a result of this misguided legislation, satellite litigation, costs and delays will result, and litigation abuses will not be reduced.

H.R. 420 makes significant changes to Rule 11 sanctions without following the statutory rulemaking process. The Association of Chief Justices of the States and the Federal Judicial Council have both criticized skipping the statutory rulemaking process. This bill would revert Rule 11 back to the 1983 version and unduly affects plaintiffs in civil rights cases. The current Rule 11 was adopted in 1993 specifically to correct abuses by defendants in civil rights cases. By rolling back this rule and requiring a mandatory sanctions system to civil rights cases, H.R. 420 will chill many legitimate and important civil rights actions.

Although the bill states that the proposed Rule 11 changes shall not be construed to ''bar or impede the assertion or development of new claims or remedies under Federal, State, or local civil rights law,'' the language does not clearly and simply exempt civil rights and discrimination cases, as it should. Determining what a new claim or remedy is will be a daunting and complex issue for most courts and clearly does not cover all civil rights cases.

The Honorable Robert Carter, United States District Court Judge for the Southern District of New York, who was one of the pioneers in civil rights legislation and worked on the Brown v. Board of Education case, stated, ''I have no doubt that the Supreme Court's opportunity to pronounce separate schools inherently unequal in Brown v. Board of Education would have been delayed for a decade had my colleagues and I been required, upon pain of potential sanctions, to plead our legal theory explicitly from the start.'' This is a good example of the dreadfully detrimental effect of this rule on civil rights cases.

Furthermore, this bill will operate to benefit foreign corporate defendants at the expense of their domestic counterparts. Section 4, the ''forum shopping'' provision, would operate to provide a litigation and financial windfall to foreign corporations at the expense of their domestic competitors. This is because instead of permitting claims to be filed wherever a corporation does business or has minimum contacts, as most State long-arm statutes provide, the bill permits the suit to be brought only where the defendant's principal place of business is located. In the case of a foreign corporation, that does not exist in the United States. If a U.S. citizen is harmed by a product manufactured by a foreign competitor, under this bill the injured U.S. citizen would have no recourse against a foreign corporation, whereas he or she would have recourse against the comparable U.S. corporation. This is unfair to both the U.S. citizen with no recourse and to all U.S. companies that must compete against the foreign firm. Consequently American employers and employees would be put at an unfair disadvantage vis-a-vis their foreign counterparts, not exactly what we would want to be doing not only from a standpoint of fairness, but from a standpoint of our economy.

Mr. Chairman, this bill has another deleterious effect. Because it provides for reasonable attorneys' fees in the case of a sanction, because many Rule 11 sanctions are minor, and in any complex case there are almost invariably going to be some, the current law, first of all, permits the judge discretion whether to impose sanctions or not. This makes it mandatory for even the most picayune infractions.

Second of all, the current law says that if it is pointed out to an attorney that he has done something that would fall under Rule 11, he has 21 days to correct it. If he does not correct it, he is subject to sanctions. This would say they have no time to correct it. They get automatic sanctions. That is unfair.

Thirdly, because under those circumstances this bill provides for attorneys' fees, they had better have their head examined if they want to sue a large corporation, because if they are the little guy, and they have one attorney, and he is paid a reasonable fee, and they can afford the litigation, they hope; but if they are suing the big company, and General Motors has 32 attorneys lined up over there, and they are all charging $800 an hour, then reasonable attorneys' fees are going to be a lot of money, and they have to anticipate, if they file that suit, that because of the mandatory nature of the Rule 11 sanctions that this bill would impose, because of the lack of an ability to correct it, because of the automatic sanctions and mandatory sanctions, they have to assume that they are going to have to pay those sanctions, and they are going to have to pay the mandatory attorneys' fees, so they had better not sue the big boys.

What this bill is really saying is big corporations shall be exempt from lawsuits by people who cannot afford to pay huge attorneys' fees of the big corporations, because we have to assume that will happen, and because this bill leaves no discretion to the judge.

It is no surprise that the United States Judicial Conference, the National Association for the Advancement of Colored People, the Alliance for Justice, Public Citizen, People for the American Way, the American Association of People with Disabilities, the Lawyers Committee for Civil Rights in Law, the American Bar Association, the National Conference of State Legislatures, National Partnership for Women, National Women's Law Center, the Center for Justice and Democracy, Consumers Union, the National Association of Consumer Advocates, and the NAACP Legal Defense Fund all oppose the bill.

In other words, if Members care about civil rights, if they care about the ability of the consumer to have justice with a large corporation, if they care about civil liberties, if they care about people being able to use the Federal or State courts, they must vote against this bill.

I urge my colleagues to vote against this poorly drafted and unfair legislation.

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

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Visitors in the gallery will refrain from showing approval or disapproval of proceedings.

Mr. SMITH of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. KELLER), a member of the Judiciary Committee.

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

Mr. Chairman, I rise today as a cosponsor and strong supporter of the Lawsuit Abuse Reduction Act. I am going to tell the Members why I support this legislation and what the key components of this legislation is.

First, why do we need this legislation? We need tough mandatory sanctions to crack down on frivolous lawsuits. We need to care about each other more and sue each other less. We need to get back to the old-fashioned principles of personal responsibility and get away from this new culture where people play the victim and blame others for their problems. Most importantly, we need to protect those small business people who are out there creating 70 percent of all new jobs in America. These small business people work hard and play by the rules, but they cannot afford to defend themselves from meritless litigation.

For example, if they have a suit brought against them, to take it to trial to successfully win the suit, they often have to pay over $100,000 to a defense attorney. So what do they do? They have to pay about 10 grand to settle the case to get rid of it for strictly business reasons even though they did nothing wrong.

This bill will help crack down on these frivolous suits by doing three key things. First, it provides tough mandatory sanctions, not discretionary sanctions, if a judge finds that we have a violation of Rule 11, which may include the payment of the other side's attorneys' fees. Second, this bill has teeth in it by having a three-strikes-and-you're-out penalty. Three strikes and you're out means if a judge finds that they have violated Rule 11 bringing a frivolous claim on three separate occasions, they will be suspended from practicing law in that particular Federal court for 1 year and will have to reapply for practice there. That is a tough sanction. I happen to be the author of it. But it is key for Members to know that there is a bipartisan idea, three strikes and you're out.

□ 1400

To my left here, you see a quote from Senator John Edwards, himself a lifelong well-known personal injury lawyer, a former Senator from North Carolina and former Vice Presidential candidate. He said in Newsweek magazine, December 15, 2003, ''Frivolous lawsuits waste good people's time and hurt the real victims. Lawyers who bring frivolous cases should face tough mandatory sanctions with a three-strikes penalty.''

Senator Edwards is not the only one who holds that view. You will see that Senator Edwards' running mate, Senator JOHN KERRY, told the Associated Press on October 10, 2004, ''Lawyers who file frivolous cases would face tough mandatory sanctions, including a three-strikes-and-you're-out provision that forbids lawyers who file frivolous cases from bringing another suit for the next 10 years.''

President George W. Bush, back when he was a candidate, February 9, 2000 said, ''As President, I will bring common sense to our courts and curb frivolous lawsuits. If a lawyer files three junk lawsuits, he will lose the right to appear in Federal Court for 3 years. Three strikes and you're out.''

The Austin American Statesman summarized President Bush's plan as saying, ''Bush's plan includes stiffer penalties for lawsuits determined by judges to be frivolous, including a three-strikes-and-you're-out rule for lawyers who repeatedly file such claims.''

On the day before we marked up this bill in the Judiciary Committee, May 24, 2005, I visited with President Bush in his personal residence and asked him, Mr. President, do you still stand by this policy that we need three strikes and you're out to crack down on frivolous lawsuits? He said, I absolutely do. That is the policy of the White House.

So we have the Democrat Presidential candidate, Mr. KERRY; the Democrat Vice Presidential candidate, Mr. Edwards; the President of the United States; and the Judiciary Committee on a voice vote adopted this three-strikes-and-you're-out provision.

The third key element of this Lawsuit Abuse Reduction Act is language to avoid forum shopping. It is the same language that we had in the class action legislation, which was approved on a bipartisan basis by both the House and the Senate and signed into law. Essentially, if there is an accident, the claim will be brought where the accident is or where the plaintiff resides or where the defendant resides.

For example, if you lived in Orlando, Florida, like I do, and you went to your local McDonald's and you slipped on a puddle of water, you could bring your suit in Orlando, where it should be. What you could not do is say, well, I know that Madison County, Illinois is a judicial hellhole, and there are lots of plaintiff-friendly judges, and McDonald's does business up in Madison County, Illinois. We are going to go file our suit there and do a little forum shopping. That is the kind of thing that is not going to be allowed here.

In short, this is a commonsense bill that provides tough mandatory sanctions to crack down on frivolous suits and includes provisions that enjoy bipartisan support. This bill has already passed the House. I urge my colleagues to vote ''yes'' on this important legislation.

Mr. NADLER. Mr. Chairman, I observe the gentleman tells us that President Bush assures us of the problem of frivolous lawsuits. President Bush assured us there were weapons of mass destruction in Iraq and a lot of other nonsense. So I do not give that too much credence.

Mr. Chairman, I yield 5 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member, and I thank my good friend and colleague from Texas (Mr. SMITH). There are many opportunities that we have to agree. I believe in his unabiding commitment to the integrity to the judicial system. That is why I rise to quote him when he says that there is a premise that we all deserve justice and that justice, in essence, should not be denied. He agrees with that, and I agree with that. Frankly, however, this legislation is not merely a denial of justice. It is an obliteration, a complete destruction of justice.

It is interesting in the backdrop of the United States promoting democratization in Iraq, challenging Iran, and now with the proceedings against Saddam Hussein and the very basis of our dependence upon a fair and impartial judicial system that will allow lawyers to be able to petition for their client or defend their client, that we would stand here on the floor of the House today and in essence create the lawsuit elimination legislation rather than the suggestion that we are preventing abuse.

Let me tell you what this legislation intends to do. This legislation intends

to ride roughshod over States' rights, forcing State courts to enact burdensome procedures and even stripping their jurisdiction over certain cases. That means that, in essence, it forces State judges within 30 days of a case being filed to conduct an extensive and lengthy pretrial hearing to determine whether Federal Rule 10 must be imposed. We already know that Federal Rule 11 has given the court system an effective tool to ensure, if you will, that if there is frivolous activity in the courthouse, or a lawyer files a frivolous case, that lawyer can be sanctioned.

This now protects foreign corporations at the expense of consumers. Why? Because you may be able to sue in a State court, but the State court may not have jurisdiction over that foreign corporation, leaving the victim of products liability, the victim of a terrible heinous accident left without remedy in a State court.

It makes sanctions mandatory rather than discretionary. It undermines the Federal judiciary system and the court system. It says to our judges that although you have gone to the highest litmus test, confirmation on the Federal bench, elections and bar scrutiny, we are telling you that we are going to pierce your courtroom and we are going to take away the rights of Rule 11 where you have discretion and we are going to simply tell you to throw a lawyer out.

Then for myself as an African American and someone whose very existence is based upon the privileges that Thurgood Marshall had, and many other lawyers, to go into the courthouse, and at that time and era in the early 1940s and 1950s, speak language that could have been considered frivolous, I would suggest that just in a general sense, whether or not this particular legislation speaks particularly to that issue, there are many times in our history where lawyers may be considered frivolous because they are speaking a language that opposes society.

The question of an equal education under Brown v. Topeka might have been frivolous. I do not want to have a Federal law that suggests that you cannot go into the courthouse. This bill allows judges to order individuals to reimburse litigation costs, including attorneys' fees, by specifically stating that reasonable attorneys' fees should be taken into account when assessing the amount of the sanction. That means that the poorer client is going to be thrown out.

This is supposed to help small businesses. At the same time, it may be the small business that is a petitioner. They may think their case is legitimate.

For example, what about this lawsuit for one business against another. That is frivolous lawsuits, when you had Enterprise, a very big company, filed a lawsuit against Rent-A-Wreck of America, a tiny rental company, and Hertz Corporation and threatened to file lawsuits against several other rental car companies that used the phrase, ''pick you up,'' claiming that ''We'll pick you up'' is Enterprise's slogan. Then there was a whole bunch of other lawsuits around who will pick you up, and who is not picking you up and why you are being picked up.

We could label frivolous lawsuits across the board. It should be left to the judges in Rule 11. This legislation removes the safe harbor provision of the rule which allows an attorney a period of 21 days to withdraw an objectionable pleading. That undermines justice. Maybe the lawyer made a mistake and therefore we do not have that opportunity.

Mr. Chairman, I would simply say this is a bill that has no basis in need, and we should unanimously defeat it.

Mr. Chairman, I rise in opposition to the base bill before the Committee of the Whole H.R. 4571, the Lawsuit Abuse Reduction Act of 2005 and state my support for the substitute offered by the Gentleman from as California, Mr. SCHIFF.

As I mentioned during the Committee on the Judiciary's oversight hearing on this legislation during its iteration in the 108th Congress and reiterated in my statement for the markup, one of the main functions of the Congress before it passes legislation is to analyze potentially negative impact against the benefits that it might have on those affected. The base bill before the House today does not represent the product of careful analysis.

In the case of H.R. 4571, the Lawsuit Abuse Reduction Act, the oversight functions of the Judiciary Committee allowed us to craft a bill that will protect those affected from negative impacts of the shield from liability that it proposes. This legislation required an overhaul in order to make it less of a misnomer—to reduce abuse rather than encourage it.

The goal of the tort reform legislation is to allow businesses to externalize, or shift, some of the cost of the injuries they cause to others. Tort law always assigns liability to the party in the best position to prevent an injury in the most reasonable and fair manner. In looking at the disparate impact that the new tort reform laws will have on ethnic minority groups, it is unconscionable that the burden will be placed on these groups—that are in the worst position to bear the liability costs.

When Congress considers pre-empting State laws, it must strike the appropriate balance between two competing values—local control and national uniformity. Local control is extremely important because we all believe, as did the Founders two centuries ago, that state governments are closer to the people and better able to assess local needs and desires. National uniformity is also an important consideration In federalism—Congress' exclusive jurisdiction over interstate commerce has allowed our economy to grow dramatically over the past 200 years.

This legislation would reverse the changes to Rule 11 of the Federal Rules of Civil Procedure, FRCP, that were made by the Judicial Conference in 1993 such that (1) sanctions against an attorney whose litigation tactics are determined to harass or cause unnecessary delay or cost or who has been determined to have made frivolous legal arguments or unwarranted factual assertions would become mandatory rather than discretionary to the court, (2) discovery-related activity would be included within the scope of the Rule, and (3) the Rule would be extended to state cases affecting interstate commerce so that if a state judge decides that a case affects interstate commerce, he or she must apply Rule 11 if violations are found.

This legislation strips State and Federal judges of their discretion in the area of applying Rule 11 sanctions. Furthermore, it infringes States' rights by forcing state courts to apply the rule if interstate commerce is affected. Why is the discretion of the judge not sufficient in discerning whether Rule 11 sanctions should be assessed?

If this legislation moves forward in this body, it will be important for us to find out its effect on indigent plaintiffs or those who must hire an attorney strictly on a contingent-fee basis. Because the application of Rule 11 would be mandatory, attorneys will pad their legal fees to account for the additional risk that they will have to incur in filing lawsuits and the fact that they will have no opportunity to withdraw the suit due to a mistake. Overall, this legislation will deter indigent plaintiffs from seeking counsel to file meritorious claims given the extremely high legal fees.

Furthermore, H.R. 4571, as drafted, would allow corporations that perform sham and non-economic transactions in order to enjoy economic benefits in this country. Therefore, I planned to offer an amendment that would preclude these entities from so benefiting.

The text of the amendment defined the term ''Benedict Arnold Corporation'' and proposed to prevent such companies from benefiting from the legal remedies that H.R. 4571 purports to offer.

The ''Benedict Arnold Corporation'' refers to a company that, in bad faith, takes advantage loopholes in our tax code to establish bank accounts or to ship jobs abroad for the main purpose of tax avoidance. A tax-exempt group that monitors corporate influence called ''Citizen Works'' has compiled a list of 25 Fortune 500 Corporations that have the most offshore tax-haven subsidiaries. The percentage of increase in the number of tax havens held by these corporations since between 85.7 percent and 9,650 percent.

This significant increase in the number of corporate tax havens is no coincidence when we look at the benefits that can be fund in doing sham business transactions. Some of these corporations are ''Benedict Arnolds'' because they have given up their American citizenship; however, they still conduct a substantial amount of their business in the United States and enjoy tax deductions of domestic corporations.

Such an amendment would preclude these corporations from enjoying the benefit of mandatory attorney sanctions for a Rule 11 violation. By forcing these corporate entities to fully litigate matters brought helps to put their true corporate identity into light and discourages them from performing as many domestic transactions that may be actionable for a claimant.

In the context of the Judiciary's consideration of the Terrorist Penalties Enhancement Act, H.R. 2934, my colleagues accepted an amendment that I offered that ensured that corporate felons were included in the list of individuals eligible for prosecution for committing

terrorist offenses. The amendment that I would have offered for this bill has the same intent—to increase corporate accountability and to encourage corporate activity with integrity.

I ask that my colleagues support the Substitute offered by Mr. Schiff and defeat the base bill. We must carefully consider the long-term implications that this bill, as drafted, will have on indigent claimants, the trial attorney community, and facilitation of corporate fraud.

Mr. SMITH of Texas. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. CHABOT), the chairman of the Constitutional Law Subcommittee of the Judiciary Committee.

Mr. CHABOT. Mr. Chairman, I want to first of all commend the gentleman from Texas for his leadership in this area. This is a very important piece of legislation. I think he does us all proud by pushing for this and ultimately, I believe, being successful in its passage.

I am pleased to be a cosponsor of H.R. 420, legislation that will help curtail frivolous lawsuits. It is reassuring to once again see that the Congress is taking measures to help rid our court system of lawsuits that are costly and hurt both consumers and businesses in our country. The legislation is aimed at enforcing the laws that govern attorneys in relation to filing frivolous lawsuits. The actual standard of what constitutes a frivolous lawsuit will not change. But consequences for such actions will.

In 1993, the Civil Rules advisory committee, an unelected body, decided that sanctions against attorneys who file frivolous lawsuits should be optional. Justice David Brewer once wrote: ''America is the paradise of lawyers.''

In my opinion, this ''paradise'' has resulted in increased prices for consumer goods and higher insurance premiums and a decrease in domestic manufacturing, which has been one of the things that we have heard more and more discussion about in this country, the loss of manufacturing jobs.

H.R. 420 seeks to rein in lawsuit-happy litigators by restoring mandatory sanctions for filing frivolous lawsuits, a violation of Rule 11 of the Federal Rules of Civil Procedure. This bill also prevents forum shopping by requiring that personal injury cases be brought only where the plaintiff resides, where the plaintiff was allegedly injured, or where the defendant's principal place of business is located.

Finally, the bill would apply a three-strikes-and-you-are-out rule, as we have heard, to attorneys who commit three or more Rule 11 violations in Federal district court. As a member of the House Judiciary Committee, as well as a member of the Small Business Committee, I have heard endless accounts of family-owned small businesses being led to financial ruin by the exorbitant cost of frivolous lawsuits.

According to the NFIB, the National Federation of Independent Businesses, small business owners ranked the cost and availability of liability insurance as the second most important problem facing small business owners today. Small business owners know that if they are sued, they are likely to have to choose between a long and costly trial or an expensive settlement. Either choice significantly impacts the operations of a business and the livelihood of its employees. This hurts the little guy because of these lawsuits.

Most business decisions today are made with this new reality in mind. This bill will help make American small businesses more competitive by lowering their unnecessary legal expenses, allowing business owners to focus on hiring new employees and expanding available products.

This bill will help make American businesses more competitive. It will allow business owners to focus on hiring new employees, which is really critical in this economy that we are faced with, and expanding the availability of products and services and improving the American economy.

Mr. Chairman, I again want to thank the gentleman from Texas for his leadership in introducing this important piece of legislation. It is time that we put an end to these frivolous lawsuits that are impacting the economy, that are hurting, especially, small businesses and are resulting in the loss of jobs of many, many Americans in this country.

Mr. NADLER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I thank my good friend from New York for yielding me the time.

Mr. Chairman, I rise in opposition to H.R. 420, legislation that would have a chilling effect on a plaintiff's ability to seek recourse in court. As I have listened to my colleagues on the floor talk about three-strikes-and-you-are-out with regard to a counsel, you would think this was a criminal situation. They took discretion away from judges with mandatory sentencing. They said, Judge, no matter what the facts are of the case, if this is the penalty, then you impose such penalty.

What is very interesting is, even though my colleague cited JOHN KERRY, John Edwards, President Bush, and the Judiciary Committee, not one of them have sat as a judge in a case, making decisions about Rule 11 cases.

□ 1415

I am proud to say that I served as a judge for 10 years in the trial court in the State of Ohio and have had the ability to review complaints, review discovery decisions, review pleadings. And judges should be vested with the same discretion they are vested with in other situations and not be subjected to this Rule 11 sanctions piece that is being proposed by this legislation.

It is unconscionable that the claim that businesses get on with more business or they can hire more employees, to use that to play against the ability of a plaintiff to bring a lawsuit. What is going to make business do better in the United States of America is this country having a policy that encourages business. What is going to make people work better in the United States of America is having greater opportunity for business, and you cannot blame business not doing well on lawsuits, just as you cannot blame doctors running all over creation because of medical malpractice.

I encourage all of my colleagues to take a close look at what this legislation will do, to take a close look and listen to the arguments that are being made by my colleagues with regard to this legislation, and vote in opposition to H.R. 420.

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

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

I will summarize in a few words what we are really talking about. There are frivolous lawsuits. There are also novel legal claims which some may consider frivolous, but which, in the fullness of time, yield legal progress. The claims against Plessy v. Ferguson were considered frivolous at first, but eventually the courts accepted them, and so with many other arguments.

The courts have Rule 11 sanctions available at their discretion. Any judge who thinks an attorney is being frivolous, is wasting the court's time, is wasting his adversary's time, can impose the sanctions today. The courts have not asked for further power. The courts have certainly not asked us to tie their hands and to mandate that they impose sanctions whenever they are requested and a technicality may have been violated. That is not justice, to enforce technicalities against the discretion of the judge.

The Association of State Chief Justices are not in favor of this. The Judicial Council of the United States is not in favor of this.

To mandate that attorneys be sanctioned on any technicality, to say that an attorney may not correct his own mistake, you must sanction him; to say that three sanctions on three technicalities means he cannot practice anymore is to tell attorneys, do not try novel legal arguments, do not argue new claims. To say that attorneys' fees, reasonable attorneys' fees, will be assessed mandatorily, whatever the judge thinks, whether he thinks or she thinks it is reasonable or not, is to say that you better not sue the big boys, that you better not sue General Motors, and a small business, a supplier cannot sue Wal-Mart lest the attorney violate some technicality and the attorneys' fees of Wal-Mart, with their 45 attorneys sitting there, be assessed against the small supplier.

This is not justice. What this bill is, Mr. Chairman, is another attempt, another in a series of attempts, the class action bills, the various other bills we have had here, to close the courts, to close the courts to anyone who would try to hold giant corporations accountable. That is what this is. This is a bill

that says, do not try to use the courts for civil rights, do not try to use the courts to sue large corporations. We are going to make sure you do not. We are going to punish you if you do, and we are going to make sure you cannot find an attorney who will take the case because they are worried about draconian imposition of draconian attorneys' fees.

So I urge my colleagues to reject this bill. It should be rejected, because the courts ought to be opened to all people who need to use them. Otherwise there is no justice.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I was listening to the gentleman framing the question, and the gentleman framed the question I think in the way that we should ask our colleagues for them to give us an answer. I think what the gentleman has suggested in his very detailed and eloquent presentation, there is a judicial system in place that is functioning and functional. We should take the Boy Scouts' oath, make your camp better than you found it. Therefore, if there are issues that we can improve in the judiciary, let us do it.

But I am just looking at some information here that tells me that Federal litigation is, in fact, decreasing. A 2005 report issued by the U.S. Department of Justice says that the U.S. district courts in some areas, of course, fell 79 percent, fell 79 percent, the cases, the tort cases, between 1985 and 2003. According to the Administrative Office of the U.S. Courts, tort actions in the U.S. district courts went down from 29 percent from 2002 to 2003, so it fell 28 percent. In addition, over the last 5 years, Federal civil filings have not only decreased 8 percent, but the prefilings that are personal injury cases has also declined. State litigation is decreasing. The numbers show they are decreasing. Lawsuit filings are decreasing. As I said, tort filings have declined 5 percent since 1993. Contract filings have declined.

I do not particularly consider that a good omen. I would like people to legitimately feel they can go into the courts for their remedies. But the question is, it is not broken, and here we are putting heavier burdens on the court system that literally shuts the door closed to a number of individuals, and I think that is completely unacceptable for the responsibility of this Congress.

Mr. NADLER. Mr. Chairman, reclaiming my time, I thank the gentlewoman.

I think the gentlewoman has established not only that the system is not broken, but that any claim of an avalanche of frivolous litigation is absurd for these kinds of statistics of declining use of the courts, of declining caseloads, of declining filings. Again, the courts have not requested this, they have not said that there is any problem, there is any problem existing. This is an attempt again to shut the courthouse doors to people who need access to the courts, and on the most fundamental grounds of justice, this bill ought to be soundly rejected.

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

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the scourge of frivolous litigation mars the fabric of our legal system and undermines the vitality of our economy. As President Bush has stated, ''We have a responsibility to confront frivolous litigation head on.'' H.R. 420 would do exactly that.

Frivolous lawsuits have become a form of legalized extortion. Without the serious threat of certain punishment for filing frivolous claims, innocent people and small businesses will continue to confront the stark economic reality that simply paying off frivolous claims through monetary settlements is always cheaper than litigating the case until no fault is found. Frivolous lawsuits subvert the proper role of the tort system and affront fundamental notions of fairness that are central to our system of justice.

The effects of frivolous litigation are both clear and widespread. Churches are discouraging counseling by ministers. Children have learned to threaten teachers with lawsuits. Youth sports are shutting down in the face of lawsuits for injuries and even hurt feelings. Common playground equipment is now an endangered species. The Girl Scouts in the metro Detroit area alone have to sell 36,000 boxes of cookies each year just to pay for their liability insurance. Good Samaritans are discouraged. When one man routinely cleared a trail after snowstorms, the county had to ask him to stop. The supervisor of district operations wrote, ''If a person falls, you are more liable than if you had never plowed at all.''

Unfortunately, the times we are in allow for a much more litigious environment than common sense would dictate. A Federal lawsuit has even been filed against U.S. weather forecasters after the South Asian tsunami disaster.

Today results of frivolous lawsuits are written on all manner of product warnings that aim to prevent obvious misuse. A warning label on a baby stroller cautions, ''Remove child before folding.'' A five-inch brass fishing lure with three hooks is labeled, ''Harmful if swallowed.'' And household irons warn, ''Never iron clothes while they are being worn.''

Small businesses and workers suffer the most. The Nation's oldest ladder manufacturer, family-owned John S. Tilley Ladders Company near Albany, New York, recently filed for bankruptcy protection and sold off most of its assets due to litigation costs. Founded in 1855, the Tilley firm could not handle the cost of liability insurance, which had risen from 6 percent of sales a decade ago to 29 percent, while never losing an actual court judgment. The workers of John S. Tilley Ladders never faced a competitor they could not beat in the marketplace, but they were no match for frivolous lawsuits.

When Business Week published an extensive article on what the most effective legal reforms would be, it stated that what is needed are ''Penalties That Sting.'' As Business Week recommends, ''Give judges stronger tools to punish renegade lawyers.''

Before 1993, it was mandatory for judges to impose sanctions such as public censures, fines, or orders to pay for the other side's legal expenses. Then the Civil Rules Advisory Committee, an obscure branch of the courts, made penalties optional. This needs to be reversed by Congress. Today, H.R. 420 would do exactly that.

Rule 11 of the Federal Rules of Civil Procedure presently does not require sanctions against parties who bring frivolous lawsuits. Without certain punishment for those who bring these suits and the threat of serious monetary penalties to compensate the victims of frivolous lawsuits, there is little incentive for lawsuit victims to spend time and money seeking sanctions for lawsuit abuse. In fact, as currently written, Rule 11 allows lawyers to entirely avoid sanctions for filing frivolous claims by withdrawing them within 3 weeks. Such a rule actually encourages frivolous claims because personal injury attorneys can file harassing pleadings secure in the knowledge that they have nothing to lose. If someone objects, they can always retreat without penalty.

H.R. 420 would restore mandatory sanctions and monetary penalties under Federal Rule 11 for filing frivolous lawsuits and abusing the litigation process. It would also extend these same protections to cover State cases that a State judge determines have interstate implications and close the loopholes of a tort system that often resembles a tort lottery.

The legislation applies to frivolous lawsuits brought by businesses as well as individuals, and it expressly precludes application of the bill to civil rights cases if applying the bill to such cases would bar or impede the assertion or development of new claims or remedies under Federal, State, or local civil rights law. The Class Action Fairness Act, which was recently signed into law after receiving broad support in both Houses, prohibits the unfair practice of forum shopping for favorable courts when the case is styled as a class action. The same policy should apply to individual lawsuits as well.

One of the Nation's wealthiest personal injury attorneys, Richard ''Dickie'' Scruggs, and I quoted him at length a while ago, but I will quote him a little bit shorter right now, described what he calls ''magic jurisdictions'' as ''What I call the 'magic jurisdictions' is where it is almost impossible to get

a fair trial if you are a defendant. Any lawyer fresh out of law school can walk in there and win the case, so it does not matter what the evidence or the law is.''

America's system of justice deserves better, much better. H.R. 420 prevents the unfair practice of forum shopping by requiring that personal injury cases be brought only where there is some reasonable connection to the case; namely, where the plaintiff lives or was allegedly injured, where the defendant's principal place of business is located, or where the defendant resides.

The time for congressional action to close the loopholes that create incentives for frivolous lawsuits is now. Too many jobs have been lost and more will not be created if this legislation is not enacted into law.

I urge my colleagues to return a measure of fairness to America's legal system by passing the Lawsuit Abuse Reduction Act.

Mr. TERRY. Mr. Chairman, I rise in opposition of H.R. 420, the Lawsuit Abuse Reduction Act of 2005. This legislation runs roughshod over States' rights, forcing State courts to enact onerous procedures and stripping States' jurisdiction in certain cases. This bill would also force restrictive venue provisions on all State courts, which essentially tells State courts they do not have jurisdiction over certain claims brought by its own citizens. Let State legislatures and State judiciaries set their own Rules. And, by the way, a frivolous, meritless lawsuit is damaging to the system and the offending parties should be punished.

This bill also protects foreign corporations at the expense of consumers in that it unfairly dictates to States where their citizens can enforce legal right against a corporation based outside of the United States. While H.R. 420 allows a victim to file a claim in a court in his or her home State, because of existing jurisdictional rules that State may be unable to exercise power over the foreign corporation.

For example, a corporation in Mexico sells cribs in the United States and those cribs are shipped to Kansas and sold in Nebraska. The cribs turn out to be defective and one collapses on a baby in Nebraska, killing it. It may be impossible, under this proposed bill, for that Nebraska family to file a lawsuit in Nebraska. The family may have to file the suit in Kansas but would have to take the case to Mexico under H.R. 420. I cannot in good conscience support a bill preventing a family in this situation from filing a lawsuit in its own State.

Mr. STARK. Mr. Chairman, I rise in opposition to the so-called Lawsuit Abuse Reduction Act because it would hurt all Americans by exposing them and their attorneys to motions intended to harass them and slow down the legal process, a tactic often used by wealthy defendants in civil rights trials.

Prior to 1993, defendants in civil rights cases would file a crushing number of motions alleging frivolous actions on the part of the plaintiff in a blatant attempt to delay the case. In 1993, the rules were changed and judges were empowered to determine sanctions for frivolous lawsuits on a case-by-case basis, removing this delay tactic from wealthy defendants. However, since the Republican Party doesn't think judges have any business deciding how to run their courts, they want to repeal this change and revert back to the days of delayed justice.

This is one of many reasons why the U.S. Judicial Conference, headed by Chief Justice John Roberts, opposes this bill. Further, H.R. 420 is unconstitutional because it forces every State court to implement new court rules and procedures, even though Congress has no jurisdiction over State courts.

Justice delayed is justice denied and I am proud to stand up for our Constitution, judicial system, and all Americans by voting no on this bill. If that makes me a friend of the trial lawyers, then I proudly stand with the brilliant litigators Thurgood Marshall and Abraham Lincoln in opposition to political hacks like Karl Rove and George W. Bush.

Mr. UDALL of Colorado. Mr. Chairman, I am not opposed to changing Federal court rules to try to make it less likely that small business owners or other Americans will be forced to defend themselves against frivolous lawsuits. So, I could support many of the provisions of this bill. However, the bill has such serious flaws that I cannot support it in its current form.

Part of the bill would change Rule 11 of the Federal Rules of Civil Procedure in ways that would basically restore that rule as it was in 1992. As a result, lawyers filing frivolous lawsuits in Federal courts would face mandatory sanctions in the form of payments to those who were victimized by those lawsuits. I think that could be an effective deterrent, and can support it.

I also can support strong provisions to deter—and, if necessary punish—repeated violations of the rules against misuse of the courts through frivolous lawsuits. However, I am not enthusiastic about the idea of Congress's attempting to micro-manage the State courts or to take over the job of regulating the practice of law in State courts in the way that this bill would do.

And I am definitely opposed to changing the rules in ways that could make it impossible for people with valid claims to receive proper consideration of their cases.

For that reason, I must object to the provisions of the bill which, as the non-partisan Congressional Research Service explains, ''would preclude litigation in United States courts that would be authorized under current law. For instance, [under current law] . . . if a corporation has stores, factories, offices, or property anywhere in the United States . . . a Federal suit might be brought against it in one of the judicial districts where . . . [an objectionable] activity occurs or property [is located. But] . . . enactment of H.R. 420 apparently could result in a plaintiffs being left without a judicial forum in the United States for his or her tort claim.''

Leaving some Americans with no recourse to the courts even for valid claims would be bad enough. But I find it even more unacceptable that prime beneficiaries of these provisions could be American companies who have chosen to fly a foreign flag in order to escape paying their Federal taxes.

I voted for the Schiff-Kind amendment because I favor strong measures against frivolous lawsuits but oppose giving those fugitive corporations such an unfair advantage over truly American companies. Unfortunately, however, that amendment was not adopted—and as a result I must vote against this bill as it stands.

Mr. HONDA. Mr. Chairman, I rise in opposition to H.R. 420, a measure that purports to reduce frivolous lawsuits. While no one likes to see unnecessary, merit-less lawsuits clogging our court system, this bill only serves as an unneeded intrusion of Federal authority into State matters.

H.R. 420 substantially changes State court procedure by forcing State judges, within 30 days of a case being filed, to conduct an extensive and lengthy pre-trial hearing to determine whether Federal sanctions must be imposed in a State proceeding. This would require a judge to examine evidence in detail and even to make a pre-trial judgment as to what the outcome of a case might be. These requirements will only serve to add time and expense to the proceedings. Federal judges overwhelmingly agree that the Federal court rules operate more efficiently and fairly when they are discretionary rather than mandatory.

Mr. Chairman, States already have some version of the rule that is exactly or substantially similar to the federally available sanction. State courts should not be forced to spend scarce taxpayer money to conduct an expensive hearing in order to apply a Federal rule that mirrors a mechanism they already have in place.

Mr. MORAN of Virginia. Mr. Chairman, I rise in reluctant opposition to the Lawsuit Abuse Reduction Act. As an advocate for reasoned and balanced reform to our American judicial system, I am afraid that today's bill overreaches and sets a dangerous precedent for future legislation. H.R. 420 treads unnecessarily on judicial independence and makes litigation overly burdensome for legitimate cases to have their fair day in court.

Primarily, this legislation encroaches on the judicial rulemaking process by changing the Federal Rules of Civil Procedure, over which Congress has no rightful jurisdiction. This rulemaking process is the responsibility of the Judicial Conference and the Supreme Court. Furthermore, the requirement that State courts apply these new Federal rules is an intrusion on State judicial authority.

I strongly believe that the integrity of the judiciary is in question if we impose our own set of rules on this independent body, particularly as Congress continues to limit judicial discretion. This action is wrong, and one of the reason that judges from across the Nation overwhelmingly oppose this legislation.

Furthermore, I believe this bill inhibits legitimate cases from having their day in court. Plaintiffs that have just cause for action, particularly in cases dealing with civil rights, may reconsider because of the threat of mandated sanctions and the elimination of the 21-day ''safe harbor'' rule. This chilling effect on meritorious legal claims does not offer honest Americans justice.

I also have concern that this bill will not deter frivolous lawsuits. Despite the anecdotes my colleagues have offered, there is no empirical evidence that Rule 11, which this bill seeks to change, is not working. In fact, recent studies indicate that frivolous litigation is declining.

Mr. Chairman, I will continue to approach tort reform with the objective of ensuring that any legitimate cases have their day in court. I don't believe the bill before us today meets this standard.

Mr. SHAYS. Mr. Chairman, I rise in support of H.R. 420, the Lawsuit Abuse Reduction Act.

The simple fact is, we have too many junk lawsuits being filed. It is imperative we reform our tort system, and it seems to me this legislation is an important step in this direction.

The House has passed several common sense bills that will help make our court system less prone to abuse and more fair for victims, such as medical malpractice reform and class action reform.

Today's legislation would restore mandatory sanctions on lawyers and law firms filing frivolous lawsuits and eliminate the current safe harbor provision that allows lawyers to avoid sanctions by quickly withdrawing meritless claims. The legislation also prevents forum shopping by requiring suits to be filed where a plaintiff resides, where an injury occurred, or where the defendant's principal place of business is located.

Tort reform will make American businesses more competitive and lower costs to consumers while ensuring true victims' rights to sue for damages. Frivolous lawsuits have discouraged product development, stifled innovative research and cost millions in insurance and legal fees—costs that often get passed on to consumers. Making the system less costly will increase job creation, benefiting businesses and consumers alike.

I support this legislation and encourage my colleagues to do so as well.

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

□ 1430

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the 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 amendment in the nature of a substitute is as follows:

H.R. 420

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 ''Lawsuit Abuse Reduction Act of 2005''.

SEC. 2. ATTORNEY ACCOUNTABILITY.

Rule 11(c) of the Federal Rules of Civil Procedure is amended—

(1) by amending the first sentence to read as follows: ''If a pleading, motion, or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, shall impose upon the attorney, law firm, or parties that have violated this subdivision or are responsible for the violation, an appropriate sanction, which may include an order to pay the other party or parties for the reasonable expenses incurred as a direct result of the filing of the pleading, motion, or other paper, that is the subject of the violation, including a reasonable attorney's fee.'';

(2) in paragraph (1)(A)—

(A) by striking ''Rule 5'' and all that follows through ''corrected.'' and inserting ''Rule 5.''; and

(B) by striking ''the court may award'' and inserting ''the court shall award''; and

(3) in paragraph (2), by striking ''shall be limited to what is sufficient'' and all that follows through the end of the paragraph (including subparagraphs (A) and (B)) and inserting ''shall be sufficient to deter repetition of such conduct or comparable conduct by others similarly situated, and to compensate the parties that were injured by such conduct. The sanction may consist of an order to pay to the party or parties the amount of the reasonable expenses incurred as a direct result of the filing of the pleading, motion, or other paper that is the subject of the violation, including a reasonable attorney's fee.''.

SEC. 3. APPLICABILITY OF RULE 11 TO STATE CASES AFFECTING INTERSTATE COMMERCE.

In any civil action in State court, the court, upon motion, shall determine within 30 days after the filing of such motion whether the action substantially affects interstate commerce. Such court shall make such determination based on an assessment of the costs to the interstate economy, including the loss of jobs, were the relief requested granted. If the court determines such action substantially affects interstate commerce, the provisions of Rule 11 of the Federal Rules of Civil Procedure shall apply to such action.

SEC. 4. PREVENTION OF FORUM-SHOPPING.

(a) IN GENERAL.—Subject to subsection (b), a personal injury claim filed in State or Federal court may be filed only in the State and, within that State, in the county (or Federal district) in which—

(1) the person bringing the claim, including an estate in the case of a decedent and a parent or guardian in the case of a minor or incompetent—

(A) resides at the time of filing; or

(B) resided at the time of the alleged injury;

(2) the alleged injury or circumstances giving rise to the personal injury claim allegedly occurred;

(3) the defendant's principal place of business is located, if the defendant is a corporation; or

(4) the defendant resides, if the defendant is an individual.

(b) DETERMINATION OF MOST APPROPRIATE FORUM.—If a person alleges that the injury or circumstances giving rise to the personal injury claim occurred in more than one county (or Federal district), the trial court shall determine which State and county (or Federal district) is the most appropriate forum for the claim. If the court determines that another forum would be the most appropriate forum for a claim, the court shall dismiss the claim. Any otherwise applicable statute of limitations shall be tolled beginning on the date the claim was filed and ending on the date the claim is dismissed under this subsection.

(c) DEFINITIONS.—In this section:

(1) The term ''personal injury claim''—

(A) means a civil action brought under State law by any person to recover for a person's personal injury, illness, disease, death, mental or emotional injury, risk of disease, or other injury, or the costs of medical monitoring or surveillance (to the extent such claims are recognized under State law), including any derivative action brought on behalf of any person on whose injury or risk of injury the action is based by any representative party, including a spouse, parent, child, or other relative of such person, a guardian, or an estate; and

(B) does not include a claim brought as a class action.

(2) The term ''person'' means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity, but not any governmental entity.

(3) The term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, and any other territory or possession of the United States.

(d) APPLICABILITY.—This section applies to any personal injury claim filed in Federal or State court on or after the date of the enactment of this Act.

SEC. 5. RULE OF CONSTRUCTION.

Nothing in section 3 or in the amendments made by section 2 shall be construed to bar or impede the assertion or development of new claims or remedies under Federal, State, or local civil rights law.

SEC. 6. THREE-STRIKES RULE FOR SUSPENDING ATTORNEYS WHO COMMIT MULTIPLE RULE 11 VIOLATIONS.

(a) MANDATORY SUSPENSION.—Whenever a Federal district court determines that an attorney has violated Rule 11 of the Federal Rules of Civil Procedure, the court shall determine the number of times that the attorney has violated that rule in that Federal district court during that attorney's career. If the court determines that the number is 3 or more, the Federal district court—

(1) shall suspend that attorney from the practice of law in that Federal district court for 1 year; and

(2) may suspend that attorney from the practice of law in that Federal district court for any additional period that the court considers appropriate.

(b) APPEAL; STAY.—An attorney has the right to appeal a suspension under subsection (a). While such an appeal is pending, the suspension shall be stayed.

(c) REINSTATEMENT.—To be reinstated to the practice of law in a Federal district court after completion of a suspension under subsection (a), the attorney must first petition the court for reinstatement under such procedures and conditions as the court may prescribe.

SEC. 7. PRESUMPTION OF RULE 11 VIOLATION FOR REPEATEDLY RELITIGATING SAME ISSUE.

Whenever a party attempts to litigate, in any forum, an issue that the party has already litigated and lost on the merits on 3 consecutive prior occasions, there shall be a rebuttable presumption that the attempt is in violation of Rule 11 of the Federal Rules of Civil Procedure.

SEC. 8. ENHANCED SANCTIONS FOR DOCUMENT DESTRUCTION.

(a) IN GENERAL.—Whoever influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, a pending court proceeding through the intentional destruction of documents sought in, and highly relevant to, that proceeding—

(1) shall be punished with mandatory civil sanctions of a degree commensurate with the civil sanctions available under Rule 11 of the Federal Rules of Civil Procedure, in addition to any other civil sanctions that otherwise apply; and

(2) shall be held in contempt of court and, if an attorney, referred to one or more appropriate State bar associations for disciplinary proceedings.

(b) APPLICABILITY.—This section applies to any court proceeding in any Federal or State court that substantially affects interstate commerce.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 109–253. 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 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.

AMENDMENT NO. 1 OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 109–253 offered by Mr. SMITH of Texas:

Page 4, strike lines 8 through 11 and insert the following:

(a) IN GENERAL.—Subject to subsection (b), a personal injury claim filed in State or Federal court may be filed only in the State and, within that State, in the county (or if there is no State court in the county, the nearest county where a court of general jurisdiction is located) or Federal district in which—

Page 5, line 23, strike ''and''.

Page 5, line 25, strike the period at the end and insert ''; and''.

Page 5, after line 25, insert the following:

(C) does not include a claim against a debtor in a case pending under title 11 of the United States Code that is a personal injury tort or wrongful death claim within the meaning of section 157(b)(5) of title 28, United States Code.

Page, 7, strike line 16 and all that follows through the end of the bill and insert the following new sections:

SEC. 7. PRESUMPTION OF RULE 11 VIOLATION FOR REPEATEDLY RELITIGATING SAME ISSUE.

Whenever a party presents to a Federal court a pleading, written motion, or other paper, that includes a claim or defense that the party has already litigated and lost on the merits in any forum in final decisions not subject to appeal on 3 consecutive occasions, and the claim or defense involves the same plaintiff and the same defendant, there shall be a rebuttable presumption that the presentation of such paper is in violation of Rule 11 of the Federal Rules of Civil Procedure.

SEC. 8. ENHANCED SANCTIONS FOR DOCUMENT DESTRUCTION IN PENDING FEDERAL COURT PROCEEDINGS.

Whoever willfully and intentionally influences, obstructs, or impedes, or attempts to influence, or obstruct, or impede, a pending Federal court proceeding through the willful and intentional destruction of documents sought pursuant to the rules of such Federal court proceeding and highly relevant to that proceeding—

(1) shall be punished with mandatory civil sanctions of a degree commensurate with the civil sanctions available under Rule 11 of the Federal Rules of Civil Procedure, in addition to any other civil sanctions that otherwise apply; and

(2) shall be held in contempt of court and, if an attorney, referred to one or more appropriate State bar associations for disciplinary proceedings.

SEC. 9. BAN ON CONCEALMENT OF UNLAWFUL CONDUCT.

(a) IN GENERAL.—In any Rule 11 of the Federal Rules of Civil Procedure proceeding, a court may not order that a court record not be disclosed unless the court makes a finding of fact that identifies the interest that justifies the order and determines that that interest outweighs any interest in the public health and safety that the court determines would be served by disclosing the court record.

(b) APPLICABILITY.—This section applies to any record formally filed with the court, but shall not include any records subject to—

(1) the attorney-client privilege or any other privilege recognized under Federal or State law that grants the right to prevent disclosure of certain information unless the privilege has been waived; or

(2) applicable State or Federal laws that protect the confidentiality of crime victims, including victims of sexual abuse.

The CHAIRMAN. Pursuant to House Resolution 508, the gentleman from Texas (Mr. SMITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bipartisan manager's amendment I am offering today reflects the important contributions of the gentleman from New York (Mr. NADLER) and the gentleman from Virginia (Mr. SCOTT). It incorporates into the base bill provisions imposing sanctions for the destruction of relevant documents in a pending Federal court proceeding, an amendment setting standards for a court's determination that certain court records should be sealed, and an amendment providing for a presumption on a Rule 11 violation when the same issue is repeatedly relitigated.

This manager's amendment also makes clear that in the antiforum-shopping provisions, if there is no State court in the county in which the injury occurred, the case can be brought in the nearest adjacent county where a court of general jurisdiction is located.

Finally, the manager's amendment makes clear that the legislation does not affect personal injury claims that Federal bankruptcy law requires to be heard in a Federal bankruptcy court. This reasonable request was made by the National Bankruptcy Conference Committee on Legislation.

I urge my colleagues to join me in supporting this bipartisan manager's amendment.

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

The CHAIRMAN. Does any Member seek recognition in opposition?

Mr. NADLER. Mr. Chairman, I do not seek recognition in opposition to the amendment.

The CHAIRMAN. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. NADLER. Mr. Chairman, I am pleased that Chairman SENSENBRENNER has included in the manager's amendment two provisions that I offered in the Judiciary Committee markup of the bill, and I thank the chairman for his support.

The first amendment included in the manager's amendment provides for mandatory sanctions for destroying documents relating to a court proceeding. Delays during litigation provide ample opportunities for wrongdoers to destroy incriminating documents. Because this can result in the complete inability to hold these defendants accountable for their wrongful acts, parties who knowingly destroy relevant and incriminating documents should be severely sanctioned.

Secondly, the second amendment bans the concealment of unlawful conduct when the interests of public health and safety outweigh the interest of litigating parties in concealment. Very often in civil litigation, a company producing an unsafe product or an unsafe procedure will settle with the plaintiff.

The settlement will include a payment of a sum to the defendant, but will also often include an agreement that the records will be sealed and no one will ever talk about it. That is the condition that the defendant company puts on it.

So the defendant pays the money, the plaintiff gets the settlement, everybody keeps quiet. But meanwhile, hundreds of thousands of people may continue to be injured by that product in the future.

The defendant company forces the plaintiffs never to discuss the problems with anyone else, no one knows about it, and more people keep getting hurt because the product remains on the market.

When it comes to public health and safety, people must have access to information about an unsafe product, not only to protect themselves but also to serve as a deterrent against companies that may continue to place the public in harm's way.

Secrecy agreements should not be enforced unless they meet stringent standards to protect the public interest and the public health. This amendment prevents this harmful practice. The amendment says that an agreement to keep a settlement secret, the terms and conditions of settlement secret, cannot be approved by the court unless the court determines that the interests of the parties in secrecy, perhaps legitimate interests outweigh the interests of the public in knowledge of whatever it is.

If the court so determines, the court can order the secrecy upheld. But if the court determines that the interest and the public knowledge outweigh the secrecy, then the court must say that and disapprove the concealment agreement.

I support the manager's amendment because it includes these two amendments and other good ideas. But these changes are not enough for me to support final passage of what is still an egregious bill.

Again, I would like to thank Chairman SENSENBRENNER for working together in addressing these issues. I believe the manager's amendment provides some positive changes in what is otherwise an egregious bill.

I urge my colleagues to vote for the manager's amendment, but against the final bill.

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. SMITH).

The amendment was agreed to.

AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 2 OFFERED BY MR. SCHIFF

Mr. SCHIFF. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute No. 2 printed in House Report 109–253 offered by Mr. SCHIFF:

Strike all after the enacting clause and insert the following:

SECTION 1. "THREE STRIKES AND YOU'RE OUT" FOR ATTORNEYS WHO FILE FRIVOLOUS LAWSUITS.

(a) SIGNATURE REQUIRED.—Every pleading, written motion, and other paper in any action shall be signed by at least 1 attorney of record in the attorney's individual name, or, if the party is not represented by an attorney, shall be signed by the party. Each paper shall state the signer's address and telephone number, if any. An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney or party.

(b) CERTIFICATE OF MERIT.—By presenting to the court (whether by signing, filing, submitting, or later advocating) a pleading, written motion, or other paper, an attorney or unrepresented party is certifying that to the best of the person's knowledge, information and belief, formed after an inquiry reasonable under the circumstances—

(1) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(2) the claims, defenses, and other legal contentions therein are warranted by existing law or by a non frivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; and

(3) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are reasonable based on a lack of information or belief.

(c) MANDATORY SANCTIONS.—

(1) FIRST VIOLATION.—If, after notice and a reasonable opportunity to respond, a court, upon motion or upon its own initiative, determines that subsection (b) has been violated, the court shall find each attorney or party in violation in contempt of court and shall require the payment of costs and attorneys fees. The court may also impose additional appropriate sanctions, such as striking the pleadings, dismissing the suit, and sanctions plus interest, upon the person in violation, or upon both such person and such person's attorney or client (as the case may be).

(2) SECOND VIOLATION.—If, after notice and a reasonable opportunity to respond, a court, upon motion or upon its own initiative, determines that subsection (b) has been violated and that the attorney or party with respect to which the determination was made has committed one previous violation of subsection (b) before this or any other court, the court shall find each such attorney or party in contempt of court and shall require the payment of costs and attorneys fees, and require such person in violation (or both such person and such person's attorney or client (as the case may be)) to pay a monetary fine. The court may also impose additional appropriate sanctions, such as striking the pleadings, dismissing the suit and sanctions plus interest, upon such person in violation, or upon both such person and such person's attorney or client (as the case may be).

(3) THIRD AND SUBSEQUENT VIOLATIONS.—If, after notice and a reasonable opportunity to respond, a court, upon motion or upon its own initiative, determines that subsection (b) has been violated and that the attorney or party with respect to which the determination was made has committed more than one previous violation of subsection (b) before this or any other court, the court shall find each such attorney or party in contempt of court, refer each such attorney to one or more appropriate State bar associations for disciplinary proceedings (including suspension of that attorney from the practice of law for one year or disbarment), require the payment of costs and attorneys fees, and require such person in violation (or both such person and such person's attorney, or client (as the case may be)) to pay a monetary fine. The court may also impose additional appropriate sanctions, such as striking the pleadings, dismissing the suit, and sanctions plus interest, upon such person in violation, or upon both such person and such person's attorney or client (as the case may be).

(4) APPEAL; STAY.—An attorney has the right to appeal a sanction under this subsection. While such an appeal is pending, the sanction shall be stayed.

(5) NOT APPLICABLE TO CIVIL RIGHTS CLAIMS.—Notwithstanding subsection (d), this subsection does not apply to an action or claim arising out of Federal, State, or local civil rights law or any other Federal, State, or local law providing protection from discrimination.

(d) APPLICABILITY.—Except as provided in subsection (c)(5), this section applies to any paper filed on or after the date of the enactment of this Act in—

(1) any action in Federal court; and

(2) any action in State court, if the court, upon motion or upon its own initiative, determines that the action affects interstate commerce.

SEC. 2. "THREE STRIKES AND YOU'RE OUT" FOR ATTORNEYS WHO ENGAGE IN FRIVOLOUS CONDUCT DURING DISCOVERY.

(a) SIGNATURES REQUIRED ON DISCLOSURES.—Every disclosure made pursuant to subdivision (a)(1) or subdivision (a)(3) of Rule 26 of the Federal Rules of Civil Procedure or any comparable State rule shall be signed by at least one attorney of record in the attorney's individual name, whose address shall be stated. An unrepresented party shall sign the disclosure and state the party's address. The signature of the attorney or party constitutes a certification that to the best of the signer's knowledge, information, and belief, formed after a reasonable inquiry, the disclosure is complete and correct as of the time it is made.

(b) SIGNATURES REQUIRED ON DISCOVERY.—

(1) IN GENERAL.—Every discovery request, response, or objection made by a party represented by an attorney shall be signed by at least one attorney of record in the attorney's individual name, whose address shall be stated. An unrepresented party shall sign the request, response, or objection and state the party's address. The signature of the attorney or party constitutes a certification that to the best of the signer's knowledge, information, and belief, formed after a reasonable inquiry, the request, response, or objection is:

(A) consistent with the applicable rules of civil procedure and warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law;

(B) not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation; and

(C) not unreasonable or unduly burdensome or expensive, given the needs of the case, the discovery already had in the case, the amount in controversy, and the importance of the issues at stake in the litigation.

(2) STRICKEN.—If a request, response, or objection is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the party making the request, response, or objection, and a party shall not be obligated to take any action with respect to it until it is signed.

(c) MANDATORY SANCTIONS.—

(1) FIRST VIOLATION.—If without substantial justification a certification is made in violation of this section, the court, upon motion or upon its own initiative, shall find each attorney or party in contempt of court and shall require the payment of costs and attorneys fees. The court may also impose additional sanctions, such as imposing sanctions plus interest or imposing a fine upon the person in violation, or upon such person and such person's attorney or client (as the case may be).

(2) SECOND VIOLATION.—If without substantial justification a certification is made in violation of this section and that the attorney or party with respect to which the determination is made has committed one previous violation of this section before this or any other court, the court, upon motion or upon its own initiative, shall find each attorney or party in contempt of court and shall require the payment of costs and attorneys fees, and require such person in violation (or both such person and such person's attorney or client (as the case may be)) to pay a monetary fine. The court may also impose additional sanctions upon such person in violation, or upon both such person and such person's attorney or client (as the case may be).

(3) THIRD AND SUBSEQUENT VIOLATIONS.—If without substantial justification a certification is made in violation of this section and that the attorney or party with respect to which the determination is made has committed more than one previous violation of this section before this or any other court, the court, upon motion or upon its own initiative, shall find each attorney or party in contempt of court, shall require the payment of costs and attorneys fees, require such person in violation (or both such person and such person's attorney or client (as the case may be)) to pay a monetary fine, and refer such attorney to one or more appropriate State bar associations for disciplinary proceedings (including the suspension of that attorney from the practice of law for one year or disbarment). The court may also impose additional sanctions upon such person in violation, or upon both such person and such person's attorney or client (as the case may be).

(4) APPEAL; STAY.—An attorney has the right to appeal a sanction under this subsection. While such an appeal is pending, the sanction shall be stayed.

(d) APPLICABILITY.—This section applies to any paper filed on or after the date of the enactment of this Act in—

(1) any action in Federal court; and

(2) any action in State court, if the court, upon motion or upon its own initiative, determines that the action affects interstate commerce.

SEC. 3. BAN ON CONCEALMENT OF UNLAWFUL CONDUCT.

(a) IN GENERAL.—In any Rule 11 of the Federal Rules of Civil Procedure proceeding, a court may not order that a court record not be disclosed unless the court makes a finding of fact that identifies the interest that justifies the order and determines that the interest outweighs any interest in the public health and safety that the court determines would be served by disclosing the court record.

(b) APPLICABILITY.—This section applies to any record formally filed with the court, but shall not include any records subject to—

(1) the attorney-client privilege or any other privilege recognized under Federal or State law that grants the right to prevent disclosure of certain information unless the privilege has been waived; or

(2) applicable State or Federal laws that protect the confidentiality of crime victims, including victims of sexual abuse.

SEC. 4. ENHANCED SANCTIONS FOR DOCUMENT DESTRUCTION.

Whoever willfully and intentionally influences, obstructs, or impedes, or attempts to influence, or obstruct, or impede, a pending Federal court proceeding through the willful and intentional destruction of documents sought pursuant to the rules of such Federal court proceeding and highly relevant to that proceeding—

(1) shall be punished with mandatory civil sanctions of a degree commensurate with the civil sanctions available under Rule 11 of the Federal Rules of Civil Procedure, in addition to any other civil sanctions that otherwise apply; and

(2) shall be held in contempt of court and, if an attorney, referred to one or more appropriate State bar associations for disciplinary proceedings.

SEC. 5. ABILITY TO SUE CORPORATE FINANCIAL TRAITORS AND FOREIGN CORPORATIONS.

(a) GENERAL RULE.—In any civil action for injury that was sustained in the United States and that relates to the acts of a foreign business, the Federal court or State court in which such action is brought shall have jurisdiction over the foreign business if—

(1) the business purposefully availed itself of the privilege of doing business in the United States or that State;

(2) the cause of action arises from the business's activities in the United States or that State; and

(3) the exercise of jurisdiction would be fair and reasonable.

(b) ADMISSION.—If in any civil action a foreign business involved in such action fails to furnish any testimony, document, or other thing upon a duly issued discovery order by the court in such action, such failure shall be deemed an admission of any fact with respect to which the discovery order relates.

(c) PROCESS.—Process in an action described in subsection (a) may be served wherever the foreign business is located, has an agent, or transacts business.

(d) DEFINITION.—In this section, the term ''foreign business'' means a business that has its principal place of business, and substantial business operations, outside the United States and its Territories.

SEC. 6. PRESUMPTION OF RULE 11 VIOLATION FOR REPEATEDLY RELITIGATING SAME ISSUE.

(a) IN GENERAL.—Whenever a party presents to a Federal court a pleading, written motion, or other paper, that includes a claim or defense that the party has already litigated and lost on the merits in any forum in final decisions not subject to appeal on 3 consecutive occasions, and the claim or defense involves the same plaintiff and the same defendant, there shall be a rebuttable presumption that the presentation of such paper is in violation of Rule 11 of the Federal Rules of Civil Procedure.

(b) EXCEPTION.—Subsection (a) does not apply to a claim arising under the Constitution of the United States.

The CHAIRMAN. Pursuant to House Resolution 508, the gentleman from California (Mr. SCHIFF) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

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

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

I rise today to offer an amendment in the nature of a substitute to H.R. 420, the Lawsuit Abuse Reduction Act of 2005, with the gentleman from Wisconsin (Mr. KIND).

I thank the Rules Committee for affording us this opportunity to offer and debate our substitute amendment on the floor today.

Mr. Chairman, the base bill certainly has an important and worthy stated goal of cracking down on the filing of frivolous lawsuits. As a former Federal prosecutor and a member of the bar, I strongly support this meritorious goal, as any responsible attorney should.

However, I am forced to oppose the legislation in its current form as it contains a number of serious deficiencies which I believe the substitute amendment will remedy. First, the legislation would revert to a failed regime that has been soundly criticized by those best equipped to comment on the proposed changes, the Federal judiciary.

Second, the legislation would inappropriately involve the States in the application of the Federal Rules of Civil Procedure. And, third, the legislation's forum-shopping provisions drastically change State venue laws to benefit foreign corporations over domestic corporations and victims, to say nothing of doing a great deal to damage States' rights.

Finally, the legislation would harm those seeking relief from civil rights violations. Instead, I ask my colleagues to support the Schiff-Kind substitute amendment, a proposal that would crack down vigorously on frivolous lawsuits. Members on both sides of the aisle agree that our laws and rules of procedure must prohibit frivolous litigation.

Our substitute amendment has a strong three-strikes-and-you-are-out provision for attorneys who file frivolous lawsuits. Unlike the base bill, these frivolous proceedings and pleadings could have been filed in any court. The mandatory sanctions begin after the very first violation; but after the third, the attorney shall be found in contempt of court and referred to the appropriate State bar associations for disciplinary proceedings, including suspension.

Unlike the base bill, the third sanction can also include disbarment.

Our substitute amendment also has strong three-strikes-and-you-are-out provisions for attorneys who engage in frivolous conduct during discovery, including causing unnecessary delay or needless increases in the costs of litigation. Again, mandatory sanctions begin after the first violation, and a third violation in any Federal court can include suspension and even disbarment.

Our substitute also limits the ability of wrongdoers to conceal any conduct harmful to the public welfare by requiring that such court records not be sealed unless the court finds that a sealing is justified. This important provision will help ensure that information on dangerous products and actions is made available to the public.

The Schiff-Kind substitute also includes tough enhanced sanctions for document destruction by parties punishable by mandatory sanctions under Rule 11 and referral to the appropriate State bars for disciplinary proceedings, including disbarment. We also include strong language to provide a presumption of a Rule 11 violation for repeatedly relitigating the same issue.

I am pleased that some of these important provisions have recently been added to the base bill. The venue provisions, however, in section 4 of the base bill would recast State and Federal court jurisdiction and venue in personal injury cases.

This section would actually operate to provide a litigation and financial windfall to foreign corporations at the expense of their domestic competitors. Instead of permitting claims to be filed wherever a corporation does business or has minimum contacts, as most State long-arm jurisdiction statutes provide, section 4 only permits the suit to be brought where the defendant's principal place of business is located.

This means that it would be far more difficult to pursue a personal injury or product liability action against a foreign corporation in the United States. In fact, this section could operate to make it impossible to sue a foreign corporation in this country, only further promoting the disturbing process of corporations in our country relocating their headquarters overseas to avoid U.S. taxes.

This is bad policy. And our substitute amendment includes language to ensure that jurisdiction for such legal actions is not limited in this manner.

Finally, by requiring a mandatory sanctions regime that would apply to civil rights cases, the base bill will chill many legitimate and important civil rights actions. This is due to the fact that much, if not most, of the impetus for the 1993 changes stemmed from abuses by defendants in civil rights cases, namely, the civil rights defendants were choosing to harass civil rights plaintiffs by filing a series of Rule 11 motions intended to slow down and impede meritorious civil rights cases.

A 1991 Federal judicial study found that the incidence of Rule 11 sanctions or sua sponte orders is higher in civil rights cases than in some other types of cases. Another study found that there is ample evidence to suggest that plaintiffs in civil rights cases, plaintiffs in particular, were far more likely than defendants to be the target of Rule 11 motions and the recipient of sanctions.

While the base bill purports to encourage that the provisions not be applied to civil rights cases, the fact of the matter is it does not explicitly exempt civil rights cases as our substitute does.

Mr. Chairman, this is a commonsense substitute. It cracks down on frivolous lawsuits in a tough fashion, but without jeopardizing civil rights claims or providing unnecessary shields to foreign corporations. It is a better bill,

and I urge the House to adopt the substitute rather than the base proposal.

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

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this substitute amendment. And I have to point out that this same substitute amendment was defeated in the last Congress. Mr. Chairman, where to begin. I will begin with the title of the first section of the substitute. It is entitled, ''Three Strikes and You're Out.'' But the title of section 1 does not reflect the text it contains.

In fact, the substitute provides that following three violations of its provisions: ''The court shall refer each such attorney to one or more appropriate State bar associations for disciplinary proceedings.''

The substitute does not say the attorney shall be suspended from the practice of law. However, the base bill explicitly provides for such a sanction. Specifically, the base bill states that after three strikes: ''The Federal district court shall suspend that attorney from the practice of law in that Federal district court.''

The base bill contains a substantive three-strikes-and-you-are-out provision that will prevent attorneys who file frivolous lawsuits from getting into the courtroom. The substitute merely requires that repeat offenders be reported to State bar associations.

But it gets worse. Not only are filers of frivolous lawsuits not out after three strikes under the substitute, but the substitute even changes what constitutes a strike under existing law. Currently, Rule 11 contains four criteria that can lead to a Rule 11 violation.

The substitute references only three. Currently, Rule 11 allows sanctions against frivolous filers whose denials of factual contentions are not warranted on the evidence or are not reasonably based on a lack of information or belief.

The substitute removes this protection for victims of frivolous pleadings under existing law. In addition, the substitute for the first time without penalty allows defendants to file papers with the court that include factual denials of the allegations against them that are not warranted by the evidence and not reasonably based.

Instead, the substitute provides additional protection for defendants filing frivolous defenses that are not warranted by the evidence and not reasonably based.

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This is a step backward for victims of frivolous lawsuits under both State and Federal law. So the substitute not only undermines the clarity of the three strikes and you're out rule, it purports to establish, it dramatically expands the potential for even more frivolous lawsuits.

Furthermore, the base bill provides that those who file frivolous lawsuits can be made to pay all costs and attorneys' fees that are ''incurred as a direct result of the filing of the pleading, motion, or other paper that is the subject of the violation.'' The substitute does not include that critical language which is necessary to make clear that those filing frivolous lawsuits must be made to pay the full costs imposed on their victim by the frivolous lawsuit.

The proponent of this amendment claims that the anti-forum shopping standards in H.R. 420 regarding where a personal injury lawsuit can be brought are somehow unfair, even though they are the very same standards contained in the vast majority of State venue laws. In fact, the gentleman from California's own State venue law provides as follows: ''If the action is for injury to person or personal property or for death from wrongful act or negligence, the superior court in either the county where the injury occurs or the injury causing death occurs or the county where the defendants, or some of them reside at the commencement of the action, is the proper court for the trial of the action.''

Insofar as foreign corporations cannot be sued in some limited circumstances in this country, that is not the fault of H.R. 420, nor is it the fault of California's venue law. It is a result of the Supreme Court's interpretation of the Due Process Clause.

Mr. Chairman, the substitute does not provide for three strikes and you're out. It provides for three strikes and you get referred to a State bar association that can continue to let the offending attorney practice law.

The Democratic substitute weakens existing law that protects plaintiffs from defendants that file frivolous denials that are not warranted by the evidence and not reasonably based. This substitute amendment includes provisions that are unconstitutional and penalizes those who would challenge those unconstitutional rules. That is more than three strikes against the substitute, Mr. Chairman, and I urge my colleagues to return it to the bench and vote yes for the job-protecting and job-creating Lawsuit Abuse Reduction Act when it gets to final passage.

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

Mr. SCHIFF. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank the gentleman from California for yielding me this time and for the leadership that he has shown on the issue. I also commend the gentleman from New York (Mr. NADLER) for the important issues that he has raised in regards to this important legislation.

Mr. Chairman, I think we can all concede or stipulate that no one is in favor of frivolous lawsuits in this country. As a former special prosecutor, State prosecutor in Wisconsin, and as a young lawyer who used to handle corporate litigation in a large law firm, I saw firsthand some of the abuses that take place in the judicial process. But I believe that there is a right and a wrong way of moving forward in dealing with the frivolous lawsuit situation in the country.

Unfortunately, the majority base bill today, I think, is the wrong approach, whereas the substitute that we are offering here cures a lot of defects that the majority is offering and would put some substance behind cracking down on the filing of frivolous lawsuits. But first let us correct some of the facts.

There has been a lot of rhetoric from some of our colleagues here claiming that the real bane of the judicial system today are a bunch of trial attorneys running around chasing ambulances, filing needless personal injury cases, clogging the court system, driving up litigation costs, increasing the expenses of corporations, and that is what is to be blamed in regards to dealing with frivolous lawsuits, when, in fact, the facts indicate just the opposite.

A recent comprehensive study by Public Citizen has shown that the explosion in the filing of lawsuits has really rested with the corporations of this country, who have been filing four to five times more claims and lawsuits than individual plaintiffs in this country. Furthermore, when Rule 11 sanctions have been applied, they have been applied in 69 percent of the cases against corporations that are abusing the discovery process or filing needless lawsuits. So it is not these money-grubbing trial attorneys that so many want to believe that exist out there that are causing a lot of the problem in the judicial system; it is rather corporations that are increasing it. It is those who are most eager to support the majority base bill who are most likely to take advantages of the opportunities of filing lawsuits in our country. I find that a bit ironic.

But we are also today, and both of us, the majority and the substitute, is really usurping the Rules Enabling Act. When Congress passed that, it was a recognition that we here really do not have a lot of good expertise, and we are not in the trenches dealing with these rules every day. That is why the Judicial Conference looks at rules changes. They submit it to the Supreme Court for approval, who then finally submits it to Congress for our consideration to adopt or to revise at the end of the day. That whole process is being usurped.

Finally, and as the gentleman from California indicated, we have a short-term memory problem in this Congress. This has been tried between 1983 and 1993, and the rules were changed because it was not working, because we were taking away too much discretion from the judges in the application of Rule 11. It had a disproportionate impact on the filing of civil rights actions in this country. Our substitute bill

cures that by exempting the filing of civil rights under this legislation.

This is significant, because as the gentleman from California pointed out that when there were attempts to stifle meritorious claims from going forward or increasing the litigation costs in lawsuits, it was usually in the civil rights actions that were taken during this period which led to the change and the reform of mandatory sanctions back to a discretionary system, allowing the judges to decide the application of the appropriate penalties based on the facts and circumstances of the case.

What is this debate about today? I would commend a recently released movie called ''North Country'' to all of my colleagues before they consider the final passage of this legislation. It is about a young mother of two who took a job in the Taconite Mining Company in northern Minnesota and entered an atmosphere and environment of pervasive sexual harassment that not only applied to her, but all the women that were working in that company. She was the first to file a class action suit on behalf of herself and the other women in the country and the Nation. Because she was meritorious, she prevailed in that lawsuit that lead to incredible changes in regards to the treatment of women in the modern workplace.

That is what is at stake in allowing the civil rights actions to at least go through. We allow that in the substitute, and I ask adoption of the substitute.

Mr. SMITH of Texas. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I want to point out to the gentleman from Wisconsin who just spoke that I could have saved him a lot of time. And I would like to remind him that he might want to take a look at the language of H.R. 420, that it applies just as much to businesses as it does individuals, despite statements to the contrary.

Mr. Chairman, I yield 3 minutes to the gentleman from Utah (Mr. CANNON), the chairman of the Administrative Law Subcommittee of the Judiciary Committee.

Mr. CANNON. Mr. Chairman, I rise in support of H.R. 420, the Lawsuit Abuse and Reduction Act, LARA, and I oppose the substitute amendment.

This bill, the underlying bill, continues the commitment of the House Republicans to grow our economy, help small businesses, and put a stop to abusive lawsuits. This bill does that and will help millions of small businesses combat some of the worst abuses by frivolous lawsuits.

In particular, LARA would make mandatory the sanctions and monetary penalties under Federal Rule 11 of the Federal Rules of Civil Procedure for filing frivolous lawsuits and abusing the litigation process. Or it would also abolish the free pass provisions that allow parties and their attorneys to avoid sanctions by withdrawing a suit within 21 days after a motion for sanctions has been filed.

It would also permit monetary sanctions including reimbursement of reasonable attorneys' fees and litigation costs in connection with frivolous lawsuits.

It would extends Rule 11's provisions to include State cases in which the State judge finds the case substantially affects interstate commerce.

Frivolous lawsuits have discouraged and stifled American businesses long enough. The more we control lawsuit abuse, the stronger our businesses will be, and the more jobs will be created.

This legislation protects the integrity of the judicial system by penalizing the bad actors in litigation, both plaintiffs and defendants, I might say.

Civil litigation was once a last-resort remedy to settle limited disputes and quarrels, but recent years have brought a litigation explosion. The number of civil lawsuits has tripled since the 1960s and has gripped the American citizens and small businesses with a fear of costly and unwarranted lawsuits.

The threat of abusive litigation forces businesses to settle frivolous claims, rather than to go through the expensive and time-consuming process of defending lawsuits from the discovery process all the way to trial. This is, in essence, legal blackmail and needs to be ended.

While it costs the plaintiff only a little more than a small filing fee to begin a lawsuit, it costs much more for a small business to defend against it, jeopardizing its ability to survive. LARA tells those attorneys who are intent on filing a lawsuit to take the responsibility to review the case and make sure it is legitimate before filing, or be ready for sanctions.

I would like to thank the gentleman from Texas, the chairman of the Subcommittee on Courts, the Internet, and Intellectual Property, for having prepared this legislation and moved it forward as he has. I urge my colleagues to support this legislation and oppose the substitute amendment.

Mr. SCHIFF. Mr. Chairman, before I recognize my colleague from Texas, I want to respond to a couple of points made by my other colleague from Texas; that is, comparing the strength of the three strikes and you're out provisions in the substitute and base bill. The three strikes language in the Democratic substitute would apply to frivolous proceedings that are filed in any court. The base bill, on the other hand, would apply the three strikes provision only to the specific court in which the violation occurred. That is a narrower provision of the base bill.

Similarly, my substitute provides for the referral to the appropriate State bars for disciplinary proceedings, including disbarment after the third strike. With the first violation there is the required payment of costs and attorneys' fees. With the second, the attorney is held in contempt with a monetary fine. And then the third provision of referral to the State bar for possible disbarment, compared to the base bill which calls for a 1-year suspension only in the specific court where the three violations occurred. The violations have to occur in the same court. If you move from one court where you are sanctioned to another to another, the base bill seems to have far less strength and applicability than the substitute.

Second, I wanted to rebut the claim that the substitute will somehow promote litigation more than the base bill. In fact, when you ask the judges who have operated under both systems, the one that is proposed by the base bill and the one that is proposed by the substitute, the courts were quite clear that the earlier form of Rule 11, which we would go back to in the base bill, spawned a cottage industry where someone would file a Rule 11 motion, the opposing counsel would file a Rule 11 motion on the Rule 11 motion, and then you would have litigation over whose Rule 11 motion should succeed.

In fact, in 1993, the Judicial Conference remarked that the experience with the amended rule since 1993, since we got away from what the base bill would take us back to, has demonstrated a marked decline to Rule 11 satellite litigation without any noticeable increase in the number of frivolous filings.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I thank my colleague from California for yielding me time.

I rise in opposition of H.R. 420 and in support of the substitute.

This bill would not do anything to reduce frivolous lawsuits. In fact, my concern about it is it is unnecessary, and it will infringe on States being able to manage their own court systems.

Rule 11 of the Federal Rules of Civil Procedure was amended in 1993 to its current state because it was being abused by defendants in civil rights cases who filed a series of Rule 11 motions to harass the men and women who challenged discrimination.

Until now there has been no demonstrated problems with the current version of the rule. Usually this type of change in civil procedure goes through a process of the Rules Enabling Act. But in this instance we have decided to circumvent the United States Judicial Conference and the United States Supreme Court. We have taken it upon ourselves to decide what is best for the judicial system.

The Lawsuit Reduction Act would amend Rule 11 of the Federal Rules of Civil Procedure and revert back to that pre-1993 status. By doing this, again, we take away States' discretion to impose sanctions on improper and frivolous pleadings.

This would eliminate the current safe harbor provision, permitting the attorneys to withdraw improper frivolous

motions within 21 days after they have been challenged by an opposing counsel. Additionally, this bill dictates where plaintiffs can file a personal injury lawsuit against a corporation in a State court. Do we really want to get into the jurisdictional battles in our States?

Reverting back to the previous Rule 11 would make people less likely to challenge unjust laws because they are putting themselves at risk for being harassed. At the time some people thought Brown v. Board of Education was a frivolous lawsuit, but it did not look like it had a chance until the Supreme Court recognized that separate was not equal.

□ 1500

If we had this strict version of Rule 11 back then, maybe Brown v. Board of Education would have never made it to the Supreme Court.

This bill is another example of Congress intruding on States' rights. Our system of government is designed to keep our judicial system separate, particularly our State judicial system.

We simply do not have the right to tell State and county courthouses across the Nation how to enforce sanctions in their courtrooms or where the plaintiff may file a lawsuit in the State courts.

Mr. SCHIFF. Mr. Chairman, it gives me great pleasure to yield such time as she may consume to the gentlewoman from California (Ms. PELOSI), our minority leader.

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me time, and I congratulate him and the gentleman from Wisconsin (Mr. KIND) for their leadership in proposing this good Democratic substitute.

Mr. Chairman, here we go again. The madness continues. Once again, the Republicans must prove that they are the handmaidens of the special interests by putting this bill on the floor today. Just when we should be talking about creating good jobs for the American people, expanding access to quality health care, broadening opportunity in education, having a strong national defense and doing it all in a fiscally sound way, the Republicans are wasting the time of this Congress and testing the patience of the American people with legislation that is frivolous. It is something that is, again, another reflection of the culture of cronyism that exists under the Republican leadership in Washington, DC.

This legislation before us again seeks to protect their friends. The outrageous venue provisions in the Republican bill give defendant corporations special advantages by overriding State minimum-contact provisions and limiting the locations in which a suit can be brought and could render foreign corporations out of reach of the American justice system.

Today, we will take the opportunity to address the Republican culture of cronyism. The gentleman from Georgia (Mr. BARROW) will be offering a motion to recommit to make sure that politically connected cronies and no-bid contractors that defraud and cheat the government in providing goods and service after a natural disaster will never again be able to use these special bids. They should never be used by government contractors that specifically intend to profit excessively from the disaster.

Mr. Chairman, I really want to congratulate the gentleman from Wisconsin (Mr. KIND) and the gentleman from California (Mr. SCHIFF) for putting together a really excellent substitute to get rid of loopholes in the Republican bill that favors big corporate interests and foreign corporations and to protect civil rights claims.

We all agree that if there are frivolous lawsuits, those who bring them should pay a price. That we will have three-strikes-you-are-out for doing that is a very important provision in the substitute. The substitute seeks to stop the madness that exists on the floor of this House when it is used as a venue to promote the special interests in our country.

We must stand up for the American people, not for the politically connected cronies who are getting a no-bid contract. Let us take a stand to end this culture of cronyism and corruption. Let us get back to the real issues that are affecting the American people.

We must vote for this substitute and send this bill back to ensure that no one who defrauds the American people during natural disasters is ever permitted to take undue advantage of our legal system.

We must, again, stop the madness by voting for the substitute that the gentleman from Wisconsin (Mr. KIND) and the gentleman from California (Mr. SCHIFF) have proposed. It has very excellent provisions and is worthy of the support of our colleagues.

Mr. SCHIFF. Mr. Chairman, I have no further speakers, and I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I believe I have the right to close, and I am the remaining speaker on this side, so I will reserve the balance of my time.

Mr. SCHIFF. Mr. Chairman, I just have a parliamentary inquiry. Does my colleague have the opportunity to close or does the offerer of the amendment?

The CHAIRMAN. The gentleman from Texas (Mr. SMITH) has the right to close the debate.

Mr. SCHIFF. Mr. Chairman, I know my colleague will close very well. How much time do I have remaining?

The CHAIRMAN. The gentleman from California (Mr. SCHIFF) has 3 minutes remaining, and the gentleman from Texas (Mr. SMITH) has 12 minutes remaining.

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

In my concluding comments I want to reiterate some of the points that have been made with respect to the civil rights provisions and quote from the testimony of Professor Theodore Eisenberg, who testified before the House Committee on the Judiciary in the 108th Congress and said: ''A Congress considering reinstating the fee-shifting aspect of Rule 11 in the name of tort reform should understand what it will be doing. It will be discouraging the civil rights cases disproportionately affected by the old Rule 11 in the name of addressing purported abuse in an area of law, personal injury tort, found to have less abuse than other areas.''

I would also like to cite the testimony of the Honorable Robert L. Carter, U.S. District Judge for the Southern District of New York when he stated: ''I have no doubt that the Supreme Court's opportunity to pronounce separate schools inherently unequal in Brown v. Board of Education would have been delayed for a decade had my colleagues and I been required, upon pain of potential sanctions, to plead our legal theory explicitly from the start.''

We do not want to put off a Brown v. Board of Education civil rights case like that for a decade because of a Rule 11 that has been rejected by the Federal courts already.

The language in the substitute makes it clear that neither the sanctions approach we have taken in the substitute nor the sanctions approach taken in the base bill would apply in civil rights cases; and while there is some language of suggestion in the base bill, it is not definitive.

In fact, the NAACP wrote in respect to the language in the base bill: ''While language nominally intended to mitigate the damage that this bill will cause to civil rights cases has been added, it is vague and simply insufficient in addressing our concerns.''

So on the basis of a need not to chill civil rights legislation, which I think we have only seen the greater importance with, as Katrina ripped off the veneer of poverty and inequality in the country once again for all to see, as we consider that the base bill would implement a change that the courts themselves have rejected and found spawned a cottage industry in meritless Rule 11 litigation, and as the base bill has a stronger and I think more sensible three-strikes-and-you-are-out provision, I would urge my colleagues to support the Democratic substitute in preference to the flawed base bill.

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

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentlewoman from California who spoke previously to the gentleman from California who just finished used a couple of words that I would like to return to and clarify. She used the word ''madness,'' but anyone listening to this debate or anyone having a firsthand knowledge of frivolous

lawsuits knows that the real madness is the filing of thousands of frivolous lawsuits across this country that unfairly tarnish the reputations of innocent citizens, that unfairly destroy the businesses of small business owners across the country. That is the type of madness that this bill addresses.

She also used the phrase ''special interests,'' but again, I think anyone listening to this debate today and anyone knowing firsthand the agony and the losses and the destruction caused by frivolous lawsuits realizes that the special interests that this bill hopes to protect are really the special interests of the American people who have stuttered and staggered and been burdened by frivolous lawsuits too many times and much too often in our history.

The special interests, if there are any, involved in this legislation again are obvious to those who listened to the debate, the trial lawyers of America; and, Mr. Chairman, let me take a minute here just to dwell on that subject because I happen to believe the vast majority of trial lawyers or personal injury lawyers are honorable people and they are members of an honorable profession.

I think one of the aspects of the debate that most troubles me is, in fact, the lack of sanctioning lawyers who engage in frivolous lawsuits by the Trial Lawyers of America. Their own code of conduct reads as follows: ''No ATLA member shall file or maintain a frivolous suit, issue or position.'' We checked and not a single member of the Trial Lawyers Association, not a single lawyer, had been sanctioned in the last 2 years; and, in fact, no one can even tell us when the last time any attorney was sanctioned for filing a frivolous lawsuit.

I think the trial lawyers would have a lot more credibility on this subject if, in fact, they had monitored their own ranks and, in fact, had sanctioned just a single trial lawyer for filing one of those tens of thousands of frivolous lawsuits that have been filed.

That, as I say, is discouraging; and I hope the Trial Lawyers of America will see fit in the future to sanction some attorney somewhere, somehow who has filed a frivolous lawsuit.

Mr. Chairman, anyone who is worried about what frivolous lawsuits will do to them, their family, their friends or their businesses ought to oppose this substitute amendment. It is an amendment that would do very little to prevent frivolous lawsuits. The underlying bill, however, will deter lawyers from filing those frivolous lawsuits.

Let me give some examples of actual suits that are frivolous, but that would be allowed under the Democratic substitute amendment.

A New Jersey man filed suit against Galloway Township School District claiming that assigned seating in a school lunchroom violated his 12-year-old daughter's right to free speech.

A Florida high school senior filed suit after her picture was left out of the school's yearbook.

An Arizona man filed suit against his hometown after he broke his leg sliding into third base during a softball tournament.

An Alabama person sued the school district after his daughter did not make the cheerleading squad, claiming that the rejection caused her humiliation and mental anguish.

The families of two North Haven, Connecticut, sophomores filed suit because of the school's decision to drop the students from the drum majorette squad.

A Pennsylvania teenager sued her former softball coach, claiming that the coach's incorrect teaching style ruined her chances for an athletic scholarship.

After a wreck in which an Indiana man collided with a woman who was talking on her cell phone, the man sued the cell phone manufacturer.

A Knoxville, Tennessee, woman sued McDonald's, alleging that a hot pickle dropped from a hamburger burned her chin and caused her mental injury.

A Michigan man filed suit claiming that television ads that showed Bud Light as the source of fantasies involving tropical settings and beautiful women misled him and caused him physical and mental injury, emotional distress, and financial loss.

A woman sued Universal Studios trying to get damages because the theme park's haunted house was too scary.

In every one of these instances and in thousands of others, the individuals sued were forced to spend considerable amounts of money, time and effort to defend themselves. This is a travesty of justice, and it is simply wrong.

H.R. 420 will end the filing of frivolous lawsuits. Unfortunately, the substitute amendment will still allow small businesses, churches, schools, hospitals, sports leagues, cities and others to be burdened with these meritless and frivolous claims.

This substitute amendment provides no disincentive to file a frivolous lawsuit. It would still subject small business owners to the cost of frivolous lawsuits and subject individuals to the cost of rising insurance premiums and health care costs that result from frivolous lawsuits.

In other words, Mr. Chairman, this substitute amendment does not provide any relief to those who would be unfairly targeted by frivolous lawsuits. The underlying bill would.

The substitute includes no real consequences for the attorney who repeatedly files frivolous lawsuits. The underlying bill does.

The substitute includes nothing to address the problem of forum shopping which is also a large part of the problem. The underlying bill does.

Mr. Chairman, I urge my colleagues to oppose the substitute amendment and vote ''yes'' on the underlying bill, which, in fact, would deter lawsuit abuse.

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

The CHAIRMAN. The question is on the amendment in the nature of substitute offered by the gentleman from California (Mr. SCHIFF).

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

RECORDED VOTE

Mr. SCHIFF. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 226, not voting 23, as follows:

[Roll No. 551]

AYES—184

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

NOES—226

Aderholt
Akin
Alexander
Allen
Andrews
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble

Cole (OK)
Conaway
Costello
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
Dent
Doggett
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Jones (NC)
Jones (OH)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Manzullo
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nadler
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
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
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—23

Blunt
Boswell
Brown-Waite, Ginny
Clyburn
Diaz-Balart, L.
Diaz-Balart, M.
Foley
Gingrey
Hall
Harris
Hastings (FL)
Mack
Marchant
Meeks (NY)
Obey
Reyes
Ros-Lehtinen
Roybal-Allard
Sensenbrenner
Shaw
Simmons
Tauscher
Wexler

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1536

Mr. SOUDER, Ms. ZOE LOFGREN of California, Ms. DEGETTE, and Mr. NUSSLE changed their vote from ''aye'' to ''no.''

Mr. MURTHA changed his vote from ''no'' to ''aye.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

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. HASTINGS of Washington) having assumed the chair, Mr. LATHAM, 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. 420) to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes, pursuant to House Resolution 508, 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 the 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 committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BARROW

Mr. BARROW. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BARROW. Yes, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BARROW moves to recommit the bill H.R. 420 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following:

SEC. ___. NOT APPLICABLE TO CLAIMS AGAINST DISASTER PROFITEERING BUSINESSES.

(a) IN GENERAL.—A claim against a disaster profiteering business may be filed in any court that has jurisdiction over the corporation, notwithstanding section 4.

(b) DEFINITIONS.—In this section—

(1) the term ''business'' includes a corporation, company, association, firm, partnership, society, and joint stock company, as well as an individual; and

(2) the term ''disaster profiteering business'' means any business engaged in a contract with the Federal Government for the provision of goods or services, directly or indirectly, in connection with relief or reconstruction efforts provided in response to a presidentially declared major disaster or emergency that, knowingly and willfully—

(A) executes or attempts to execute a scheme or artifice to defraud the United States;

(B) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

(C) makes any materially false, fictitious, or fraudulent statements or representations, or makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; or

(D) materially overvalues any good or service with the specific intent to excessively profit from the disaster or emergency.

Mr. BARROW (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 Georgia?

There was no objection.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. BARROW) is recognized for 5 minutes on his motion.

Mr. BARROW. Mr. Speaker, if bills in this Chamber required names that accurately describe their consequences, this bill would best be called the Frivolous Litigation Proliferation Act and not the Lawsuit Abuse Reduction Act.

Many of us who oppose the underlying bill do so because it will actually increase the volume of frivolous litigation. For example, some sort of Rule 11 procedure exists in virtually every State in the country. To impose a new Federal law in every State court action will make State courts conduct a minilawsuit on Federal validity before conducting a minilawsuit on State law validity, before they ever get to the merits of the case. A lawsuit within a lawsuit within a lawsuit. Mr. Speaker, that is as absurd as it sounds.

If Members think that there are too many frivolous lawsuits against good, honest corporations, and the only way to fix this is to make it harder for everyone to sue anyone, and that this bill is the only way to do it, then vote for the bill.

But if there is one area where we do not have a problem with too many frivolous lawsuits, it is with lawsuits against price gougers. And if there is any area where we want to make it easier to get to the merits of the underlying claim, not harder, it is an area of lawsuits against Federal contractors who are engaged in defrauding the public.

Right now the government is awash in government contracts awarded on a no-bid basis. Whether it is disaster relief or the war on terror, we have never done so much of the public's business on a no-bid basis. There has never been more opportunity for waste, fraud, and abuse in the conduct of the public's business than right now.

This motion to recommit gives us one opportunity to protect our constituents from price gougers. The motion to recommit is simple. It says that Federal contractors, engaged in price gouging in disaster relief work can still be sued anyplace where they can be sued now, in any State where both the laws of the State and the U.S. Constitution says it is okay to sue them.

The underlying bill gives price gougers extra protections, the same benefits that we are extending to honest corporations. One such protection, the only one addressed by this motion to

recommit, is the right to avoid lawsuits in States where the Constitution says it is okay to seek justice. Since price gougers do not deserve this protection, and since they do not need this protection, they should not get this protection.

This House has voted time and again to protect companies that are gouging consumers in the wake of natural disasters and national tragedies. If Members vote against this motion to recommit, they are voting to give the same special protections that we give to honest corporations to Federal contractors who are engaged in price gouging in public relief work.

Mr. Speaker, the folks I represent back home in Georgia want relief from price gougers, not relief for price gougers. For that reason I urge my colleagues to support this commonsense and limited motion to recommit.

Mr. SMITH of Texas. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Texas. Mr. Speaker, I oppose this completely irrelevant motion to recommit. First, nothing in H.R. 420, the Lawsuit Abuse Reduction Act, prohibits anyone from being sued for fraud to the full extent of Federal law. Second, the motion to recommit relates to contract claims when the section of the bill that it modifies relates only to personal injury claims.

There is no flaw in the bill that needs to be corrected, but even if there were, the motion to recommit fails to correct it because it relates to contract claims rather than personal injury claims.

□ 1545

Mr. Speaker, I just received a statement of administration policy from the executive office of the President which I would like to read, because it provides a good summary of H.R. 420, the Lawsuit Abuse Reduction Act of 2005. This statement reads as follows:

''The administration supports House passage of H.R. 420 in order to address the growing problem of frivolous litigation. H.R. 420 would rein in the negative impact of frivolous lawsuits on the Nation's economy by establishing a strong disincentive to file such suits in Federal and State courts. Junk lawsuits are expensive to fight and often force innocent small businesses to pay exorbitant costs to make these claims go away. These costs hurt the economy, clog our courts, and are burdening the American businesses of America. The administration believes the bill is a step in the right direction toward the goal of ending lawsuit abuse.''

Mr. Speaker, I urge my colleagues to oppose this absolutely irrelevant motion to recommit and support the underlying bill.

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

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

RECORDED VOTE

Mr. BARROW. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 420, if ordered, and the motion to instruct on H.R. 3057.

The vote was taken by electronic device, and there were—ayes 196, noes 217, not voting 20, as follows:

[Roll No. 552]

AYES—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
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)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
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
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NOES—217

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
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
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary G.
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
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—20

Blunt
Boswell
Brown-Waite, Ginny
Clyburn
Diaz-Balart, L.
Diaz-Balart, M.
Foley
Hall
Harris
Hastings (FL)
Mack
Obey
Reyes
Ros-Lehtinen
Roybal-Allard
Sensenbrenner
Shaw
Simmons
Tauscher
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1605

Mr. LINDER changed his 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. 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.

RECORDED VOTE

Mr. SMITH of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 228, noes 184, not voting 21, as follows:

[Roll No. 553]

AYES—228

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Green (WI)
Gutknecht
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Marchant
Marshall
Matheson
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 (MN)
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
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
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—184

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Chandler
Clay
Cleaver
Conyers
Cooper
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doolittle
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Hinojosa
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
King (NY)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Manzullo
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NOT VOTING—21

Blunt
Boswell
Brown-Waite, Ginny
Clyburn
Diaz-Balart, L.
Diaz-Balart, M.
Foley
Graves
Hall
Harris
Hastings (FL)
Mack
Obey
Reyes
Ros-Lehtinen
Roybal-Allard
Sensenbrenner
Shaw
Simmons
Tauscher
Wexler

□ 1615

Mrs. LOWEY and Mr. DAVIS of Illinois changed their vote from ''aye'' to ''no.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GRAVES. Mr. Speaker, on rollcall No. 553 I was unavoidably detained. Had I been present, I would have voted "aye."

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H. Con. Res. 276. Concurrent Resolution requesting the President to return to the House of Representatives the enrollment of H.R. 3765 so that the Clerk of the House may reenroll the bill in accordance with the action of the two Houses.

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

S. 939. An act to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize the reimbursement under that Act of certain expenditures, and for other purposes.

MOTION TO GO TO CONFERENCE ON H.R. 3057, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006

MOTION TO INSTRUCT OFFERED BY MRS. LOWEY

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The pending business is the vote on the motion to instruct on H.R. 3057 offered by the gentlewoman from New York (Mrs. LOWEY) 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.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 259, nays 147, not voting 27, as follows:

[Roll No. 554]

YEAS—259

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Beauprez
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boren
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Chocola
Clay
Cleaver
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Fossella
Frank (MA)
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)

Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nussle
Oberstar
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reichert
Reynolds
Rogers (AL)
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Sherwood
Shimkus
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NAYS—147

Akin
Alexander
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Berry
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Doolittle
Drake
Dreier
Duncan
Everett
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gibbons
Gingrey
Gohmert
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hoekstra
Hostettler
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kline
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Marchant
McCaul (TX)
McCrery
McHenry
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Norwood
Nunes
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Putnam
Rehberg
Renzi
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryun (KS)
Schmidt
Sessions
Shadegg
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Walden (OR)
Walsh
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—27

Blunt
Boswell
Brown-Waite, Ginny
Castle
Clyburn
Diaz-Balart, L.
Diaz-Balart, M.
Foley
Ford
Gallegly
Granger
Hall
Harris
Hastings (FL)
Lynch
Mack
Obey
Reyes
Ros-Lehtinen
Roybal-Allard
Sensenbrenner
Shaw
Simmons
Smith (NJ)
Tauscher
Velázquez
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1625

So the motion to instruct 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

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. KOLBE, KNOLLENBERG, KIRK, CRENSHAW, SHERWOOD, SWEENEY, REHBERG, CARTER, LEWIS of California, Mrs. LOWEY, Mr. JACKSON of Illinois, Ms. KILPATRICK of Michigan, Messrs. ROTHMAN, FATTAH, and OBEY.

There was no objection.

EXTENDING SPECIAL POSTAGE STAMP FOR BREAST CANCER RESEARCH

Ms. FOXX. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform, the Committee on Energy and Commerce, and the Committee on Armed Services be discharged from further consideration of the Senate bill (S. 37) to extend the special postage stamp for breast cancer research for 2 years, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

The Clerk read the Senate bill as follows:

S. 37

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

SECTION 1. 2-YEAR EXTENSION OF POSTAGE STAMP FOR BREAST CANCER RESEARCH.

Section 414(h) of title 39, United States Code, is amended by striking ''2005'' and inserting ''2007''.

Mr. TOM DAVIS of Virginia. Mr. Speaker, S. 37, authored by Senator FEINSTEIN of California, extends the special postage stamp for breast cancer research for 2 years.

Eight years ago, the Stamp Out Breast Cancer Act established the Breast Cancer Research Stamp Program and directed the U.S. Postal Service to issue a new breast cancer stamp with proceeds benefiting breast cancer research at the National Institutes of Health and the Department of Defense Breast Cancer Research Programs. The first semi postal stamp in U.S. history, it has raised nearly 44 million dollars for biomedical breast cancer research.

The legislation we are considering today reauthorizes the breast cancer research stamp program through the year 2007. The stamp marks the first time that a portion of the proceeds of stamp sales have gone to fund research. Funding is directed to prevention, detection, diagnosis arid treatment research projects.

A National Cancer Institute report estimates that about one in eight women in the United States will develop breast cancer during her lifetime. It is the most commonly diagnosed cancer in women, accounting for 30 percent of all cancers in women. When people choose to purchase the Breast Cancer Stamp, they turn that simple little act into a meaningful and effective way to participate in the fight against breast cancer.

Finally Mr. Speaker, on behalf of the Committee on Government Reform, I would like to thank Chairman JOE BARTON of the Commerce Committee and Chairman DUNCAN HUNTER of the Armed Services Committee, whose committees' share jurisdiction with the Government Reform Committee over this program for their support and for agreeing to expedite the consideration of this bill.

Mr. DAVIS of Illinois. Mr. Speaker, as a member of the House Government Reform Committee, I am pleased to join my colleague in the consideration of S. 37, legislation extending the special postage stamp for breast cancer research for 2 years. This measure, which was sponsored by Senator DIANNE FEINSTEIN, was introduced on January 24, 2005, and unanimously passed by the Senate on September 27, 2005. On October 20, 2005, the Government Reform Committee unanimously reported S. 37.

The Stamp Out Breast Cancer Act, (Public Law 105–41) authorized a special Semi-postal stamp for first-class mail. The price of this class stamp is 45 cents, 8 cents above the regular rate of 37 cents. The authority to issue this stamp expires on December 31, 2005. S. 37, which was cosponsored by 69 members of the U.S. Senate would extend the program until December 31, 2007.

Sale of the Breast Cancer Semi-Postal stamp, first issued in 1998, has raised more than $44 million for breast cancer research from more than 650.5 million stamps. By law, 70 percent of the net amount raised is given to the National Institutes of Health, and 30 percent to the Medical Research Program at the Department of Defense.

We owe our interest in semipostal stamps to Dr. Ernie Bodhai, chief of surgery at the Kaiser Permanente Medical Center in Sacramento, California, and former Representative Vic Fazio. Dr. Bodhai took his idea for a special breast cancer research fundraising stamp to Rep. Fazio, and in 1996, Rep. Fazio introduced the first semipostal bill, H.R. 3401, the Breast Cancer Research Stamp Act. He was subsequently joined in this effort by Senator FEINSTEIN when she introduced identical legislation in the Senate the same year.

The following year, Representative Fazio and former Representative Susan Molinari sponsored H.R. 1585, Stamp Out Breast Cancer. This

bill, which was subsequently enacted into law, authorized a breast cancer research stamp for two years and required the General Accountability Office (GAO) to evaluate the effectiveness and appropriateness of this method of raising funds. In 2000, GAO determined that the semipostal stamp was indeed successful and an effective and appropriate way to fundraise. The GAO also determined that the Postal Service do more to recover its costs associated with the breast cancer research stamp program.

To address health issues raised by semipostal legislation pending in Congress, Representatives JOHN MCHUGH and CHAKA FATTAH, introduced H.R. 4437, the Semipostal Authorization Act. This act, which became law (PL 106–253) provided the Postal Service with discretionary authority to issue semipostal stamps, provided the revenue raised goes to federal agencies and is for medical research. This authority is similar to the discretion the Postal Service currently has in determining which commemorative stamps to approve and issue.

Mr. Speaker, every two minutes, a woman in the U.S. is diagnosed with breast cancer. And, excluding cancers of the skin, breast cancer is the most common cancer among women. This year, it is estimated that about 212,000 new cases of invasive breast cancer will be diagnosed, along with 58,000 new cases of non-invasive breast dancer. And, 40,000 women are expected to die from this disease.

It must be noted, that men get breast cancer too. According to the American Cancer Society, about 1200 new cases of breast cancer are diagnosed in American men each year.

Breast cancer is the leading cancer among white and African-American women. However, African-American women are more likely to die from this disease. And the incidence of breast cancer in women has increased from 1 in 20 in 1960 to 1 in 7 today.

Annually, nearly $7 billion is spent on the treatment of breast cancer. All the more reason to support the Breast Cancer Semipostal Stamp. Through the sale of this stamp, we are able to raise awareness of this disease and participate directly in raising money for needed research.

Mr. Speaker, I would like to thank Chairman TOM DAVIS and Ranking Member HENRY WAXMAN, as well as the chairmen and ranking members of the House Energy and Commerce and Armed Services Committees for moving quickly to get S. 37 to the House floor. It is wonderful to be able to approve this bill now, given that October is designated as ''Breast Cancer Awareness Month.''

I urge the swift passage of this bill.

Mr. BACA. Mr. Speaker, I rise in support of S. 37, Senator FEINSTEIN's companion bill to my H.R. 312. This bill authorities the Breast Cancer Research Stamp through 2007. Without this legislation, this successful program would end this year.

October is Breast Cancer Awareness Month. As it comes to a close it is important to reflect on what is being done in the way of prevention and treatment of breast cancer.

Senator FEINSTEIN and I have proposed to extend the deadline of the Breast Cancer Research Stamp, so that it will be available for purchase for two more years.

Senator FEINSTEIN and I have been collaborating to bring awareness to this ever-present disease and to help doctors and scientists fighting against it. I want to thank her for her unwavering dedication.

I also want to thank Dr. Ernie Bodhai, who developed the idea of the Breast Cancer Research Stamp and who has brought national awareness to the measure.

Dr. Bodhai inspired me to help support the Breast Cancer Research Stamp back when I served in the California State Assembly.

Senator FEINSTEIN and I introduced this bill for one reason: to save lives.

We have worked together to pass this important bill so researchers can gain more insight on the disease and in turn, prevent tragedies.

This year more than 200,000 women and men will be diagnosed with breast cancer. More than 40,000 Americans will die from the disease this year.

Breast cancer is the most commonly diagnosed cancer among women in every major ethnic group in the United States.

It does not discriminate. Whether you are white, black, Hispanic or whatever your race or ethnicity. Everyone is at risk.

More than two million women are living with breast cancer in America today, yet one million of them have not been diagnosed.

Breast cancer is a leading killer of American women. The disease claims another woman's life every 13 minutes in the United States.

That is why it is so important to increase funding for breast cancer research—and why we must continue sales of the stamp.

The Breast Cancer Research Stamp is among the most successful commemorative stamps of all time with 637 million stamps sold.

The stamp program has generated over 47 million dollars for breast cancer research. It has been a critical ally in generating the resources necessary to wage war on this terrible disease.

The stamp is a ''semi-postal'' stamp that can be voluntarily purchased by the public for 45 cents.

For each stamp sold, 8 cents goes to the National Institutes of Health and the Department of Defense Breast Cancer Research Program.

Working with Dr. Bodhai, Senator FEINSTEIN introduced the Breast Cancer Research Stamp bill In 1998 to help support the fight against breast cancer.

I am proud that Californians continue to lead the way in stamp purchases, providing roughly 21 percent of the money raised nationwide.

I ask my colleagues to support the Breast Cancer Research Stamp and all the women and men who will benefit from the money the stamp raises.

Senator FEINSTEIN and I have the support of 153 Members of Congress and 69 Senators who cosponsored the bills and of countless organizations like the American Cancer Society, the American Medical Association, the Breast Cancer Fund, WIN Against Breast Cancer, and the Susan G. Komen Breast Cancer Foundation.

By supporting reauthorization of this stamp, you are not only helping research but you are also helping to raise awareness.

Think about it! A customer purchases the stamp, a carrier delivers it, and a person receives it. That is three people who have seen the message saying: ''breast cancer needs to be stamped out!''

Each time we use the stamp we raise additional funds for research and we send a message of hope that we will find a cure.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. FOXX. 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 S. 37.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

PRAISING THE HOUSE LEADERSHIP

(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, I rise tonight to say thank you to our leadership, to Speaker HASTERT, to Mr. BLUNT, to Ms. PRYCE, to commend them for working through fiscal responsibility, budget control, for making it a priority and for standing firm as we move forward to reconciliation on the budget for this next fiscal year.

I also want to commend our committee chairmen who are working hard to find the savings that are necessary to reduce what the Federal Government spends. They are holding markups, hearings, working through this process; and they are focused. Our membership is focused.

The committee chairmen are to be commended for that work, and through this process the winners are going to be the American people. We are doing what they want, reining in government spending, being better stewards of their tax dollars. We have got a long way to go in the process. They are the winners. We are cutting back and terminating over 98 programs. These are first steps to economic stability and fiscal responsibility.

□ 1630

NATIONAL LEAGUE CHAMPION HOUSTON ASTROS

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, the Houston Astros gave the State of Texas and the city of Houston one heck of a good ride. I just want to hold a little red card in my hand for lack of anything red this afternoon to be able to thank the Astros family, Drayton McLane, all of the players, the management, all the staff at Minute Maid Park, to be able to say a big thank you for a long, tedious season, but a hard-fought season. My hat is off.

Congratulations to the Chicago White Sox. But our little team of 42 years for the first time in the history of the State of Texas took Texas to the World Series. Not only did we take Texas to the World Series, but being in my congressional district, the Minute Maid Park, the Astros are my constituents, among many others. We gave our community just a heck of a lot of joy, as you heard the buzz going around the children, the young people, the elderly, season ticket holders and others. I cannot thank the Astros enough.

We still believe. We may not have made it this time around, but we still believe in the Houston Astros.

UNIFORM BUILDING CODES

(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 today to address an issue that is of great concern to me, the prudent spending of our precious Federal tax dollars. In an ever-difficult budget environment, we need to be more vigilant in determining how these funds are spent.

So far Congress has provided $61 billion in Federal funds for the recovery of the gulf coast. As we turn our attention to helping rebuild this area, any Federal funds for rebuilding should be spent according to a modern, uniform statewide building code. Did you know that Louisiana, Mississippi and Alabama do not have statewide building codes?

Today I will introduce a sense of Congress resolution that Louisiana, Mississippi, and Alabama should adopt modern, uniform statewide building codes so that their rebuilding is, quite frankly, up to code. Every other State on the eastern seaboard already has similar codes. The Gulf Coast States should, too.

I urge my colleagues to support this resolution. Quite frankly, it is a must.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PROTECT THE AMERICAN PEOPLE

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 have taken the floor previously to talk about the shortcomings of the administration's efforts in the area of homeland security.

As an expert in aviation security, I have criticized the fact that the Republican majority and the White House have seen fit to arbitrarily cut the number of screeners, which not only causes obvious inconvenience for passengers, but it creates the potential for security threats as the smaller number of screeners are under tremendous pressure to process a large number of people in a short period of time. And they are being asked to do it with 1980s equipment.

Now, you can do it one of two ways. You can have a lot of people with crummy equipment or a few people with state-of-the-art equipment. This administration is trying to do it on the cheap without enough people and with obsolete equipment that cannot detect plastic explosives at passenger checkpoints and often in carry-on bags or checked baggage or cargo.

Our ports, I have talked about that, a tremendous vulnerability, not doing radiological detection. Nobody is going to shoot a missile at us, the failed Stars Wars system notwithstanding, but they may well try and smuggle in a nuclear device in a container. Our ports and our borders are wide open to such smuggling with just a very few deployed radiological devices.

But Katrina brought home another lesson, which is we need to be ready both for unnatural disasters, terrorist attacks and natural disasters. And there is a looming natural disaster that this administration has ignored, and that is the potential of H5N1 flu, the bird flu, so-called, should it become easily transmissible between bird species and humans, and then human-to-human contact could perhaps spread the disease widely.

The numbers are absolutely shocking regarding the potential for loss of life because of this. The administration, the President apparently read a book, that is great, and the book was about the great pandemic, and suddenly he got excited about it. Except experts in his administration and worldwide have known since before he became President that there was a potential for species crossover with this flu, and a tremendous loss of life is potential from this.

This administration last year in preparation for this looming disaster, and it already infected and killed a number of humans at a rate of better than 50 percent in Asia last year, so last year in preparation for this they took some steps. They put more money in the budget for vaccines, antiviral drugs and basic research. Woo, yea for them.

But guess what? The total spending was $110 million, approximately half of what they spent on chastity education in America. That is how high this ideological administration put on the idea of protecting America against an influenza outbreak. They could spend almost as much money as they put together for abstinence-only education.

Now, that seems to be kind of a misplaced priority. Belatedly now they are talking about billions and accelerated research and stockpiling antiviral drugs. I gave a floor speech last summer calling upon the administration to begin to stockpile the drugs. Unfortunately, virtually every other country in the world is in line ahead of the United States of America, and the drugs are not manufactured here to buy those drugs, because those other countries have chosen to stockpile them to protect their people. Even though they do not work very well, they are the only thing we have now.

Now the administration is talking belatedly about a crash program to try to develop vaccines 2 or 3 or 4 years down the road in the hope that this crossover will not take place before then. This is yet another example of poor planning by this administration; the fact that they created this huge new bureaucracy, the Department of Homeland Security, that failed so miserably when Katrina occurred.

And, oh, by the way, Brownie, you did a heck of a job. That hack who failed so miserably is still on the Federal payroll. Can you believe that? The guy is pulling down over $100,000 a year sitting over there having failed so miserably. The President cannot even get rid of him, let alone other political cronies in this administration.

And they are failing us in other areas of security that I referenced earlier, and they are failing the American people in this critical health care component.

Much more robust steps must be taken quickly. The clock is ticking. It is already perhaps very, very late. We can only hope that this virus does not evolve too quickly through nature, and I know this administration does not believe in evolution, but that is how viruses happen. They do evolve. All it needs is a couple of small changes, and it will be transmissible. It will be a pandemic. We need to do more to protect the American people.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Indiana (Mr. BURTON).

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

There was no objection.

EMINENT DOMAIN DISASTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, you can never satisfy government's appetite for land or money. They always want more.

Today the Federal Government has taken and controls over 30 percent of the land in this Nation. States and local governments and quasi-governmental units have taken and control another 20 percent. Tremendous amounts of land in my home area of east Tennessee have been taken by numerous Federal agencies and departments. Not all of this is bad, but people in government have never been sensitive enough about taking other people's property. They just do not seem to realize how much this can hurt a person or a family. In fact, very few people get concerned about this until it is their land or their home that is being taken.

Fortunately, this has not happened to me or my family, and I am not on some personal vendetta, but many people in east Tennessee have had this heartbreaking experience happen to them. These people were for the most part people like many of my ancestors, good, intelligent, hard-working people, often poor, often with not a lot of education, but people with common sense, and often smarter in reality than the elitist do-gooders who came in and used the power of the Federal Government to take their homes.

To show how much this can hurt, I would like to read a letter that was published in the Knoxville News this past Sunday from a man who no longer lives in my district, but whose family home was in my district. This is the letter from John Webb of Gainesville, Georgia, a man whom I have never met.

He wrote, ''In the spring of 1964, there was a storm that hit Marion County, Tennessee, that resembled the recent storms of Katrina. It left behind people who were devastated and lives that were changed forever.'' He says, ''I was only 12 years old at the time and was on a camping trip with the Boy Scouts when I was told that I had to go to the hospital to see my father. There was a good possibility that he would not live through the night.

''The name of the storm was the Tennessee Valley Authority; my father had a stroke during a battle with the government agency which had condemned his farm of 110 acres on the Tennessee River.

''A panel of judges decided during the next 12 months of deliberation that the offer made by TVA to purchase my father's farm for $240 per acre was indeed too low and that it should pay the outrageous sum of $400 per acre.

''Court records show that the TVA experts stated under oath that this property had no present or future value as anything but farmland.''

Mr. Webb continues, ''Even as my father lay in bed completely paralyzed on his left side from the stroke, unable to be present at proceedings, the court system granted TVA its wish, using the power of eminent domain.

''With the simple stroke of a pen, my father's farm was gone, completely against his will.

''Left behind was a woman with two teenagers to raise, a husband who required 24-hour medical care at home, and a future that looked as bleak as those victims of the hurricanes.''

''For the next 3 years,'' Mr. Webb writes, ''we learned a lot about bed sores, bed pans, and what it was like for a once proud man to lose his health and his humility.

''My father finally succumbed to pneumonia, and my mother lived for another 20 years with the aid of family, friends and Social Security.

''I still wonder about how all of our lives would have been different if it had not been for the power of politics and money. John E. Webb of Gainesville, Georgia.''

Mr. Speaker, if we do not wake up and realize how important private property is both to our freedom and our prosperity, we are going to destroy our Nation. Politicians love to create parks, and this sounds so good, but when we continue to take more and more private property, we have to continually raise taxes on the property that remains in private hands, and we drive up prices on that remaining land. More and more young people cannot then afford homes, or they have to be jammed together in high-rises, condos or homes on postage-stamp-sized lots. In addition, the government cannot and does not take as good of care of land as private owners do.

We need to put more people in office who understand how hurtful it is when government takes property and takes people's homes and farms, and we need to put more people in office who will pledge to take better care of the land government already has and stop government land grants and give poor and lower-income people a chance to own property and appreciate this very important part of the American dream.

□ 1645

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2744, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. PUTNAM, from the Committee on Rules, submitted a privileged report (Rept. No. 109–257) on the resolution (H. Res. 520) waiving points of order against the conference report to accompany the bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the House Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. EMANUEL. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes at this time.

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

There was no objection.

URGING CONGRESS TO MAKE WISE BUDGET CHOICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, since 2000 this Congress has racked up more than $3 trillion in additional new debt, and by the year 2008, we will cross the $4 trillion mark. Why? It is trying to do something that no other Congress and no other President has ever tried in American history. It is trying to fight two wars with four tax cuts. This Congress has served as an ATM machine to the special interests, showering them with billions of tax breaks and tax shelters and handouts of the hard-working tax dollars of the American people.

Yet suddenly our Republican friends are finding themselves as fiscal hawks. In fact, right now the House is working to slash more than $50 billion from education, health care, environmental programs, all that are important investments for the American people. Why? So they can do another $70 billion in tax cuts for the wealthiest 1 percent in America.

At the same time that these so-called fiscal conservatives are complaining about the deficit, they are trying to add a total of another $100 billion in tax cuts to the special interests.

I ask my colleagues, are these the right choices for the American people? We are now paying $445 billion to date for the war in Iraq, $20 billion to rebuild Iraq. We just have a spanking new dam in Mosul, Iraq, with all of the levees, yet we cut the Corps of Engineers here in the United States, which affected the levee in New Orleans.

In fact, we built 110 primary health care centers in Iraq, vaccinated 3.2 million children in Iraq. This Congress cut $10 billion from Medicaid, cutting Medicare programs, cutting back community health care clinics in the United States and training of doctors.

In Iraq, we have rehabilitated 2,700 schools, trained 36,000 secondary teachers. What do they do in America? They cut $806 million from our schools and education programs, $6 billion from our Pell grants and other higher education programs.

We funded 3,100 community development projects in Iraq; yet the community development project investment fund here in the United States, cut by $250 million.

We are investing in Iraq and trying to provide Iraq a future that we are denying the American people. I have no problem. We made a decision on Iraq. We have an obligation, but we do not have an obligation to cut back on America's future. There is no choice in the sense of American children and their future playing second fiddle to those who are in Iraq.

If you go through American history, every President in the middle of a war has thought about how do I make sure America is stronger when we come back from that war and it ends? Abraham Lincoln, in the middle of the Civil War, thought of the land grant college systems. President Roosevelt during the middle of World War II thought of the GI bill and passed it 11 months before the war came to an end. President Eisenhower, on the heels of Korea, funded the Interstate Highway System that built America and made it what it is today. President Kennedy, during the struggles of the Cold War and Vietnam, envisioned a man on the moon.

What does this President and what does this Congress offer America during the middle of the war on terrorism? Cuts in education, cuts in health care, cuts in our Corps of Engineers, cuts in our development and investments here in America.

Every President, every Congress thought about America after the war, thought about how we built a brighter future. They thought about not only what we did overseas, but how we were going to do it here at home and make sure that every American had a brighter future. Only this President and this Congress, because of their careless and reckless policy of trying to fight two wars and fund it with two cuts that has added $4 trillion to the Nation's budget.

Today we are thinking about cutting $806 million from our education investments, cutting $6 billion from our investments in higher education, eliminating investments in America's Amtrak system, cutting back our investments in the Corps of Engineers' program which invests in all of our infrastructure projects like what happened in New Orleans. No other President and no other Congress has thought of a future in which America is less after the war than it was before the war.

What is going on now? Families are facing an energy crisis where energy is now running about $3 a gallon. Home heating costs are going to go up 50 percent this winter. Inflation has increased at its fastest rate in 15 years. Hundreds of thousands of fellow citizens have lost everything in the gulf coast. Health care costs are running up at close to 15 percent, nearly four times inflation. Educational costs and higher educational costs are running at about a 10 percent annualized increase over inflation.

These are difficult times, and these times are when people look to their fellow citizens and their community and their government. What is this Congress doing? Rather than building up America, this Congress is cutting back on the investments we need to make America a stronger place tomorrow.

We can do better than we are doing today. We can make a change in the right choices for America. We should find ways to balance the budget without doing it on the backs of our children.

Mr. Speaker, it is time for Congress to change its tune. It is time for Congress to begin to represent the people's interests and the people's House rather than the special interests.

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.)

ORDER OF BUSINESS

Mrs. SCHMIDT. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

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

There was no objection.

HONORING THE MEMORY OF CINCINNATI, OHIO, NATIVE MARINE CAPTAIN TYLER SWISHER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. SCHMIDT) is recognized for 5 minutes.

Mrs. SCHMIDT. Mr. Speaker, I rise today to honor the memory of a brave soldier who died in Iraq nobly defending our freedom and in the service of our country. Marine Captain Tyler Swisher was killed in a roadside bomb attack near Al Amariyah in Iraq on Friday, October 21, 2005.

Tyler is remembered as someone who overcame so many obstacles in his life. He was a small child, and as a child he struggled with a learning disability, but he would take on his school work with a gritty style of persistence, and he succeeded. He devoted himself to his work. Tyler's tough and determined style was something that he exhibited throughout his life.

In high school his small frame just hovering over 100 pounds did not keep him from doing what he loved, playing football, and while he spent much of his time at Mariemont High School on the sideline, he was still in the game.

He joined the Marines because he loved his country. He soon loved the Marines and chose to make it his career. He loved his country so much, he chose to serve not one, but three tours of duty in Iraq, just as in his youth he would not quit. He was so proud to be a Marine, but more proud to be an American. He really loved his country.

My community continues to be blessed with people like Tyler who unselfishly give their time and, in some cases, their life so that we may continue to enjoy the freedoms we hold so dear.

He loved his family. Tyler is survived by his wife Stephanie; his daughters Ashleigh and Madison; and a son Jacob; and his parents, who live in Pierce Township. All of us mourn Tyler's loss, and we are grateful, eternally grateful, for his braveness and his valor and his valiant service to our country.

I ask my colleagues to join me tonight and each and every night to pray for his family in their time of need. May Tyler rest in peace.

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 claim my time 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 REPUBLICAN DISSENTERS

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, this morning we learned that Harriet Miers has withdrawn her nomination to the United States Supreme Court. The stated reason had to do with executive privilege for legal advice she had given to the President that she did not want to reveal, but I do not think you need to be an expert tea leaf reader to see that public support for Ms. Miers' appointment, particularly among conservatives, was scarce, actually absent. As a result, Ms. Miers decided to step aside.

Perhaps there is a lesson here that we can apply to another initiative, an initiative of the White House that is rapidly losing public confidence. Two-and-a-half years into the Iraq War, it could not be clearer that the President's policy is one with tragic consequences. It is time for the President to admit his mistake and change his course. Over 2,000 of our brave soldiers are dead. That is 2,000 too many.

The threat of terrorism has not diminished at all. We have lost respect and credibility with allies around the world. The insurgency remains as strong as ever and is further animated with every day that the American occupation continues.

We are pouring about $1 billion a week into this fiasco, and, by the way, the original rationale for fighting this war, weapons of mass destruction, turns out to be based on fabrications and deceptions.

What is the President waiting for? How much worse does it need to get? How many more casualties must we endure?

Look, you do not have to take my word for it. The White House would like you to believe that opposition to the war exists on the fringes only, but the fact is that 66 percent of our people, two out of every three Americans, has a negative opinion of the way the President has handled Iraq. Apparently included in that two out of every three are former members of the administration and Bush family loyalists.

Colonel Lawrence Wilkerson, who served as Colin Powell's Chief of Staff at the State Department, recently went public with his misgivings. He talks about a dysfunctional national security policymaking process, with decisions made secretively by a Cheney-Rumsfeld cabal that was given free rein by a President who, as Wilkerson put it, ''is not versed in international relations and not too much interested in them either.''

The latest issue of The New Yorker magazine features a profile of Brent Scowcroft, a close friend and adviser to the President's father and mentor to Condoleezza Rice. Scowcroft was considered the hawk of the first President Bush's national security team, but in this article he is frank about his disillusionment with the current Iraq policy. He notes that you cannot impose democracy by force, that the Iraq War is breeding terrorism, and that Saddam did not represent a threat to the United States of America.

Mr. Speaker, it is time to bring the troops home, and I feel even more strongly on this point after traveling to Iraq a few weeks ago.

There is no shortage of ideas for possible exit strategies. For example, there are at least four good proposals right here on the floor of the House of Representatives, and on the other side of the Capitol, Senator KERRY and Senator FEINGOLD have offered specific plans.

I held a hearing just last month where a broad range of experts discussed ways we could end the occupation while keeping Iraq secure and helping its people rebuild their country.

There is an important conversation going on about these issues. It would be nice if the President joined in, but to immediately insist that we stay the course is at this point irresponsible, insulting and demeaning to the American people.

I know this President does not like to admit his mistakes, but maybe it is time to eat a little crow. I think a little bruised pride is a small price to pay if it means more Americans will not have to die.

Mr. Speaker, let us return Iraq to the Iraqi people and our soldiers home to their families.

LIMITING THE GULF REGION REDEVELOPMENT TAX BENEFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, every American was touched by stories of the people of the gulf region who lost so much as a result of the recent hurricanes. The American people have responded with overwhelming compassion with record donations of cash, food and clothing, and Congress, too, has a role in helping the people and the region to rebuild.

However, as Congress begins its work on the hurricane tax incentive package to help the gulf region rebuild, it needs to recall its long history of limiting the benefits of redevelopment tax breaks to certain businesses.

Regardless what section of the Tax Code is used to spur reinvestment and revitalization in the gulf region, Congress has limited the businesses that receive certain tax benefits. The history of targeting Federal tax breaks to certain businesses ought to continue.

□ 1700

This limitation makes sense, particularly in light of the tight budgets facing our Nation today. Congress's history of limiting Federal redevelopment tax benefits goes back more than 20 years.

Federal law pertaining to tax exempt benefits of small bonds prohibits tax benefits from being extended to ''any private or commercial golf course, country club, massage parlor, tennis club, skating facility, including roller skating, skateboard, and ice skating, racquet sports facility, including any handball or racquetball court, hot tub facility, suntan facility or racetrack.'' Congress does not want to give money to the gambling industry to rebuild when we should be doing it to help the poor and the needy.

In the accompanying Senate committee report, the committee expressed concern with ''the use of small issue industrial development bonds, IDBs, to finance a variety of types of facilities, from private recreational facilities to fast food restaurants, that generally may be less deserving of a Federal credit subsidy than other types of facilities.''

A few years later, in Public Law 99–514, Congress qualified redevelopment bonds and expanded the list of businesses that would be prohibited from receiving tax benefits to include any private or commercial golf course, country club, massage parlor, hot tub facility, suntan facility, racetrack or other facility used for gambling, or any store the principal business of which is the sale of alcoholic beverages for consumption off premises.

When the Enterprise Zone tax structure was enacted, Congress once again prohibited the benefits from being extended to certain businesses following the limits laid out in 26 U.S.C. Sec. 144, which I will include for the RECORD.

Just as Congress expressed concern about allowing Federal tax benefits to flow to less deserving businesses more than 20 years ago, Congress today should again be concerned about the same issue as it works to assemble the Gulf Opportunity Zone tax package.

As Congress considers cuts to Medicaid, food stamps, the student loan program, foster care, child support, and other programs to offset the cost of hurricane recovery, we must be sure that tax incentives only go to worthy businesses. Federal tax dollars need to be focused on those who truly need the government's help like the poor, vulnerable, and elderly.

I believe fair-minded Americans would support tax incentives to spur business reinvestment along the hurricane-ravaged gulf coast to help victims there rebuild their lives; but I also believe the American people would draw the line, as Congress has historically done, in using taxpayer dollars to assist businesses such massage parlors, casinos, golf courses, and liquor stores.

Allowing gambling conglomerates, for example, which are reporting billion-dollar record profits to take advantage of tax breaks does not make sense. Gambling operators do not need any incentive to rebuild and according to press reports, have already vowed to come back ''bigger and better'' than before the hurricane.

Particularly when faced with tough budget choices, Congress ought not abandon its history of limiting tax benefits to more deserving businesses. Regardless of what section of the Tax Code is used to spur business investment in the region, bonds, Enterprise Zone tax credit zone, expensing and depreciation or any other tax incentive, Congress should target the limited Federal resources available to more deserving businesses.

Mr. Speaker, giving tax breaks to massage parlors, casinos, liquor stores and golf courses while we cut Federal programs for the less fortunate cannot be explained to the American people. Congress must be sure these tax benefits of the gulf rebuilding package do not go to massage parlors, casinos, liquor stores, and golf courses.

Every American was touched by stories of the people of the Gulf region who lost so much as a result of the recent hurricanes. The American people have responded with overwhelming compassion with record donations of cash, food and clothing. Congress, too, has a role in helping the people and region rebuild.

However, as Congress begins its work on the hurricane tax incentive package to help

the Gulf region rebuild, it needs to recall its long history of limiting the benefits of redevelopment tax breaks to certain businesses. Regardless what section of the tax code is used to spur reinvestment and revitalization in the Gulf region, Congress has limited the businesses that receive certain tax benefits. This history of targeting federal tax breaks to certain businesses ought to continue. This limitation makes sense, particularly in light of the tight budgets facing our nation today.

Congress's history of limiting federal redevelopment tax benefits goes back more than 20 years. Federal law pertaining to tax exempt benefits of small bonds prohibits tax benefits from being extended to any private or commercial golf course, country club, massage parlor, tennis club, skating facility (including roller skating, skateboard, and ice skating), racquet sports facility (including any handball or racquetball court), hot tub facility, suntan facility, or racetrack. (26 USC Sec. 144(a)(8)(B))

In the accompanying Senate committee report, the committee expressed concern with "the use of small issue industrial development bonds (IDBs) to finance a variety of types of facilities, from private recreational facilities to fast food restaurants, that generally may be less deserving of a federal credit subsidy than other types of facilities." (Page 169 of Senate Report No. 97–494 for P.L. 97–248)

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Just as Congress expressed concern about allowing federal tax benefits to flow to less deserving businesses more than 20 years ago, Congress today should again be concerned about the same issue as it works to assemble the Gulf Opportunity Zone tax package. As Congress considers cuts to Medicaid, food stamps, the student loan program, foster care, child support, and other social programs to offset the costs of hurricane recovery, we must be sure that tax incentives only go to worthy businesses. Federal tax dollars need to be focused on those who truly need the government's help, like the poor, vulnerable and elderly.

I believe fair-minded Americans would support tax incentives to spur business reinvestment along the hurricane-ravaged Gulf coast to help victims there rebuild their lives. But I also believe they would draw the line—as Congress has historically done—in using taxpayer dollars to assist businesses such as massage parlors, casinos, golf courses and liquor stores. Allowing gambling conglomerates, for example,—which are reporting billion dollar profits—to take advantage of tax breaks doesn't make sense. Gambling operators don't need any incentive to rebuild and, according to press reports, have already vowed to come back "bigger and better" than before the hurricanes struck.

Particularly while faced with tough budget choices, Congress ought not abandon its history of limiting tax benefits to more deserving businesses. Regardless of what section of the tax code is used to spur business investment in the region—bonds, enterprise zone tax credits, expensing and depreciation or any other tax incentive—Congress should target the limited federal resources available to more deserving businesses. Giving tax breaks to massage parlors, casinos, liquor stores and golf courses while we cut federal programs for the less fortunate cannot be explained to the American people.

Congress must be sure these tax benefits of the Gulf rebuilding package do not go to the massage parlors, casinos, liquor stores and golf courses.

The SPEAKER pro tempore (Mr. DUNCAN). Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. DOGGETT. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from California (Mr. GEORGE MILLER).

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

There was no objection.

OVER 2,000 FALLEN HEROES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DOGGETT) is recognized for 5 minutes.

Mr. DOGGETT. Mr. Speaker, it has been a long, long, long slog, whether measured in lives or limbs lost.

So many days with no real plan for peace, no real plan for security for our families, so many tears shed by too many families. Too little armor and too little equipment for those who were too quickly placed in harm's way.

Over 2,000 fallen American heroes. Over 15,000 wounded Americans, and tens of thousands of Iraqi civilians who have died in this conflict. The administration is attempting to relieve itself from the duty to offer any strategy at all, even as it constantly recasts the purpose of its tragic go-it-alone invasion.

Like the President's wishful, staged declaration of "Mission Accomplished" on that aircraft carrier 2½ years ago, the Vice President blithely states that the insurgency is in its "final throes." Well, each day's news shows how out of touch he continues to be.

But for this administration, any sense of genuine accountability is certainly in it final throes. Its credibility is certainly in its final throes, and the patience of the American people with an administration that lacks any plans for success in Iraq is in its final throes.

And with each wasted week, other families with a son or daughter, with a husband or a wife in Iraq, who are seeing their first or second or maybe even their third tour of duty, they wait, they hope, they pray, and some toss and turn in the middle of the night fearing that knock on the door will ultimately come.

All who have fallen are heroes, and all who have lost their limbs, their lives, their sight, or their way of life because of this very unnecessary conflict are heroes to whom our Nation owes an enormous debt.

But we do not honor the memory of these fallen by building permanent bases in Iraq, by licensing the CIA or others to torture in the name of the United States, or by calling on the same military families to again and again send their loved ones into danger, even while the richest corporations and the wealthiest Americans are not asked to sacrifice a dime, but are rewarded with tax breaks and no-bid contracts and crony appointments in this administration.

More than any grim statistics can reveal, each of these unique losses is measured by the milestones of life missed by loved ones: births and baptisms, ball games and holidays, graduations, weddings, grandchildren, the natural journey of life, cut short or completely sacrificed in this administration's war of choice.

And even as this morass in Iraq worsens, more than 90 percent of the American deaths have come about since President Bush declared an end to major combat operations. The administration's plan, if it ever even had one, has simply failed to evolve. So the budget deficit soars, gas prices rocket, billions upon billions of taxpayer dollars that are needed here are sent there, and the numbing count of dead and wounded continues to soar.

Beyond the power of any prosecutor, it is history that will indict this administration.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Texas (Mr. PAUL).

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

There was no objection.

EXXON'S EXTRAORDINARY PROFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, tonight I would like to place on the RECORD the extraordinary profits of one corporation registered with the New York Stock Exchange by the name of Exxon.

Today, news reports indicate that Exxon, the world's largest publicly traded company, has posted the largest U.S. corporate profit in world history: nearly $10 billion. That is $10 billion in just 3 months.

We know where that money came from. It came from all of us. It came from the American people. Quarterly profits for Exxon are up 75 percent since last year. The revenue of this company alone will ring in at over $100 billion this year.

Now how big is $100 billion? Well, $100 billion is about one-quarter of what the U.S. Department of Defense spends in 1 year. But $100 billion is more than all of the following U.S. Departments spend in a year combined. The whole U.S. Department of Education, all of the student loans, all of the help for our school children around the country, it is a drop in the bucket compared to the profits of Exxon.

The U.S. Environmental Protection Agency, that is small potatoes compared to what Exxon earns.

The Department of Transportation, with all of those bridges across the United States that have to be fixed, some in rural areas, certainly in the big cities, crumbling infrastructure, well, Exxon's profits are a lot larger than the Department of Transportation spends in a year.

NASA, poor NASA, they only have about $16 billion a year to explore outerspace and the heavens beyond us.

If you add them all up: Department of Education, Environmental Protection Agency, Department of Transportation, and NASA, they do not equal the revenues of Exxon.

Now the interesting thing about Exxon, it is the world's largest publicly traded company, but it has a special deal. Guess where most of its oil comes from? Saudi Arabia. Have no doubt, with the special licensing agreement signed with that company, a lot of that money drawn off of this marketplace will not go to education of our children, it will not go to fix up our roads, it is not going to help clean up our environment, and it certainly will not take us as far as Saturn.

No, a lot of those dollars will be used to hire mercenaries to protect the Saudi oil interests, which is one of the major places this country imports petroleum from because we cannot figure out how to get it right here at home.

Mr. Speaker, $9.9 billion in one quarter. Think of what those funds could do if you did not put them in Exxon's pockets. Think what they could do in your community. Take a program, a teeny program like the Senior Farmers' Market Nutrition Program, which spends not $9.9 billion, but $15 million a year. That is pocket change to Exxon. It gives little coupons to senior citizens across our country who cannot afford to pay these rising gas prices and cannot afford to pay for their heating bills this winter. It gives them $20 a month in the summer to go to farmers' markets in their communities to purchase fresh fruits and vegetables. We cannot put it in all of the States. Only 28 States even have this program, and not in every county.

But if you ever watch one of these senior citizens take one of those farmers' market coupons and stand in front of fresh fruits and vegetables and struggle with the decision of whether they are going to buy raspberries for the first time in 25 years, what is more important, Mr. Speaker, more profits for Exxon or a little bit to help the senior citizens of America who want to buy fresh fruits and vegetables?

Seniors need that food so much that they literally buy it at the end of the day when the farmers reduce their price, and they turn it into soups and stews and put it in their freezers or their friends' freezers so they can have soups during the winter time made out of fresh vegetables that have been frozen.

Mr. Speaker, $9.9 billion. I am going to write a letter to the president of Exxon. I do not even know who the person is. I am going to ask if they would take $15 million out of the $9.9 billion in profits they just made to double the senior farmers' market nutrition program in our country. Would they even really miss it? How does Saudi Arabia use all of that money? And why do they need all of those mercenaries to protect their oil wells? Why is that country so unstable? Why do they have to take money out of our pockets through Exxon every single day?

It is really unbelievable that one corporation could make that much money off this marketplace in one quarter and this Congress does nothing.

□ 1715

30–SOMETHING WORKING GROUP: CALLING FOR AN INDEPENDENT KATRINA COMMISSION

The SPEAKER pro tempore (Mr. DUNCAN). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, once again it is an honor to come before the House. As the Members know, the 30-Something Working Group, we come to the floor to bring about not only good change for the Congress, but also for the country. And we try to promote legislation that the Democratic side is offering towards some of the issues that are facing the country, but at the same time talk about the responsibilities of the majority that are unmet.

Mr. Speaker, as the Members know, Hurricane Wilma hit not only my district, but many of the Florida delegation in southeast and southwest Florida, and we are constantly struggling with trying to make sure that we can provide for our constituents. And we come to the floor week after week, especially the 30-Something Working Group, talking about what happened in Hurricane Katrina, the lack of response in Hurricane Katrina and Rita by the Federal Emergency Management Agency, and also calling up House Resolution 3764, which has over 190 Democratic cosponsors. Unfortunately, last I checked, there are not any Republicans who have signed on to it, and that is very unfortunate because it is an identical commission to the 9/11 Commission that brought about great recommendations, some that have been met, others that we still have to make sure that we implement to secure our country. It was about not making the same mistake again, again, and again. And that is the reason why we are calling for an independent Katrina Commission.

And that is a piece of legislation that is not a Democratic plan, but it is an American plan. Eighty-one percent of Americans support it, and I think it is very important that we do not allow partisan committees that have been established here in the House to dictate the response to natural disasters and a possible terrorist attack.

We have to make things better to protect Americans. It is almost like I feel like an insurance salesman saying that we have to have insurance not after the fact, but before the fact. And if we know we have shortcomings, then we need to deal with that in a very effective way.

Being an ''evacuee'' of Hurricane Wilma due to the fact that there is very little power in south Florida, there are gas lines, Mr. Speaker, I hold up here the front page of the Washington Post that has many people here in south Florida, as a matter of fact in West Palm Beach, standing for hours for gas because we could not get the generators running at Port Everglades to be able to pump the gas to allow many of the stations to have gas and power. These are things that we need to work on.

Governor Bush jumped in front of the train because folks were getting upset with the Federal response once again as it relates to getting the simple things like ice, water, and food down to the affected area. There was a lot of chest-beating prior to the storm, saying, we have 2,000 FEMA personnel in place; we have a set number of trucks that are lined up in Florida, pre-positioned, to go in and provide ice water and food. And in many cases the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) showed that either there were very few, trucks were extremely late like 8, 7 hours. People

there just went through a major hurricane waiting 8, 7 hours just for 1 bag of ice and 3 jugs of water, and in some cases nothing showed up, and folks had to go back home.

That is why we need an independent commission. We do not need officials that have relationships with the President to say, blame me, I am the State of Florida, blame me for the shortcomings of the response. We know in hurricanes, natural disasters, that there are going to be shortcomings. But as it relates to the very simple things that have to be provided, they must be provided. And the reason why they were not provided is that the supplies were not there, period, dot.

FEMA was in charge of making sure that those supplies made it to said location. The truck drivers were not hired by the State of Florida, but were hired by FEMA. And I think it is important that we look at it for what it is.

We do not have to have a commission for every natural disaster or event that takes place here in the United States, but we have a House resolution that, Mr. Speaker, will be part of a discharge petition here in the House, and I want to break that down so that everyone understands what a discharge petition is.

Basically, we are using the rules of the House to call this resolution up to the floor to discharge it, and we need a said number of signatures to be able to pull it up on the floor so that the House can take a vote. And if we do not have some Members of the majority side to see fit to have an independent Katrina Commission that 81 percent of Americans are in approval of, then we are failing to meet our obligations.

We know that we have problems. The Department of Homeland Security telling people in my district to be patient 72 hours after the storm, saying, we will get it right. Well, that is the reason why we have it. We are supposed to be prepared for these events, but we are not, and we are not even willing to correct ourselves. So that is in place as it relates to the Democratic response.

Mr. RYAN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentleman from Ohio.

Mr. RYAN of Ohio. Mr. Speaker, I appreciate his yielding to me. Just so that we can go back, and, obviously, he has outlined why we have a need for this independent commission. I think it is important that we go back and we explain what is actually happening here right now. We have been asking for this thing for how long now, months? Almost 2 months we have been asking for an independent commission. We want to go back, Democrats and Republicans, and look at what happened with Katrina so that we can stop and prevent these things from happening.

We are not doing a good job in this country of administering emergency services. And we have the Republicans in charge of the House and in charge of the Senate, in charge of the White House, in charge of FEMA, in charge of the whole executive branch, and we keep having these missteps and these failures, and no one is figuring out what in the heck we are doing wrong because the committee down here that the Republicans have appointed only gives subpoena power to the Republicans. So we have the Republicans overseeing the Republicans. And I think we might as well put Ed Gillespie in charge of the committee down here to oversee what is happening, the head of the RNC, because this has become political.

And what we want to say to the American people, Mr. Speaker, is that Democrats want an opportunity to govern this place because our friends on the other side do not know how to govern. They have been in charge now in the House since 1994. They have control of the Senate, they have control of the White House, and they do not know how to govern. And we need to be prepared for not only natural disasters, but potential terrorist attacks to the United States of America.

And we need to do what we did with the 9/11 Commission, an independent commission, independent of all of the nonsense that happens in this body that has gotten us to a point where the Republican majority does not know how to govern. Get an independent commission with an outside Democrat and an outside Republican, bipartisan, where they can subpoena people, oversee what happened for Katrina, oversee Wilma, oversee Rita, and figure out what we need to do, because at some point, at some point, something is going to happen in America that is going to be more tragic than these natural disasters, and we are not going to know how to respond. And our kids and our grandkids are going to look back and the American people are going to look to this body and say, What have you done to prevent this? What have you done to improve the emergency management execution in the United States of America? And we are saying on record here five times a week sometimes with the 30-something Group we want an independent commission. We do not want politics involved. Do the right thing.

And we are asking people at home to contact us, housedemocrats.gov/katrina, and become a citizen cosponsor of H.R. 3764, become a citizen cosponsor, and I think we have over 40,000 citizen cosponsors for this. Get on this Website, housedemocrats.gov/katrina, become a citizen cosponsor so that we can become prepared for a possible terrorist attack that may happen in the United States, another natural disaster that may happen in the United States. We will be ready, and then down the line we will be able to look back, and there is always room for improvement. We watch the game film the next day, and we see what we did right and what we did wrong, but at the end of the day, we can say we have done our job. We have put the microscope up to the problem. We have looked at it, put the sunshine on it, and figured out what we did wrong.

And it takes courage. I mean, it is not easy to be self-reflective. It is not easy to critique oneself. And that is what we are asking this Congress to do, have the courage to do the right thing: Get an independent commission here.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, it is not like we are by ourselves as it relates to calling for this independent commission. And the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and I were talking about an independent commission, and we have been going week after week here on this floor saying it is the responsible thing to do not only in natural disasters, but also in the aftermath of a terrorist attack. An independent commission will be able to look at the Federal response, the State response, and the local response and learn from either what was good or bad that took place in those events.

If we are not going to have an independent review of our capabilities, then something is wrong. If we are not going to have that, that means that without having it, people will lose their lives possibly because of the lack of response, because they definitely did in Katrina. We had people that were running out of medical supplies. We had people that needed insulin, could not get it because they were stranded and that we were not able to reach them. So I think that is very important.

There are a number of papers that have come out for an independent commission on Katrina: The USA Today; the Tennessean from Nashville, Tennessee; the News & Observer from Raleigh, North Carolina; also Capital Times, Madison, Wisconsin; the Atlanta Journal-Constitution in Georgia; the Courier-Journal in Louisville, Kentucky; the St. Petersburg Times in Florida; the Salt Lake Tribune in Utah; also the Denver Post in Colorado; and the San Antonio Express, obviously in Texas; and the Houston Chronicle of Texas.

There are a number of papers, and those are just the major ones, that have come out for an independent Katrina Commission.

We have talked about House Resolution 3764, but also as it relates to contracting fraud that may very well happen in Wilma because of a lack of oversight. We have called for House bill H.R. 3838, a bill to create an antifraud commission to prevent waste and fraud and abuse of Federal contractors as it relates to these emergency declarations or what have you. This is about saving money and making sure that we do not make the victims of a natural disaster or a potential terrorist attack victims all over again because we failed to have the proper oversight.

Mr. Speaker, I also want to add the fact that we have to continue to push. Once again I give the report. Every day

I go on the White House Website. I have the Website page here. No mention of an independent or any evaluation of what the failures were during Hurricane Katrina, and we also have the Website that has not changed on the partisan committee that is here in the House. And I think it is important for us to identify that so that we do not have to continue to have Ground Hog Day all over again.

One last point, Mr. Speaker, while we are on this issue here. The gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and I talked last night about the fact that we were here pushing for this commission week after week. I mentioned that. And we shared with not only the Members, but also Americans, Mr. Speaker, the fact that it could be them next, victims of a poor, short response or an inadequate response.

□ 1730

Little did we know at that time that we would be victims of the shortcomings of the fact that we say we are ready, but we are not really ready or really prepared; and in some cases some people question are we saying we have trucks in certain locations and they are not there, do we need to get prima facia proof that they were there? These are the questions that my constituents are asking.

So I want to share with Members that this independent commission is very important, to make sure that one day it may be you and your constituents going through this and you are going to say, Gee, you know, it is amazing that we cannot even get a truck to come in here with water.

We talked about last night the fact that the terrorists are not going to call up and say, Hey, I want you guys to get prepared. I am going to carry out an attack in another month or so, so you need to get together and pre-position.

That is the reason why the 9/11 recommendations need to be fully implemented. That is the reason why we need a Katrina Commission to look at the lack of response we had on the biggest natural disaster that took place on U.S. soil and the Federal, State and local response to that. That is very, very important. It is not an indictment document; it is a document to make sure that we prevent loss of life in the future.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman will yield, he is absolutely right. I think the gentleman makes a great point. This is important. This goes beyond Katrina. The independent commission that we want goes beyond Katrina.

We had a situation in Ohio a year or so ago where a potential terrorist was planning an attack in Columbus. You are in the middle of Ohio, it was something about a shopping mall. The gentleman was stopped and held, and I do not even know what the status is right now. But this was in Ohio. It is not just the gulf States or Florida.

Katrina and the independent commission, these are all the editorials that have been written in support all over the country. I think a lot of the editorial boards understand what we are trying to say here, and they are being very supportive.

We talk about an independent commission. I want to read a little bit from the Houston Chronicle in Texas, a little bit of what they say about trying to fix the problem: ''The most promising option is an independent commission along the lines of the September 11 problem. This is great, because this puts a little meat on the bone. It should be headed by national figures of unassailable independence and credibility such as former President Jimmy Carter, former Secretary of State Colin Powell and retiring Supreme Court Justice Sandra Day O'Connor.''

We are talking about Republicans, but just to be independent of the day-to-day politics that go on in this Chamber. This is not something that needs to be compromised. This is an issue that has long-term ramifications, and we have an obligation.

We come here early in January every other year and we put our hand on the Bible and one up in the air. We have an obligation to make this government run effectively and efficiently. A lot of hard-working people pay a lot of tax dollars that come to us, and then we invest it to improve the quality of their lives.

Part of that is to make sure they are safe. So when we had all these problems with body armor, where their kids, their sons and daughters were going over, we wanted to make sure they have the proper body armor and the up-armored Humvees; and we fought through the 30-something Group and the Democrats and put enough pressure on where we finally got that problem fixed. It is a whole other issue why we went to war without the proper equipment.

But we have a responsibility here to make sure that this government runs efficiently. A component of that is emergency management services, which, as we found, became very apparent in the past few months. So we have this obligation; and we are trying, the 30-something Group, the Democratic Party, the gentlewoman from California (Ms. PELOSI), we are trying to move this committee out of politics into an independent commission, get Sandra Day O'Connor, get Colin Powell, get some good, solid Republicans who are going to be independent and do what is best for the country, because time and time again, unfortunately, my friend, the Republicans continue to prove their ineptness, their inability to govern; and we have a responsibility as the minority party, as the opposition party, to provide alternative views, and we want an opportunity to run the government.

We proved in 1993 with not one Republican vote that we could balance the budget and handle those difficult decisions, and that vote in particular led to the greatest economic expansion in the history of the United States of America.

Our friends on the other side are not only inept in trying to administer emergency services, because they appoint all their cronies to the top positions in FEMA, all friends of friends of a college roommate who gives a lot to the Republican Party, which led to poor execution of emergency services. Their party, the Republican Party, takes higher precedence for the people who govern this Chamber than the country, and they have proved that time and time again. Party over country. What the Democrats are trying to say is pick the country over the party.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, the gentleman is 110 percent right. I think every day Republicans want to see, and Democrats and Independents and even folks that are not voting in America, they want to see leadership. They want to see leadership on behalf of the country. Veterans want to see the flag that they fought for and that some of their friends and comrades died for, that it is not caught up in what we call this culture of corruption and cronyism.

We want to talk about cronyism for a minute, Mr. Michael ''Brownie,'' I am not one to say it is his fault as it relates to staying on with FEMA for 60 days, and then the Secretary of Homeland Security extends his contract at the salary he was making as director of FEMA for another 30 days.

The reason given for doing that is that we need to learn from Director Brown, or Brownie, the President calls him Brownie, we need to learn from him so that we can know more about what happened in Katrina. Now, if you could not get it in the first 60 days, he was only in charge for about maybe 5 or 7 days, thanks to the fact that we were raising the question. The Democratic Leader first called for his resignation because we saw that we had someone that did not have the experience.

The fact he is on for 60 days, the Secretary of the Department of Homeland Security, I am waiting to have a conversation with him on why he would extend it for 30 more days at taxpayers' expense.

Now, folks went into their pockets and said, Well, we are going to help you out for another whole month. That is on them. I do not have a problem with that. I do have a problem with the fact that we are rewarding him in confidence and cronyism with the taxpayer dollar.

Mr. RYAN of Ohio. If the gentleman will yield further, Mr. Speaker, Brownie is still on the payroll, $100,000.

Mr. MEEK of Florida. $148,000.

Mr. RYAN of Ohio. $148,000. Talk about rewarding negative behavior. Do you do that with your kids? Your kids come home, they took a spelling test, got a D, do you throw them $20? Good job, Kendrick. Go out and get another

one. That is what we are doing. We are reinforcing bad behavior.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time once again, well, I can tell you, the part that I am more concerned about is the fact that this is a high-profile individual within FEMA. What is happening on an everyday basis with someone that really is not competent in Federal Government and is known to the managers? I guess it is okay, because when you think about the culture of corruption and cronyism, if it comes from the top, then it must be okay. If it is all right with the Vice President, then it is okay. That means it is okay with the Department Secretaries and Under Secretaries and the regional directors. So that is the reason why we have to cut it off.

Mr. Speaker, do you know something? Not a mumbling word from the majority on this. Not a mumbling word. Better yet, we have folks coming to the floor, and we started talking about responding to the needs of Americans saying we have to have offsets in Medicaid, we have got to have offsets in possible Medicare, that is not off the table.

What I mean by ''offsets'' is the fact we have to take money from those programs to respond to the Katrina-Rita issue. We have to do that. But, better yet, we have an example of an individual that I think pretty much all Americans, and I am pretty sure that almost close to every Member of the House, agree with the fact that he did not know exactly what he was doing.

I do not blame Mr. Brown. I do not blame him. I blame the individuals that placed him in that position. I blame the managers that saw that he was not up to par and endorsed lackluster, leave-alone performance, lack of competence in doing that particular job. He is probably good somewhere else.

Mr. RYAN of Ohio. ''You are doing a good job, Brownie.''

Mr. MEEK of Florida. Yes, ''You are doing a good job, Brownie,'' on national television, broad daylight. The world is watching.

Mr. RYAN of Ohio. The world is watching. You are not doing a good job. You are doing a bad job. In fact, you are fired. Get out. What do you mean, you are doing a good job.

Mr. MEEK of Florida. And we are going to give you a 60-day extension and have you on as a consultant, have you on so we can learn from your bad job. Maybe we can learn more. No, as a fat matter of fact, hey, you know, 60 days is not enough. Let us extend it 30 more days.

Mr. RYAN of Ohio. Maybe their plan was this: they said we will keep Brownie on, pay him $148,000, and when there is a situation, we will go to Brownie and ask, what do you think we should do? He will tell you. Then they do the complete opposite. Maybe that you is how they are using him, do you think?

Mr. MEEK of Florida. There are too many people around here paying taxes, folks running around here trying to put fiscal responsibility in the backdrop, saying we are conservatives. Meanwhile, the Secretary of the Department of Homeland Security is defending and extending contracts of a person that the front-page national publications say is incompetent and not in any way knowing what to do in a natural disaster. So this is beyond comprehension. And not a mumbling word.

I would say this: I do not blame him. I am not running around here saying I am disappointed in Michael Brown for accepting a 30-day extension on a $140,000 salary. I am not blaming him. He could not do that on his own.

No one from the White House called and said, You know something? Over at the Department of Homeland Security, I think you all are probably not playing with a full deck if you think it is okay to do this. Not a mumbling word. So I am concerned, leave alone as a Congressman, as a taxpayer, that this is okay.

Now, this is just a high-profile case. We talk about corruption and cronyism, a culture. People think, well, wow, they are just saying that because they can say it. No, this is a shining example, and we have been talking about this, and it has been in all of these publications, and they are still doing it, like it is okay.

The only people that can put this administration and set us on a new course and put this majority in check are the American people. But, unfortunately, they will not have an opportunity until late 2006, and on behalf of the country we cannot continue to sit idly by and watch this kind of activity take place.

I would feel a little uncomfortable saying that my colleagues on the majority side are not standing up to their responsibilities in oversight. The Secretary, as soon as he leaves from down in south Florida from Wilma, should be called on the carpet in some committee room saying please let us know what we can learn from Mr. Brown. Please let us know what we can learn from the Director of FEMA. Why do we have to continue to pay him and use the taxpayers' dollars? Someone needs to ask that question. It should be not only the Committee on Homeland Security; it should be congressional leaders calling and saying you need to reverse that.

So I do not even feel half uncomfortable about me being upset about this thing, because I can tell you right now, there are a number of people out there that are very upset; and it is time, it is time, that we cut out this culture of corruption and cronyism, because it is weakening this country. I am going to tell you that right now.

Folks might see little events, but I can tell you right now, I am concerned about clandestine operations that we have going on, especially in this culture of corruption and cronyism. I am concerned about taking people for face value when they say, well, this is what we have in place, and we find out later that it is really not.

I am concerned when we come to this floor and the clock opens up for 15-minute votes, and because the majority side is not prevailing or winning, they decide to hold the vote clock open for 90 minutes. I am concerned about these events taking place under lights, cameras, and action.

□ 1745

I am concerned about those events that are taking place in the back halls of Congress, in the White House, and in other Federal agencies that are not under lights and camera.

So this is the kind of boldness, cronyism, boldness and possible corruption in many places that takes place. And do not take it from me, just pick up your local paper or turn on the news. It is full of it. So if we do not hold ourselves in check, and if the majority is not willing to rise up and police this corruption and cronyism; because, Mr. Speaker, I used to be a State trooper, and we had what they call a game warden, and I always used to say, the game warden cannot be the lead poacher. You cannot be leading off the poacher saying that I am in charge of policing the poachers. So I think it is important that we have folks that will leader up and say, you know something, I know I have been told to be quiet on this, but I have a constitutional responsibility to make sure that we have oversight.

These are not personal decisions, Mr. RYAN; these are decisions that are affecting the governance of this country. So when we allow this kind of stuff to go on, it is making the country weaker versus stronger, because the Federal tax dollars are being spent in ways that they should not be spent, and we are not saving any money by allowing this kind of culture to continue.

Mr. RYAN of Ohio. Mr. Speaker, I think it really comes down to the fact that every decision that is made by this Congress, by the Republican-controlled Congress, by the Republican-controlled Senate, and by our Republican President is based on supporting and lifting up the Republican Party. I hate to break it to them, but this is not about the Republican Party; this is about America. This is about what is best for America.

You talk about violating basic House rules, and every time they have done that, every time they have kept the roll call open at 2:00 or 3:00 or 4:00 in the morning; I mean, last year, I cannot remember what vote it was, but we were here until 4:00 or 5:00 in the morning. It was on the prescription drug bill, because we had to kick over $700 billion to the pharmaceutical industry, one of the most profitable industries in the whole entire world, them and oil, and the reason is they put the Republican Party before the country.

Mr. MEEK of Florida. Mr. RYAN, I am sorry to cut in, sir, but I am going to tell you this: I know a lot of Republicans. A lot of Republicans are supporters of me. They vote for me, and

some of them say, great job. I have some great friends on the other side of the aisle, I mean great friends. We do a lot together. We talk about things that are common interests. We are friends. My mother was here before me, and some of them are great friends of my mother, and, because of that relationship, we have a great bond.

But I can tell you this: I think this goes far beyond building up or doing something on behalf of the Republican Party, because some of these decisions that are made, it will turn the stomach of Republicans that I know. It would turn their stomachs. I know on the majority side, I know that there are some Republicans that go home, and they are sick. They are sick of what is going on here in this House. But you know something? If they were to stand up, unfortunately they would be knocked down politically. They will find themselves fighting the whole reason why we are here on this floor, fighting against them doing their jobs.

So I kind of feel that there is a purpose for what we are doing here, because as far as I am concerned, we could sit back and just say, well, let them do it, or let them look the other way, because the American people are going to see that they are not governing. But you know something? We are Americans, and we have an obligation to not only our constituents. When our constituents voted for us, they federalized us. So that means that we have to care about the entire country and what happens to the Federal dollar, which is the taxpayers' dollar. It is very unfortunate.

So, Mr. RYAN, I know that it is an influence of the special interests. Their pockets are full because of the relationships here on Capitol Hill that they have and in the White House. Guess what? The average Republican is paying more at the pump, the average Republican does not have health care; just like many of our constituents, there is no health care plan. The average Republican is going to have to bear the brunt, Mr. RYAN, and I am sorry for taking a little of your time here, but bear the brunt of taking away from Medicare, Medicaid, free and reduced lunches for poor people; taking away from projects that would go to local government to build communities; and all of these faith-based groups that are out there trying to bring about some change, it is going to take away from them.

But, meanwhile, when it comes down to saying to a billionaire that we probably cannot give you hundreds of thousands in tax cuts that we have given you over the last number of years, and I am going to reference a report here, a third-party validator, a little later on, to say that it is not working, they say, no, no, no, do not worry about it, do not say anything, millionaire. We have you. We have your back. We are going to protect you, but we are going to make sure that the average Republican, the average Democrat, the average Independent, that they bear the burden, that they send their children into conflict and war, that they pay higher gas prices; not you, special interest. No, no, we are here for you.

But see, the problem here, and we talked about it last night, Mr. RYAN, about the fact that this is the only legislative body on the other side of the aisle in the Senate, where you can be appointed by a Governor to the Senate if someone leaves office. But when someone leaves office here in the middle of a term, you have to be elected. You cannot be appointed to the House of Representatives. So that means that we are representatives of the people, not representatives of the special interests, not representatives of the billionaires of the world; we are representatives of everyday folk.

So I think this is important, because Democrats, we have budget alternatives like pay-as-you-go, saying that if you are going to do it, you are going to show how you are going to pay for it, okay? We have alternatives as it relates to dealing with Hurricane Katrina so that we do not continue to waste the taxpayers' dollars and also make the victims of the event victims all over again. So, Mr. RYAN, we have the alternatives.

I believe that this goes higher than the party. I believe that it goes right to this culture of corruption and cronyism, and I will tell you one thing: The American people will see us bring about great change if just one of the Chambers of the legislative body was to turn Democrat, because what you see right now, based on law enforcement agencies saying, listen, we need to have some level of oversight, this country is going down the drain, because they are dragging it down the drain, and we have to do this. Imagine if we had an oversight committee that would call some of these things into question before they get to the level to where they are now, Mr. RYAN.

Mr. RYAN of Ohio. Yes, no doubt about it. We maybe could have prevented, if we had been really on the stick and really open, we maybe could have prevented some of the things that are happening.

I think this really goes to the fact that the Republican majority believe that the government and the taxpayer dollars that we have here are just for them. It is for them to build their party up. It is for them to use it to build up the Republican Party.

I am sorry, but my citizens in my district do not pay taxes so that the leaders of the House, the Republican leaders of the House, can go out to Shake Down Street out there on K Street, just a cab ride away where all the lobbyists are, and go and shake down the lobbyists. I mean, when a Democrat applies for a job, and the leaders on the Republican majority say to the lobbyists, you cannot give that job to a Democrat because we will not do business with you then.

And when you come to the American people and you try to say with a straight face about fiscal discipline, but when we are here at 3:00 in the morning, and arms are getting twisted to pass a Medicare prescription drug bill, and the Republican majority does not have the courage to go to the pharmaceutical industry and say, listen, we want to pass a Medicare prescription drug bill, but we want to give the Secretary of Health and Human Services the opportunity, the power to negotiate on behalf of the Medicare recipients to get the costs under control. The Republicans put a provision in the Medicare bill that explicitly said the Secretary of Health and Human Services is not allowed to negotiate down the drug prices. Can you imagine that? Can you believe that? And then only 25 Republican Members voted against it.

Then you come to the energy bill, and with the energy bill, you have billions of dollars in there to subsidize the oil companies, and a major oil company comes out today and talks about 89 percent profits in the last quarter, $10 billion, and you are getting public tax dollars from middle-class Americans who live in Youngstown, Ohio, one of the poorest areas in the country, you are taking their tax dollars and you are giving it to the oil companies.

Now, a third-party validator, right here, Cal Thomas, one of the most conservative Republican columnists in the country right now, suggests to our friends on the other side, to the Republican majority, he is commenting on the offsets to pay for Katrina, and the Republican majority is taking the money from Medicaid, free and reduced lunch, and college students. Cal Thomas says, here is a suggestion: Do not start with the poor, start with the rich. That is Cal Thomas. That is not KENDRICK MEEK, that is not TIM RYAN, that is not DEBBIE WASSERMAN SCHULTZ, that is one of the most conservative Republican columnists in the country.

He also goes on to say, talking about using government as their own little sandbox that they can play in and as a welfare state for corporations, because this is corporate welfare. Cal Thomas, conservative Republican. Did I mention he is a conservative Republican?

Mr. MEEK of Florida. You mentioned it.

Mr. RYAN of Ohio. I appreciate that.

Quote: Seventy-two percent of farm subsidy money goes to 10 percent of recipients, the richest farmers, partnerships, corporations, estates, and other entities. Corporate welfare, my friend, to the oil companies, to the pharmaceutical companies, and to the big agribusinesses, and the Republican leadership in this Chamber goes out to Shake Down Street and tells all the lobbyists on K Street that they have to hire Republicans or they are not going to do business with the Republican majority.

Mr. MEEK of Florida. Mr. Speaker, let us just make sure that we are crystal clear so that everyone understands. Not just saying, well, let me check, let

us see. Let us look at the people that apply for the job. Oh, there is a Republican. No. I want you to hire my right-hand staffer. I want you to hire him or her, put them in the position, okay, and so I can deal directly with them so that we can have a line of communications and we are not confused, because this person has my cell number, okay, and I want to make sure that that happens.

Now, we are not talking about something that the House Ethics Committee has not already dealt with, because of the fact that this issue was brought up and it was very public. It was not any kind of clandestine operation that was going on. You just pick up the paper. Yes, that is what we are doing. What is the problem? If they are going to do business up here, they are going to hire the people that they want hired, period, dot, with a straight face, under the lights with the cameras on and the press running.

That is a problem, Mr. RYAN, and I believe that when you start looking at the whole culture of corruption and cronyism, you have to look at these activities that are taking place under lights, camera, and on the front pages of newspapers. And you know something? The American people, Mr. Speaker, may feel, well, it is okay, because Congress is not calling any of these people in. Once again, you cannot be the game warden and the lead poacher at the same time. You just cannot do it. It is not physically possible. You cannot have a problem and be over the very thing that is the problem.

Once again, I said it last night, I will say it again. These are not personal decisions, Mr. RYAN. These are decisions that are affecting the policy of the country and the Treasury of the country. This is not someone that went off and made an individual bad decision and said, you know, I made a bad decision, it only really affected me, okay, and I am sorry. It will not happen again. No, it is not that; it is a whole Medicare program. It is an entire industry: Energy, we are going to give you what you want.

□ 1800

That is what is going on, and it is affecting the U.S. taxpayers.

Mr. RYAN of Ohio. We are going to give you public tax dollars for the energy companies, public, through subsidies, billions of dollars in the energy bill. You are going to raise money for Republican candidates. It is that simple. Go out and shake down K Street. That should be called not Operation K Street; it should be Operation Shakedown.

So the American people should be outraged at this, corporate welfare to the most profitable industries in the country with your tax dollars, and the Republican majority uses it to raise money for the Republican Party. They are putting their party, the Republican Party, before the country.

And that is when it has got to stop. You did not come to Congress to rubber-stamp this stuff. The people in my district did not send me here to rubber-stamp this stuff. They sent us here to end it, because the average worker, the average small business person in every single instance, health care, energy, gas prices, natural gas, pharmaceuticals, wages, on every single count they are forgotten.

They are forgotten because we spent so much, the Republicans spent so much time giving out public tax dollars, corporate welfare so that they can increase their campaign coffers and run 30-second ads. And they go out and shake down K Street. It is ridiculous.

Mr. MEEK of Florida. If you want to call it an energy bill, I will not, because it did nothing about true conservation. It did nothing about true price gouging. I mean, there was some language in there; but it was not there. We had, on this side of the aisle, a Democratic alternative that stopped price gouging, that put us on a track of alternative fuel and also protected the environment at the same time. We offered that.

That is the reason why the board, the voting board was open for 90 minutes, because it did something. Now, it did not do what the special interests wanted us to do. And you know many of them, I see them. It is not personal; it is just business. I see them. Hey, how are you doing? I am fine. Are you okay? I am doing just fine. Nice day out today. Okay.

But the bottom line is when it comes down to my constituents and it comes down to Exxon-Mobil coming out today saying, hey, guess what, wow, 75 percent up in profits, give me a high-five. What is unfortunate, I think some of the folks in this Congress are actually giving these special interest groups a high-five, and it is unfortunate because it is on the backs of Americans.

We are running around here paying more for gas than we have ever paid before, and there are record profits for the industry. I think there is something wrong there, and I think it is something that is clear as day. And guess what? It is happening under the lights. It is happening in front of the cameras. It is on the front page of the paper in print for historical preservation to the next election.

And what is unfortunate is that we could stand by and allow this to happen and say nothing and say, you know, the American people will respond in an appropriate way of making sure that we have the kind of leadership that is willing to lead. We are trying to lead. Guess what? We cannot prevail, because they are in the majority, and they have the majority of the Members in this House.

If given the opportunity, Americans will see a different kind of policy that is for the people and not for the special interests, not only in that case. You go back to no longer making mistakes in the Federal and State and local response after natural disaster/terrorist attacks.

Not only that, looking at House Resolution 3838, dealing with the issue on contractor fraud, why do we have to read it in the paper? Why do we have to watch television to see that we have not provided the kind of oversight so that contractors do not have cost overruns up to millions of dollars, in some cases billions?

Then we turn around, you want to talk about rewarding a culture of corruption and cronyism? Over in Iraq we have contractors that are under investigation by our government, and the very same Departments of Defense and Homeland Security investigating them, Katrina goes down, hey, guess what? Come on over here. We have a multimillion-dollar no-bid contract for you. Sign right here. We ask no questions. There is no ceiling. There is very little oversight. And we will get around to that thing of oversight. But we are in an emergency so we know that you messed up before.

It is almost like someone going in a convenience store, taking out a gun, taking a couple of hundred dollars out of the cash register, unfortunately it is in the millions as it relates to the Federal taxpayer dollar, they run out of the store, the police catch them, they say, well, you know, not only do you not have to give me the money, but you do not even have to turn over your gun. Go back out there and rob another store. That is what is happening right now.

Mr. RYAN of Ohio. Well, let us look. My friend brings up Iraq, which is a perfect example. We just talked about corporate welfare to the oil companies; corporate welfare to pharmaceutical companies; tax cuts that go primarily to those people who make over a million dollars a year. And this President does not have the guts, and the Republican Congress, they do not have the guts to ask the wealthiest people in the country to contribute. Two wars and major natural disasters, poverty is increasing, the tuition cost has doubled over the last 4 or 5 years, and this Republican Congress, they do not have the guts to go ask the billionaires in the country to contribute.

But we are going to give them public tax dollars to support their corporations. But there is more welfare going on. Iraq has become a United States welfare state. Look what is going on here. 110 primary care centers built in Iraq with American tax dollars. Okay. 2,000 health educators trained with the American tax dollar.

3.2 million children vaccinated in Iraq with the American tax dollar. Great. Super. We went in there, we broke Iraq, we buy it. That is our responsibility. But back at the ranch, $10 billion-plus, as I have talked to a few of our friends on the Committee on Energy and Commerce, $10 billion-plus cuts in Medicaid for American kids. American citizens. $252 million cut for health care professionals; $94 million

cut for community health centers in the United States of America.

Student loans. We are building 2,700 schools that have been rehabbed in Iraq; 36,000 teachers and administrators trained in Iraq. We are cutting student loans in the United States. Iraq is a welfare state. So if you are sitting on the couch listening to the 30-something Group right now, and these are all third-party validators, this is not us making this stuff up.

Cal Thomas, the conservative Republican columnist, agrees with us. You see a Republican-controlled government, one-party government spending your tax dollars, giving your tax dollars to the oil companies, to the pharmaceutical companies, to the billionaires in the world, and/or in the United States, and creating a welfare state in Iraq while you are cutting health care in education and research and development. Even the Centers for Disease Control, our conservative friends on the other side want to cut the Centers for Disease Control at a time when we have this bird flu epidemic waiting in the wings.

We can do a better job. The Democratic Party has proposals. We want to create a million new engineers and scientists in the next 10 years. We want to build magnetic levitation trains in the United States and connect the United States of America. We want to invest in the research and development and create alternative energy sources so we no longer have to worry about being dependent on foreign oil.

And that is part of the magnetic lev trains. We want arts and sports in all of our schools for all of our kids because we recognize in the 21st century that learning a musical instrument helps you with math. And when you are good at math, you become an engineer or a scientist, and you will go out and generate wealth. We make good investments. The Democratic Party makes good investments.

We balanced the budget in 1993 with not one Republican vote. And President Clinton made a lot of tough decisions, and the Democratic Congress made a lot of tough decisions. And, quite frankly, some Members lost their seat over it. But it led to the greatest economic expansion in the history of this country. And I do not think there is an American out there that would not say, boy, I would love to go back to the late 1990s. Boy would that not be great. Portfolio was up. Everything was up that should have been up. Everything was down that should have been down.

But meanwhile, our Republican friends keep this culture of corporate welfare and corruption and keep propping up the Republican Party, instead of propping up the United States of America, and being more concerned about shaking down the lobbyists on K Street, instead of propping up the United States.

The Democrats want to take this country in a new direction. We want to provide new leadership. We want to change the direction of the country, and we want to get rid of this culture of corruption and cronyism, and we want to prop up the country, not any one political party, and use the government to enhance opportunity for people in the United States of America.

Mr. MEEK of Florida. With that, there is nothing more that I can possibly say about where we stand, what we are trying to do in the minority right now, what we would like to do if we had the majority. So with that, sir, will you give the closing.

Mr. RYAN of Ohio. Our Web site is www.housedemocrats.gov/katrina. Become a citizen cosponsor to the independent commission so we can reform government the way it needs to be done.

And 30-somethingdems@mail.house.gov. We have been getting a ton of e-mails lately and a lot of support, over 40,000 citizen cosponsors for the independent commission for Katrina.

Help us change this government. Help us help the Democratic Party take this country in a new direction, a better direction, and help us get rid of this Republican-controlled government that does nothing but corporate welfare and create a welfare state in Iraq at the expense of the American worker and the American taxpayer.

Mr. MEEK of Florida. With that, Mr. Speaker, we would like to thank the Democratic leadership for allowing us to come here in the first Democratic hour. And like I say, it was an honor to address the House.

FISCAL RESPONSIBILITY AND THE REPUBLICAN PARTY

The SPEAKER pro tempore (Mr. KUHL of New York). 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, I appreciate the opportunity to come before the body and also to talk with the American people a little bit this evening about what we as a House majority are doing.

You know, I have been sitting here for the last few minutes listening to my colleagues talk about their plan and talk about what they were doing. And one of my colleagues was talking about we want this, we want that. I was beginning to think I was listening to one of my children name the Christmas list, got the we-wants.

And I will remind the American people that the we-wants are going to take a lot of your money. And I did not hear one single word mentioned about fiscal responsibility and spending less.

And I would encourage my colleagues to come and work with us, really to work with us on this issue, because we would appreciate having them choose to propose some spending cuts. They have been going through this process of trying to come up with a slogan for 2006.

And it has been interesting to watch them talk about this slogan. I think they are going with something like We Can Do Better, Together We Can Do Better, or something of that nature.

There again, we are not hearing anything about controlling spending and reining in government. I did a cable news show last week with a Member of the Democratic Party. He said, well, you know, they had not been invited to join in working on submitting spending reductions.

Mr. Speaker, if they are waiting for an invitation, I hope they consider this the invitation. It is in that spirit that I wanted to come down to the floor tonight and talk a little bit about the Republican security agenda and invite the Democrats to join us, because we are living in uncertain times. We are facing significant challenges, and the Republican majority has a clear plan on how we move forward on this.

We are focused on our national security, our economic security, our moral security, our retirement security. And we are going to talk a lot. We have been working already, the 108th, 109th Congress, and putting quite a bit of time and energy into continued tax relief, lowering energy costs, working toward affordable health care, and talking about preserving access to health care for all Americans.

You know, I am just going to have to correct one of things that one of my colleagues said. They were talking about Medicaid spending and how we were going to cut Medicaid spending. And I was kind of scratching my head. We have been sitting in the Committee on Energy and Commerce since 3 o'clock on Tuesday afternoon now working on many of these issues.

And all we are talking about doing is slowing the rate of growth of Medicaid from 7.3 percent a year to 7 percent a year.

□ 1815

I think a lot of my constituents in Tennessee have, they have kind of wised up to a lot of this Washington talk, and they know that any time you talk about reining in growth, any time you talk about bureaucrats and having to learn to live with less so that families in houses in communities can keep their money, that you are going to hear talk of a cut. You are going to hear talk of a cut. My people know and understand that.

They also were saying a little bit about energy over there. I have got to make a comment there, too, and they were talking about how glorious the '90s were. We probably would not be talking so much about energy right now if President Clinton had not vetoed drilling in ANWR in 1995. He had the opportunity to do something bold and visionary, and he chose not to. Democrats chose not to. And I think we need to remember that as we talk about energy costs.

When we talk about economic policies and the economic expansion, I think that my young colleague over there might do well to realize Ronald Reagan and his economic policies led to that economic expansion, and we fondly remember that President.

As I said, we are talking about the security agenda. We are focused tonight on the economic security agenda and some of the things that we have been able to accomplish. As I said, spending reductions, we are working on across-the-board cuts, tax relief and tax reform, it has been a big, big part of that. The death tax repeal, marriage penalty relief, reducing marginal rates, all of those things; the child tax credit, marriage penalty relief, our colleagues want to talk all of the time and just say, oh, corporations are not paying their fair share. We need to tax corporations more. And that is all Republicans talk about in tax reform and tax relief. And they are just so wrong.

They are just so wrong on that because thousands of families in my district appreciate having sales tax deductibility. They appreciate having the child tax credit. They appreciate having marriage penalty relief. And so many who have, they are trying to save family farms and small business that they have started, they want to make the death tax repeal permanent.

We are going to continue talking about these as we move forward, and we are going to be continuing to work on these spending issues, because when government is taxing too much and spending too much, you stifle economic activity, and that does affect economic security of this Nation. Republicans are not willing to let government stifle economic activities.

Jobs growth and jobs creation is something that needs to be happening. We have seen 3 million new jobs created. That has happened because of the correct economic steps. It has happened because of a push to reform government. We have 98 programs that are targeted for potential elimination, a good first step there.

Our leadership is to be commended by taking these steps, and this is going to yield $4.3 billion in savings, the budget that we passed. And I will remind my colleagues across the aisle did not get a single Democratic vote on this budget. It reduced $35 billion in savings; $35 billion dollars in that fiscal year 2006 budget, and now we are working to expand that. Not a single Democrat wanted to vote for that, but they wanted to spend more. And when they spend more, that is more money coming out of our taxpayers' pockets.

And, Mr. Speaker, our majority believes that we can do better, and I would certainly hope that our colleagues across the aisle will start to work with us on these spending reductions. We have got a great group of Members who are sick of having the liberals in this body tell us that there is no room to cut, and not a single Democrat has agreed to support even a 1 percent reduction. And they do not believe there is 1 percent of waste, fraud and abuse in government.

In fact, they have opposed our effort to get to that $35 billion in savings. And I think that the people in my district know that you can find 1 percent of waste, fraud and abuse; and they are encouraging us to move forward and go maybe even more, find even greater savings.

I have said many times that I think that government needs to be streamlined, and that it could stop behaving and spending like the overgrown, unproductive behemoth that it has become over 40 years of Democrat control with growing program after program after program, and it could start functioning a lot more like some of our Tennessee companies, maybe FedEx or Comdata or the Tractor Supply Company or any of the hundreds and thousands of small businesses and small business manufacturers that are located across our wonderful Seventh Congressional District.

We have got agencies that spend without results and then do not want to tell us how they spend. We have got program after program that was created during the Great Society, and those programs put very little stock in achieving results. The Republicans in this House are working to reshape that, and we are going to continue putting our focus on spending reduction, reducing a little bit more and a little bit more every single year. And we hope that our Democrat colleagues across the aisle are going to join us and assist us with this.

I am pleased to note also, Mr. Speaker, I will have to note this even though the Democrats do not want to join us with across-the-board spending and reducing even 1 percent out of spending, I am pleased to note that today the President expressed support for taking a look at across-the-board cuts.

I was joined by two of my colleagues, the gentleman from Virginia (Mr. CANTOR) and the gentleman from Texas (Mr. HENSARLING), in filing three bills, a 1 percent, a 2 percent, and a 5 percent across-the-board cuts. And also I will have to note that in our work to reduce what the Federal Government spends, Citizens Against Government Waste has sent a letter encouraging Members of Congress to support our across-the-board cuts because they know that as we work toward fiscal responsibility, as we work to achieve and continue economic security in this Nation, a big important part of this is looking at what the Federal Government spends.

Mr. Speaker, I am joined by some of my colleagues tonight. And at this time I would like to recognize one of our colleagues from Texas who is our vice chairman of the Republican Study Committee and has been a leader in looking at the fiscal responsibility of this body and of the Federal Government. The gentleman from Texas (Mr. HENSARLING) has taken a lead on this. He helped with our freshman class as waste, fraud and abuse became our class project. He came forward and helped found the Washington Waste Watchers so that we could begin to get inside these programs to target and look at specifically what was going on in these Federal programs, where the Federal Government spends its money, how it achieves its results.

The gentleman from Texas (Mr. HENSARLING) has worked on this issue for 3 years. And at this time I would like to yield to him for his comment about spending control and budget control and operations offset, having the Federal Government be accountable to the constituents.

Mr. HENSARLING. Mr. Speaker, well, I certainly thank the gentlewoman for yielding, and I certainly appreciate her leadership in this body and truly being one of the great leaders in trying to reform government, bring about accountability, and to help protect the family budget from the Federal budget.

Obviously, many good points were made about fiscal responsibility and the fact that somehow the Democrats, those on the other side of the aisle that we tried to work with, tell us there is no room for reform in the Federal budget, no room whatsoever; that somehow we have to spend even more and more money. Mr. Speaker, it begs the question how much is enough?

Mrs. BLACKBURN. Mr. Speaker, if the gentleman will yield, I mentioned that we were working on finding some appropriate levels of spending reduction in our Committee on Energy and Commerce, and I have been called back to this committee.

So at this point I am going to briefly yield the time to the Chair, who will yield it to the gentleman from Texas (Mr. HENSARLING) to control our hour of time.

FISCAL RESPONSIBILITY

The SPEAKER pro tempore (Mr. KUHL of New York). Under the Speaker's announced policy, the balance of the majority leader's hour is reallocated to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, again it is obvious that those on the other side of the aisle, the Democrats that we are trying to work with, somehow believe that we do not have enough government, that somehow there is no room for reform in the Federal budget.

Again, this chart shows that beginning in 1990 up to the present, that Washington is now spending over $22,000 per household. This is for only the fourth time in the entire history of the United States of America that the Federal Government has spent this much money. It is the first time since World War II, yet the Democrats say there is no room for reform in the Federal budget; that instead we need to increase taxes on hard-working American

families, or, even worse, that we somehow have to pass on more debt to our children.

Mr. Speaker, we can do better. And, Mr. Speaker, this simply amplifies the point, when you think about families, and I think about them in my district back in Dallas and in east Texas, who work hard for a living, some small businesspeople who have gone out to risk capital and start a new business and maybe employ three or four people, look at what has happened in the last 10 years.

You see the family budget, median family income for a family of four has risen from roughly $45,000 to $62,000. That is this line here, Mr. Speaker. But look at the same time what has happened to the Federal budget? We have gone from about $1.6 trillion in 10 years to almost $2.5 trillion.

In other words, the Federal budget is growing at least a third faster than the family budget in just the last 10 years. And yet our colleagues on the other side of the aisle, the Democrats, say, no, there is no place for reform. There is just no place for reform in the Federal budget, that somehow it is going to have to come out of the family budget instead.

But we reject this, Mr. Speaker, and I guess because it is getting close to Halloween, all of the sudden people are thinking about what costumes are they going to go wear for Halloween. I have got a 3½-year-old daughter who has decided to be Snow White. My 2-year-old son is going to become Superman. And now I have noticed that the Democrats want to don a mask called ''fiscal responsibility.'' The American people are not going to buy into that costume, because their plans are simply to spend more and more money because they do not believe in reform.

Every time that we have passed a budget in the last 10 years, Mr. Speaker, they have gone back and offered an alternative budget that spends even more, yet they call that fiscal responsibility? Let us just look in the past several years; for example, let us look at the budget for fiscal year 2004. On June 25 they offered an amendment to add a half a billion dollars to the Interior bill. On the same day they offered an amendment to add $8 billion to our Labor-HHS appropriations bill; on July 16 an amendment for almost half a billion dollars to the Commerce bill.

Let us look at what happened last year. Well, on June 9, an amendment to increase subcommittee allocations by $14 billion; on June 23, an amendment to increase subsidies to businesses by $79 billion; and now for our physical fiscal 2006 appropriations process, an amendment to increase foreign aid by almost a half a billion dollars.

Mr. Speaker, I think the American people are seeing a pattern here. It is a pattern of increased spending.

□ 1830

Again, as all this spending is done, sooner or later, somebody has to pay the piper.

Mr. Speaker, right now, as the Democrats have tried to fight every reform that we have brought forth, we know what is happening to our budget. We know that it is spiraling out of control, growing at a huge multiple over the family budget that one day is going to cause a day of reckoning.

This chart, for example, shows what is going to happen over the next generation when we look at Medicare growing at 9 percent a year, Medicaid at 7.8 percent a year, when we look at Social Security growing 5.5 percent a year. We know when the economy grows at a pretty good pace, that might be 3.5 percent.

Look at this chart here. Right now, the amount of money that we are spending, roughly 20 percent of the economy on government, in just one generation, if we do not engage in this process of reform, using the Washington term ''reconciliation,'' which is a process we started today, if we do not engage in this reform process, this is the future that the Democrat Party wants to provide us. That is a doubling of the size of government in one generation, and that is if they do not come up with anything new. That is just on the programs that we have today, Mr. Speaker. I believe that is simply going to be unconscionable.

Now, again, the Democrats tell us that there is simply no place that we can reform and that somehow reforms lead to massive budget cuts for the poor. Well, we think there is another way that we can help poor people in America, and we believe it has a lot more to do with a paycheck than a welfare check. We want to ensure that the social safety net is there; but, Mr. Speaker, there is something better, and that is a paycheck.

Under the economic policies of this administration and this Republican Congress, all of the sudden we have created now 4 million new jobs. Four million new jobs have been created. People have hope. They have opportunity. They can put food on the table. They can put a roof over their head, and that had everything to do with the policies of this administration and this Republican Congress.

So in many respects, Mr. Speaker, it is not a debate about how much money we are going to spend on housing, how much money we are going to spend on education and on nutrition; but it is a debate about who is going to do the spending.

The Democrat Party can only measure compassion in the number of welfare checks. We measure compassion in the number of paychecks. We are helping empower the American people to have their nutritional program, to have their educational program, to have their housing program.

Mr. Speaker, I am very honored that we have been joined by a couple of other colleagues here tonight who I know have a great insight into our programs for fiscal responsibility, into our programs to try to bring some accountability to the Federal Government, to engage in reforms that could help the American people and actually deliver better health care at a cheaper cost, better housing at a cheaper cost.

One of these Members that we have been joined by, who is a great leader in the freshman class and who is no stranger here to the floor of the House, is the gentleman from Georgia (Mr. PRICE), my colleague; and I would be very happy to yield to the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentleman for yielding, and I just want to say how honored I am to join you this evening for what is such a contrast to what is being offered on the other side of the aisle. The calm and reasoned and logical and thoughtful approach that you and others have taken I think is just so wonderful and heartwarming, frankly, to all Americans to know that there are individuals that are as thoughtful and logical in their approach to, truly, the challenges that we have.

Before I begin, I do want to make a comment about what has seemed to become a nightly ritual, which is a level of personal attacks from the other side that frankly does a disservice to the discussion and the debate, and it really is a shame to see.

We have really a once-proud party on the other side of the aisle that has degraded into what may be known as the ABC game, which is accuse and blame and criticize, really with no positive outlook and no positive proposals for the future.

When they do offer alternatives, as my colleague from Texas just mentioned, what their alternatives do is significantly increase the tax burden on Americans, significantly increase the size of government and the scope of government; and as was mentioned, they have offered some significant increases just of late. So I would like to share with the Members, Mr. Speaker, a couple of graphics that will demonstrate that.

This demonstrates if the other side had their way, just so far this year in their proposals, for the next 5 years the amendments that they have offered would have added an increase in the amount of spending of over $67 billion. This is actually out of date a little bit because we have not got another bit to share with the Members something that happened today in committee, but $67 billion of increased spending.

What about the increase in taxes that they have proposed? As was mentioned, the only alternatives that they truly put on the table are an increase in the amount of spending and an increase in taxes, which certainly increases the size and scope of government. The amount of increased tax revenue that they have recommended to date, $392 billion. Even in Washington, that is a lot of money, and many of these taxes obviously come out of small business and other business, which means jobs.

I think it is important that people recognize and remember what happens daily here and what has happened during this session alone.

We had a really very lean budget that was adopted by Congress, without a single vote, without a single Member of the other side, the Democrat Party, voting in favor of that budget. In fact, they were instructed by their leadership not to support it, and one of the members of their leadership bragged, I guess in essence, quote, they will not get a single vote on this budget. Now that is the kind of leadership that they are offering.

The level of change that we have to fight for here, although it is significant because it is moving in the correct direction, is really not huge, and there is a great graph that I have. This graph I think says so much. Pictures really can say so much more than just words.

This is the proposal for Medicaid changes that we have recommended, the savings in Medicaid, frankly, that increase and empower individuals; but you see the blue line here is without reform. The reform measures that we adopted and recommended you see are the red line. That is the difference over a 5-year period. That is what their screaming is all about. That is the hyperbole that they refer to when they talk about the kind of reform that we offer.

Today, in the Committee on Education and the Workforce, we were struggling with how to provide appropriate moneys to allow the 300,000 students who have been displaced by hurricanes Katrina and Rita the opportunity to go to school wherever they may now find themselves. The proposal that we put on the table had about 7 to $9,000 per student, which is relatively consistent with the kinds of moneys being spent around the Nation. The Democrat proposal that they put on the table in our committee, and it was defeated, but the Democrat proposal was to spend over $26,000 per student, adding literally billions to the cost of government. I do not know anybody that believes that that is a reasonable amount to spend on something that is as needed; but certainly, we do not need to increase the size and scope of government to do so.

The record of fiscal responsibility of the Republican Caucus and this Republican government really is very, very strong. What that fiscal responsibility has done is cut the budget significantly.

This year alone, the fiscal year 2005, which is already done, this is not projection, this is already done, cut the budget by nearly $100 billion, cut the deficit by nearly $100 billion, from $412 billion to $319 billion. So it is a remarkable demonstration of the resolve that we have.

When we have the challenges that we have had with the hurricanes and the like, I think it is important for people to appreciate that the Republicans always return to principle. Always, and first and foremost in the area of government spending for our side, as a principle, is that the taxes that Washington collects are not government money. They are the people's money. So we need to be absolutely as responsible as we can be with that.

As I mentioned, we decreased in 2005 the deficit by nearly $100 billion. What other results are there that we can point to that demonstrate that fiscal responsibility? Nondefense, nonhomeland domestic discretionary spending this year in the House is on track to be below last year's level, and that is for the first time since the Reagan administration. That is true fiscal responsibility.

House Republicans have passed legislation trying to find 35, and hopefully 50, billion dollars in savings in the mandatory programs. This is the first time since 1997. House Republicans have recommended zeroing out the budget, the funding, for 98 Federal programs that are wasteful, that duplicate services, and that are out of date. Anybody in America, if they were to look at the kinds of programs that are offered, I am certain would agree that there are government programs that are certainly wasteful, that there are government programs that offer the same thing that another program does, and many, many programs are out of date.

We have identified 98 of those Federal programs, and we are trying to make it so that we zero the funding for that so those programs are no longer on the books and no longer have that government waste. These savings themselves would save about $4.3 billion.

For the first time since 1994, Congress has temporarily funded the government at the lowest level that is possible by law as we complete our work on the budget process; and last year we held the growth in nonsecurity discretionary spending to 1.4 percent, less than inflation.

So that is true, I believe, fiscal responsibility; and the record is clear. The record shows that the party of fiscal discipline is the Republican Party.

You say, well, what kind of results are we seeing in the economy with those kinds of policies? The gentleman from Texas alluded to many of the positive items that we are seeing in the economy.

Real GDP grew by 3.8 percent in the first quarter of this year, but what we are seeing is the strongest growth performance and one of the strongest growth performances in the past 20 years.

Payroll employment, that was mentioned, is up by nearly 3.7 million jobs in the past months. That is 3.7 million people that have employment that did not have it before.

The unemployment rate is down to 4.9 or 5.1, depending on the month, over the last quarter. We used to learn in economics that an unemployment rate of between 5 and 6 percent was full employment because you have got folks that are either moving or they are changing jobs or the like, make it so that 5 percent unemployment is essentially full employment. That 5 percent is less than the average for the decade of the 1970s, the 1980s, and the 1990s. Again, fiscal responsibility and true results from that kind of responsibility.

Manufacturing industrial production is up 3.4 percent over the past year and by 9.5 percent in the last 2 years.

Real business equipment investment has increased by 13.5 percent at an annualized rate over the past 2 years. That is the best sustained growth in over 6 years, truly a remarkable performance, and the economy is the beneficiary of the programs that have been put in place by this Republican Congress and this Republican administration.

□ 1845

One of the things that I think is so incredibly important, when we look at how does it get down to the community and down to those people on the street, what we are seeing in terms of personal homeownership, it is at an all-time record rate, 70 percent or thereabouts. That record rate stretches across all demographic categories of our society. So the results of this fiscal responsibility are very clear.

The results of the policies that have been put in place by this Republican Party, this Republican Congress, and this Republican administration have demonstrated clearly there is greater success for greater numbers of people.

So I am proud to stand before my colleagues tonight and to participate in this discussion of what is truly fiscal responsibility in a thoughtful and a reasoned and calm manner, and I commend the gentleman from Texas for organizing this hour. I look forward to being back to talk about these issues and more.

Mr. HENSARLING. Mr. Speaker, I appreciate the gentleman's leadership and sharing his insights with us. I would like to try to amplify a couple of his points.

Again, there is a big debate and all of a sudden the Democrats are claiming to be the party of fiscal responsibility. They are claiming something that they have claimed for 50 years, that somehow the Republicans when we try to reform government, that we are engaging in massive budget cuts that will hurt the poor.

Mr. Speaker, we are engaged in this process in Washington known as reconciliation, which is really a Washington term that means that we go back to our committees and say find a way to do it better. Let us be more accountable. Let us be more respectful of the family budget and figure out a way to do things better in the Federal budget. So we have something that is known as mandatory spending, which includes a lot of the welfare programs.

Mr. Speaker, as we attempt to reform a number of these programs, as we attempt to get better health care and

better housing at a lower cost, look at what we are trying to do. In the next 5 years, if we are successful in this plan, and so far our colleagues on the other side of the aisle, the Democrats, have said that none of them are going to help us, at the end of the day what we call mandatory spending is going to grow at 6.3 percent a year instead of 6.4 percent a year. That is the massive budget cut?

First, there is no cut. Only a liberal Democrat or an accountant for Enron would call 6.3 percent increase in the growth of mandatory spending a cut. All we are trying to do is reform programs, make them more accountable to the American people, and slow the rate of growth. People are entitled to their own opinions, but they should not be entitled to their own facts. Even after we do this, we will end up spending more of the people's money next year than we did last year.

When you think about the charges that our colleagues on the other side of the aisle are lodging, we should also remember that these were the very same people who said that welfare reform would be horrible, that it would be the end of the world as we know it. We had such quotes like from the Democrat leader in the House at the time that a million children would be forced into poverty. One of the Democrat leaders in the Senate said that if we have welfare reform, we will have trauma that we have not known since the cholera epidemics, and the rhetoric went on and on and on.

Mr. Speaker, what happened? I can tell Members what happened. Case loads fell in half and millions and millions and millions found jobs, hope, and opportunity. The poorest 20 percent of single-mother families had a 67 percent increase in their earnings once we had welfare reform. Millions were able to leave the rolls. Child poverty fell when we reformed the welfare programs, and 1.4 million children have been lifted out of poverty due to welfare reform.

So we kind of have to check the source. Reforms can work, and they must work for the American people. There are so many different ways that we can improve health care and housing and do it in a way that saves American families money. Right now we could save $1.5 million a year in Medicaid if we just based drug payments on actual acquisition costs. We could save 2 to 3 billion a year if we would stop improper payments for States that do not qualify for the payments.

Mr. Speaker, if we would pass a simple, meaningful medical liability reform bill, we could save 5 to 10 percent on the cost of health care in America.

In 2003, the Federal Government can now not account for $24 billion that was spent, and yet the Democrats say we cannot reform government.

The Department of Housing and Urban Development in 2001 in the last year of the Clinton administration spent $3.3 billion paying out money to people who did not qualify for the program. That was 10 percent of their entire budget, yet the Democrats tell us there is no room for reform in the Federal budget.

The Advance Technology Program spends $150 million annually subsidizing private businesses, 40 percent of which goes to Fortune 500 companies. Yet the Democrats tell us there is no room for reform in the Federal budget.

There was a time quite recently when Medicare would spend five times as much on a wheelchair as the Veterans Administration. Same model and manufacturer. Why? Because one would competitively bid and the other would not, and so they just wasted that money. Yet the Democrats would tell us that somehow we are hurting Medicare recipients when we cease to pay five times as much for a wheelchair as we should have. Fortunately, we have caught that one, and we have remedied that; but we have 10,000 Federal programs spread across 600 agencies. There is so much room for reform.

When families are working hard to make ends meet, we need to be leaders in finding reforms in the Federal budget. I am very happy that tonight we are joined by one of the great deficit hawks and fiscal hawks that we have in the United States Congress, a real leader in helping root out a lot of the duplication and waste and fraud, a lot of the abuse that we find in the Federal budget.

Mr. Speaker, I yield to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Speaker, I want to salute the gentleman from Texas (Mr. HENSARLING), the gentleman from Georgia (Mr. PRICE), and the gentlewoman from Tennessee (Mrs. BLACKBURN) for their being here tonight and focusing on the need to reduce spending.

I have heard from a number of citizens as we are discussing our budgetary situation facing this Congress, this Nation, and our country. Many have said, please, the problem is not taxes too low; the problem is spending too high.

The gentleman from Texas (Mr. HENSARLING) is vice chairman of the Republican Study Committee. The Chair is the gentleman from Indiana (Mr. PENCE). These gentlemen and others, the men and women that make up the RSC, were leaders in focusing on Operation Offset. Our Nation has faced expenditures this year that 6 months ago, 8 months ago were not expected. I believe that their focus on Operation Offset is a correct approach.

The first thing we need to do in looking at the aftermath of hurricanes Katrina, Rita, and Wilma and the other hurricanes that have hit the United States this year is do not spend unnecessarily in dealing with these tragedies.

After that, we need to focus on savings in any way we can to deal with those problems and to manage our fiscal affairs as best as possible.

One area that I think needs to be trimmed is foreign aid. Foreign aid for the last 3 fiscal years has hovered around $20 billion. In fiscal year 2005, it was between 19 and $20 billion. But that does not include the hundreds of millions that were in the supplementals that were passed in fiscal year 2005. We can look at across-the-board cuts in that area of appropriations and I think have very little negative impact on American citizens.

Another area that we need to focus on is stopping illegal immigration. This costs the United States taxpayers billions of dollars every year. Now, I have seen wide estimates on how much the cost is to the Federal Treasury each year because of illegal immigration. The Center for Immigration Studies has estimated $10 billion. The Federation of Americans for Immigration Reform estimates $45 billion. A few months ago, I heard Bill O'Reilly on Fox News state that the figure was $68 billion. There may be disagreement as to the exact figure, but there can be no disagreement that the cost is billions upon billions of dollars to the American taxpayer.

This Congress and the Republican conference have been very supportive of community health centers. They have gotten significant increases in their budgets each of the last several fiscal years. But they have a situation that confronts many other health care providers. When persons come in the door, they have to treat those persons. I believe that some of the governments of those countries south of us have steered their citizens to those entities and to our hospitals, and they know the ropes. Emergency care cannot be denied anyone, whether they are legally or illegally in the United States, particularly emergency room service. A person has to be served.

One way we can stop the influx of those who are not supposed to be in this country to our health centers, to our emergency rooms, to other health care providers is to stop them before they get here. I and others are working on legislation. Some would focus on a fence. I have a bill that would provide for a fence along the southern boundary. Other have suggested much tighter border enforcement, increased border patrol, while others say we need greater enforcement in the interior. We need to have the local sheriff and local chief of police, municipal officers, all have the authority to deal with this situation and have a partner with immigration services if they are detained or held at the local level, that they would be assured of cooperation and removal from the locality back to their home countries.

We also have an impact on social services, and that is billions of dollars. So one area where we could save a lot of money would be to simply enforce our laws against illegal immigration, stop it at the border and in the interior, remove those that are not here legally with a proper visa or proper green card or other proper work permit.

Another area of concern to me is the overuse of government credit cards.

Another member of the RSC has proposed the Government Credit Card Sunshine Act. Following Hurricane Katrina, we had to raise the limit on credit card maximums. Now, I understand the need for our FEMA officials to have the use of credit cards, but in the Federal Government I believe we have overused credit cards. I know in my office, I do not use credit cards. Our congressional office is certainly not like FEMA, it is not like law enforcement, and it is not like the DEA. I know you have to have them in some situations, but I support the Government Credit Card Sunshine Act, which would require the posting, except in classified situations and certain law enforcement situations, of expenditures by government credit cards within 15 business days after the expenditure goes through.

□ 1900

A check of some of the credit card abuses involve payment for Ozzie Osborne concert tickets, tattoos, gambling, cruises, exotic dance clubs, car payments, and the like. This is an example of waste in the Federal Government that needs to be stopped, and I think this act would go a long way to stop that.

This evening I have covered areas where we can focus on that will reduce the amount of Federal expenditures. But I want to close by emphasizing something that the gentleman from Texas (Mr. HENSARLING), the gentleman from Georgia (Mr. PRICE), and the gentlewoman from Tennessee (Mrs. BLACKBURN) emphasized. We are focusing on the savings by curtailing the rate of growth. We are not even saying there shall be no growth. We are saying we just do not want the rate of growth to continue at such a rapid and accelerated pace. By curtailing the rate of growth, we can do a tremendous benefit for all of the taxpayers of the United States of America.

Mr. HENSARLING. Madam Speaker, reclaiming my time, I thank the gentleman for his comments, and I certainly thank him for his leadership.

Madam Speaker, we have now heard just example after example of waste that is in the Federal budget, fraud that is in the Federal budget, not to mention the duplication which is in the Federal budget.

We need to remember, Madam Speaker, that when it comes to paying for government, there are really only three different places where we can find money as we go forward and try to balance this budget.

Number one, we are either going to increase taxes on the American people, or we are going to continue to pass even more debt on to our children because we care more about the next election as opposed to the next generation, or we will engage in this process that we are engaged in today to find reforms in the government. And we have heard example after example after example.

Madam Speaker, I now would like to talk about really the tax side of the equation, because so many of our friends and colleagues from the other side of the aisle say the root cause of all of America's fiscal problems lie in tax relief, that tax relief somehow has caused and fueled all these deficits. We hear it speaker after speaker after speaker.

Well, Madam Speaker, first let me say this: If tax relief is the source of all of our problems, as we can see by this chart, let us assume for a moment that tax relief does absolutely no good, that all we are doing is wasting money when we allow small businesses and the American family to keep more of their hard-earned money. Even if that was true, Madam Speaker, we can see by this chart here that out of the budget we have passed, tax relief is less than 1 percent. Less than 1 percent. So even if Members accept the fact that all we are doing is taking this tax relief money and throwing it away, 99 percent of our challenges in fiscal responsibility actually sit on the spending side.

And this, Madam Speaker, is a very important chart because, again, we will hear from our friends on the other side of the aisle speech after speech about how tax relief is driving the deficit. Well, since we passed tax relief under President Bush and a Republican Congress, Madam Speaker, look at what has happened. Tax revenue has gone from $1.7 trillion in 2003 to $1.8 trillion in 2004, to $2.1 trillion in 2005. And, Madam Speaker, if people do not want to believe me, they should go to the United States Treasury report. Look it up. Individual tax revenues are up 15 percent. Corporate tax revenues are up almost 50 percent.

How is this happening? How do we cut tax rates and somehow get more tax revenue? It is pretty obvious to me, Madam Speaker. For example, I look at people in my district back in Texas, east Texas. I went to visit an industry called Jacksonville Industries. It is aluminum and dye cast business in Jacksonville, Texas. They employ 20 people. Prior to having the tax relief, due to competitive pressures they were on the verge of having to lay off two people, which in their case, a small business, was 10 percent of their workforce. But because of tax relief, Madam Speaker, they were able to go out and buy a huge new machine, and I do not remember what it is called. I could not even tell the Members what it does. But it is big, it is noisy, and it made them more competitive. And instead of having to lay off two people, they hired three new people.

Think about it, Madam Speaker. Listening to our friends on the other side of the aisle, they would say, wait a second, that is five people who could have been on welfare, and that is five people who could have, those are five people who could have been on food stamps, those are five people who could have been on a government housing program, and that is how they measure compassion: How many government checks do we write?

But, Madam Speaker, under our program, under the tax relief, not only do we have more tax revenue, but guess what? We have created jobs. Four million jobs across America. Got a few more in Jacksonville, Texas, at Jacksonville Industries. So instead of having five people on unemployment, five people on welfare, we have five people who have good jobs. They are able to put a roof over their head. They are able to put food on their table for their children.

Madam Speaker, that is what compassion is. Compassion is not measured by the number of welfare checks we write. It is measured by the number of paychecks we create.

So I just cannot believe how we continually hear this argument that somehow tax relief is driving the deficit, and somehow tax relief is causing all of America's fiscal woes. Madam Speaker, it is simply not true.

But, Madam Speaker, what is true, again, even if all of the big spending plans of the Democrats, if we are able to fight them back, even with the programs that we have on the books today, unless we reform, unless they will work with us in this reconciliation process, again look at what is going to happen. In just one generation, government is going to grow from 20 percent of our economy to almost 40 percent of our economy, in just one generation. We are on the verge of being perhaps the first generation in America to leave our children a lower standard of living because we cannot work together and reform some of these out-of-control programs that are growing way beyond our ability to pay for them.

Now, our friends on the other side of the aisle want to rail against our tax relief, but what they will not own up to are their own tax increases. In order to pay for all of this government, all of this out-of-control, growing government, this is what is going to have to happen: And that is these are tax increases needed to fund all of our current projected spending without deficits. They say they want to balance the budget, but they refuse to reform any government program, notwithstanding all the waste and fraud and abuse and duplication that we have pointed out this evening. They just refuse to join with us in that process.

So what is the consequence of their unwillingness to help reform government? Taxes are going to go up, on a family of four in just one generation, $10,000. We are going to have to double taxes on the American people just to balance the budget in 30 years, and it is going to go up and up and up.

And, Madam Speaker, that is why it is so critical that we come together, Democrat, Republican, Independent. This is the future we are looking at. It is like the Dickens of ''Christmas Carol.'' This is the ghost of Christmas yet to come. There is still time to do

something about this. Again, there are so many ways that we can get better health care, better housing, better nutrition at a lower cost. But we are going to have to come together as a Congress, as the American people, and find smarter, better ways to run a number of these programs.

We cannot simply measure compassion by the number of government checks that are written. True compassion is empowering people. True compassion is creating new jobs so that the American people can fund their housing program, their nutritional program, their education program.

Madam Speaker, it is not a debate, again, about how much money we are going to spend on these worthy goals, but it is a debate about who is going to do the spending. Democrats clearly want the government and government bureaucrats to do the spending. We want American families to do the spending, and that is the difference. It is really two different visions about the future of America. One wants more government and less freedom. Our vision is one of less government and more freedom and greater opportunity throughout this land, Madam Speaker.

So I think it is going to be a very important debate that takes place in the weeks to come. But, again, in order to avoid the future of either passing debt on to our children or doubling taxes on the American people, there is only one alternative, and that is to come together and reform these out-of-control programs before we leave the next generation a lower standard of living than we enjoy. That is unconscionable, Madam Speaker, and there can be a better, better future for all of our children if we will work together and reform out-of-control spending.

THE POOR, THE MIDDLE CLASS, AND THE WEALTHY

The SPEAKER pro tempore (Miss MCMORRIS). Under the Speaker's announced policy of January 4, 2005, the gentleman from Vermont (Mr. SANDERS) is recognized for 60 minutes.

Mr. SANDERS. Madam Speaker, let me begin by suggesting that as the only Independent in the House of Representatives, my view of things is a little bit different than my Republican friend; in fact, some of my Democrat colleagues.

When I look out in America today, what I see that is important are not just statistics, but what is going on in the real lives of real people, of what is going on in the middle class in America, the vast majority of our people, what is going on in our communities. And in a broad sense, when I look at America today, I see an economic reality which includes the shrinking of the middle class, the reality that ordinary people in my State of Vermont and all over this country are working longer hours for lower wages. I look out at a time when in family after family it is absolutely necessary for two breadwinners to be working in order to pay the bills and often at the end of the week have less disposable income than a one-income family had 30 years ago.

So I look out and I see that despite a huge increase in worker productivity, a huge explosion in technology, which makes us a much more productive society, that at the end of the day, despite all of that, the middle class is shrinking.

And when I look out in my State and I look throughout this country, I see another phenomenon, and that is that poverty is increasing; that in the last 5 years alone, since George W. Bush has been President, over 5 million more Americans have entered the ranks of the poor. And when I look at what is happening in America today with the middle class shrinking, with poverty increasing, I see another reality, a reality, in fact, that is not talked about terribly much on the floor of this House or, in fact, in the corporate-owned media, and that is that the wealthiest people in America today have never had it so good. Poverty increasing, the middle class shrinking, and people on the top doing phenomenally well.

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That is the economic reality of America today.

Madam Speaker, since President Bush took office, the average annual household family income has declined by $2,500, approximately 4.8 percent. Furthermore, earnings also declined last year. This decrease in earnings was the largest 1-year decline in 14 years for men, but women also saw a decline in income. So what we are seeing in America, despite all of the rhetoric, all of the statistics being thrown around, is that people are not keeping up with inflation.

Madam Speaker, a recent income analysis by the IRS showed that in 2003, the last year that they studied, only those Americans in the top 1 percent saw an increase in their income above inflation; and amazingly enough, it was not just the top 1 percent that did well. It was the top one-tenth of 1 percent that really made the increased income. Meanwhile, while the top 1 percent in 2003 was the only group to earn more money above inflation, 99 percent of the American people were unable to earn enough income to keep up with inflation. In fact, the IRS data shows us that the wealthiest one-tenth of 1 percent earned more income than the bottom one-third of American taxpayers.

So what we are seeing in our country today is a decline of the middle class, an increase in poverty, and a growing gap between the rich and the poor. In fact, with the exception of Russia and Mexico, the United States today has the greatest gap between the rich and the poor of any major country on Earth, and that gap today is substantially wider than it was at any time since the 1920s in this country.

When we talk about the growing gap between the rich and the poor, when we talk about increase in wealth among the very wealthiest people in our country, it is rather incredible to understand that the richest 400 Americans, the wealthiest 400 Americans, are now worth $1.1 trillion. Madam Speaker, that incredible amount of money among 400 families equals the annual income of over 45 percent of the entire world's population, or 2.5 billion people. On the one hand, 400 families have more wealth than is the income of 2.5 billion people in this world.

In 2004, when we talk about the growing gap between the rich and the poor, what we see is that in 2004 the President of the United States said, yes, we have a serious problem here. What is the answer?

Well, the answer is that in 2004, American families making more than $1 million a year received tax cuts averaging $123,000 a year. So we have a situation where the gap between the rich and the poor is growing wider, where the wealth of the upper-income people, the wealthiest people in this country, is getting bigger; and this White House and Republican leadership responds by giving those particular people huge tax breaks.

Madam Speaker, when we talk about what is going on in America, it is important to recognize that in 1980, the average pay of the CEOs of the largest corporations in America was 41 times larger than that of what blue collar workers then earned. By 2004, the average pay of those CEOs increased to 431 times larger. So in 2004 we have a situation where the CEOs of the largest corporations in America are now earning over 400 times what blue collar workers in this country are earning.

Is that what America is supposed to be about? Are we supposed to be a country in which the wealthiest 1 percent own more wealth than the bottom 90 percent, where the richest 13,000 families earn more income than the bottom 20 million families, where the people on top are able to use their wealth to make enormous political contributions that shape policy that benefits them, that the wealthiest people are able to own the media which describes reality for ordinary people in a way that benefits them? Is that what America is supposed to be about? I think not.

Madam Speaker, I am delighted that I have been joined by a very good friend of mine, in my view one of the outstanding Members of the United States Congress, a leader, fighting for the middle class, fighting for our environment, the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Madam Speaker, I thank the gentleman for yielding and appreciate being here tonight to talk about this important topic.

It was interesting, I watched a little bit of the hour before with the gentleman from Texas and others, and they were prattling on about the reckless spending of the Democrats. What

they forget is that the last time the budget was balanced, there was a Democrat sitting in the White House. The last time we began to tax the rich fairly, to bring about a balanced budget, there was a Democrat in the White House and the Democrats controlled Congress. Yet they talk about the reckless spending of the Democrats.

The debt when George Bush took office was about $18,000 per American, the tiniest baby, oldest senior citizen, $5.6 trillion. In 5 short years, he has run the debt up to over $8 trillion, almost $27,000 per person on the President's watch. Yet they prattled on about the Democrats' reckless spending.

But what they are really trying to cover up here is their favoritism for a very small percentage of society, and the gentleman from Vermont was just talking about it. This is IRS data. Under the Bush administration, the IRS being steadily politicized by this President, still, the data shows that one-tenth of 1 percent of the people in this country, those who earn over $1.3 million a year, got an average income increase last year of $130,000, a dream to most of my constituents, to earn $130,000, principally due to tax cuts.

Here is what we are doing: collecting from working people, only people who earn salaries and wages who earn less than $94,000 a year paying Social Security taxes. They are paying on every dollar they earn, up to $94,000. Social Security will have a $180 billion surplus this year. The Republicans and the Republican President are borrowing every penny of that $180 billion surplus that is supposed to go to fund future retirement benefits for those Americans. They are borrowing it and they are spending it and they are replacing it with IOUs.

In part, and this is the ironic thing, in part, as the gentleman knows, that is going to finance tax cuts for the wealthiest among us, people who do not pay Social Security taxes, or pay at a tiny fraction of the rate. A person who earns, let us say $940,000 a year, their Social Security tax rate is one-tenth of that of someone who earns $30,000 a year. And many of them, since this administration values wealth over work, many people do not pay any Social Security tax, because they just live off their investments. Yet this administration says they need relief from taxes.

When they talk about the working people, they are not talking about giving tax relief to working families or help to working families. They today, and for the last week, have been talking about cutting student loans by $15 billion, cutting Medicare for senior citizens, Medicaid for senior citizens and the poorest of Americans, cutting food security, cutting foster care from the Federal Government, cutting all those programs under the guise of newfound fiscal responsibility on the part of the Congress, which is spending us into bankruptcy. And what are they going to do with it? They are going to finance more tax cuts for the wealthy, because they think what America needs is more trickle-down economics: give the money to the wealthiest among us and they will spend it in ways that will put other Americans to work.

Well, what if they spend it overseas? What if they invest it overseas, as more and more companies flee overseas? That does not put any Americans to work. The guy who runs Delphi auto parts has an answer for that. People are just going to have to take a little pay cut. He says Americans who work in these industries who are earning now good family wages should work for $10 an hour. I do not know what Mr. CEO of Delphi earnings; I bet it is a little more. The average CEO earns in the first 12 hours of the year what working people under their tutelage and in their industries earn in 365 days of hard labor.

But this administration values wealth over work, trickle-down economics over investments in our future, in education, in our kids, in health care and infrastructure above all. They are hollowing out America, and we should get to trade policy a little later to talk about that, they are hollowing out America, looting the Treasury, and they are getting ready to hand our kids and our grandkids the bill, a bill that they will have to pay on $10 an hour in wages. Now, this is not all going to hold together.

Mr. SANDERS. Madam Speaker, I thank my friend for his comments. My friend mentioned the Delphi Corporation, which is in Michigan, I believe. I want to say a word about that. It is not in my district. Why is it important, what is happening there?

In general, and we will get to the whole trade issue, the whole globalization that has been pushed on this country by corporate America in order to make the wealthiest people and the large corporations richer while working people see a decline in their standard of living, we will get to that in a moment. But what this attack on the workers, unionized workers, UAW workers at the Delphi Corporation is about is something of huge national significance.

As the middle class declines, it is absolutely not uncommon, from Maine to California, that workers see some decline in their wages; workers are forced to pay more for their health care; workers are losing some or all of their pensions. That is going on all over this country as we move in a race to the bottom.

But what this Delphi Corporation business is about is something more. That is not a slow decline in our standard of living; that is a precipitous collapse in the standard of living of working people. What I fear very much is that what happened at Delphi, that particular concept can spread all over this country.

What happened at Delphi, which recently filed for bankruptcy, is that the workers there had solid, middle-class incomes. They were doing well. They could send their kids to college; they had decent homes. They were making $25 or $30 an hour, solid, middle-class income.

The company files for bankruptcy, and what the CEO there says is you are not going to make $25 an hour anymore; you are going to make $10. You are going to go from the middle class to poverty, like that.

Then a fellow named Jerry Jasinowski, who is the president of the Manufacturing Institute at the National Association of Manufacturers, which, by the way, has been one of the leading forces in this country in pushing unfettered free trade and unfettered globalization on America, they push it on America, and then in responding to the attack on the workers at Delphi, this is what he says:

''From airline pilots to auto assembly workers, employees need to help reduce their costs. We can't afford to live with the very generous benefits we provided 10–15 years ago.''

What he is saying in English is, if you are a working person, what is happening to the Delphi employees could happen to you, should happen to you. The rich get richer.

Last year the CEOs of major corporations earned a 54 percent increase in their compensation. The gap between the rich and the poor is growing wider, and what these people at the National Association of Manufacturers say is, hey, working people all over this country, tighten your belt.

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We are taking it away from you. You thought you were in the middle class. You thought you could provide an education to your kids, have decent health care, have some security. Forget it. We are in a race to the bottom, and there are workers in China who are making 30 cents an hour. How dare you think you could earn $50,000 or $60,000 a year? Not anymore.

I yield to the gentleman from Oregon.

Mr. DEFAZIO. Madam Speaker, the gentleman raises an excellent point. The other technique that Delphi and other major corporations are employing is they are also sticking it to the U.S. taxpayer, because Delphi also is going to walk away from its pension obligations.

Now, we have a pension insurance fund backed by the Federal Government called the PBGC. Under George Bush's watch, it has gone from having an $8 billion surplus to an estimated $200 billion deficit in 5 short years of George Bush's watch. That is the future obligations of pension plans they have assumed. United Airlines pension plan and now Delphi is going to try to dump theirs on them, and other airlines.

So these major U.S. corporations declare bankruptcy and dump the pension plans on the taxpayers. Workers see a

major reduction in pension, because they will not give you your promised pension; depending upon your age and what you were promised, you might get 30, 40 percent of what your pension was going to be. Ultimately the taxpayers are going to pick up the bill for this little maneuver as they take this company through.

Now, there are no future claims. This company goes through bankruptcy, reemerges and is sold for a huge profit, but the Federal taxpayers have no recourse. They cannot reclaim any of that money.

I asked a fellow from the PBGC about this, about the airlines. I said, so, you have taken an equity position in United Airlines as part of this deal of assuming their pensions. Could you not have a claim against future profitability of the airline or against future stock value to make the taxpayers and the PBGC whole? And he got really puzzled for a moment and he looked and said, well, I guess we could do that. Never thought of doing that.

So this has become the new technique: dump the obligations, dump the health care plans, dump the pension plans, the health care plans of people who either fall into the cracks; or, if they are old enough, they can get into Medicare, which this administration is also driving toward bankruptcy. And I do not know if we will have a chance to get to that tonight, but that is another topic of extraordinary concern. And then they become, you know, recovery champions when they turn Delphi around and when the company becomes worth a whole heck of a lot more money, and some turnover specialists capitalize it to come out of bankruptcy and make a fortune on the company. That is the way it works now. That is not a long-term, sustainable plan for this country.

I think now, if we could, we might move a little bit into trade now. Tax policies are a huge portion of this. We already talked about that to some extent. The other thing that is driving down wages and benefits and the working standards, the living standards in this country, is trade. As the gentleman said, it is a race to the bottom. We are saying to the American workers, well, you have to live at the standard of a Chinese worker.

Well, I do not think that that is going to work real well in the system. I mean, we are a consumer-based society. Housing is pretty expensive, cars, fuel, all of these sorts of things. How are you going to live on 3 bucks an hour or a buck an hour, raise a family, have a home, have a place to live and do those sorts of things? It will not work. This model will not work.

But we are also losing our entire manufacturing base. The first automobiles manufactured in China are going to be reimported next January. So goodbye, auto industry, it is gone. And they were pretty honest about that. There was actually an article, 1 day before we voted on special trade status for China, on the front page of the Wall Street Journal which said, this is the end of the manufacturing in America. It is all going to China. And Boeing, of course, wants to go, too. Then we will not make anything anymore. We will try and borrow money to buy things we used to make, but at some point they will probably stop lending us the money, or they will start demanding something in return that we are not going to want to pay.

Mr. SANDERS. If I might, let me just pick up on that point, because you are absolutely right. Let us be clear about what has happened here in the last 20 years.

Corporate America woke up one day and they said, hmm, why do we have to pay American workers American wages, provide health insurance, negotiate on occasion with unions, obey environmental laws, pay taxes in the United States of America? Why do we have to do that when you have billions of people in China, desperately poor people in Latin America, in other countries, who will work for us for almost nothing? Now, just because we, who are the heads of major corporations that grew grapes here in the United States because of American workers, who became profitable giants because of American consumers, well, we do not have to respect that. We do not owe any allegiance, in fact, to the United States of America. In fact, they say, we are not American corporations. Oh, yes, we are American corporations when we come to D.C. in order to get billions of dollars in corporate welfare from the American taxpayers. Oh, yes, we speak English well, and we are American corporations on those days. But on every other day, if we can throw American workers out on the street, move to China, hire desperate people there at 30 cents an hour, who go to jail if they try to form an independent union, who are breathing air that is highly polluted because the environmental standards are virtually nonexistent, we are international corporations. We are off and running.

And that was clearly what they had in mind at the very beginning of this whole debate on free trade, and that is, in fact, what they have done, and that is, in fact, what they are doing.

From their perspective, what globalization is about is telling an American worker, hey, shape up, fellow, because there are people over there who can work for 10 percent of what you are working for. And if you are not prepared to take cutbacks in health care, cutbacks in wages, give up your pension, we are picking up, we are going to China, and guess what? Because of permanent normal trade relations, which Congress passed, my goodness, they could bring those products back into this country without any tariff whatsoever. We do not need you anymore. So industry after industry, whether it is steel, whether it is furniture, whether it is textiles, whether it is footwear.

In fact, one of the interesting things, Christmas is coming soon, and during Christmastime people do an enormous amount of shopping, and they go to the stores and they look and they try to find products made in the United States of America, and they look and they look and they look. And as Mr. DEFAZIO mentioned, it is harder and harder to find products manufactured in America, because our corporations have essentially taken our manufacturing base and sent it to China.

As Mr. DEFAZIO indicated, this is really bad not just for the standard of living for American workers, it is very dangerous for the future of our country in a dozen different respects. How do you defend yourself as a nation in terms of national defense if you are not making products in this country anymore to be used by the military? How are you a great country when you are no longer producing real products, but are now engaged only in service industry-type work?

I yield to the gentleman.

Mr. DEFAZIO. Madam Speaker, I guess this is a little bit of a digression, but it is a case in point. I mean, there is this whole bizarre concept of free trade based on an economist who has been dead over 200 years that only the United States Government, under the tutelage of these multinational corporations is following, much to our detriment.

Our trade deficit this year is headed towards $700 billion. That means we are borrowing almost $2 billion a day from overseas, 40 percent of that from the Chinese, to buy things made in China and other countries that used to be made here. That is not a sustainable model. That ultimately undermines our standard of living. We are piling up huge overseas debts.

But even worse than that, and that is just all under these bizarre theories of free trade, the race to the bottom and all things are a result from that; we are not even really practicing what President Clinton and President Bush are so fond of calling rules-based trade. We are going to have rules. Well, there are rules. The rules say that the Chinese cannot pirate things. Guess what? The Chinese pirate millions of dollars a year worth of U.S. dollars.

The gentleman mentioned furniture. I have a little furniture manufacturer, a high-end furniture manufacturer, in my district. He called me up and said, I have a little trade problem. I thought, that is a little weird, but okay, and I went to visit. Well, it turns out the Chinese delegation came over to look at his plant, they liked his stuff, they offered him more money than he could ever imagine he would ever have to buy his company. The only condition was he had to unbolt all the machines and all the production lines, send 3 managers to China for 6 months, and then they would send him a 20 percent cut for the future. Of course, he would not have workers or a company anymore. He agonized, and he said no.

Well, the Chinese said, okay, fine. They went to Seattle and, from a furniture store there, bought a copy of everything he made, and the next year a Chinese Communist Government-subsidized company produced a clone of everything this company in Oregon makes and were selling it for 40 percent less at the furniture show. That has also happened to a high-tech company in my district.

My staff was in an extraordinary phone call with the Bush administration, the Commerce Department, saying, will you not help these companies fight the piracy? And they said, no, we will not do that. We are not interested. These are the people who cloak themselves with small business, except if the Chinese want to steal the small businesses, that is okay with us. We are not going to do anything about it, because it might upset some of the big deals going on between GM to move all of their manufacturing to China, or Boeing to move all of their manufacturing to China, or IBM; you know, the big companies. So small business gets written off.

So not only are we losing the big manufacturing firms; our small firms, our innovators, are being pirated by the Chinese. The administration will do nothing about it. We are borrowing almost $2 billion a day. This is a crazy thing we are doing to the future of our Nation, and they want to tell us how great it is.

Remember, it was the President's own economic advisor who, in the President's economic report a year ago January, said that outsourcing, that is, exporting U.S. jobs overseas like Delphi or GM or others, is yet just the latest and greatest new manifestation of the advantages of free trade.

Mr. SANDERS. I believe, roughly speaking, although I do not have the exact words in front of me, but what he said is something like, if a product can be made less expensively abroad than in the United States, it makes sense to do that. So essentially what he is telling us, and this is the President of the United States' economic adviser, what he is saying to every corporation in America is, hey, dummy, they pay 50 cents an hour there, $15 an hour here, where are you going to go? Go. So what you have is the Bush administration essentially telling corporate America that they should throw American workers out on the street and move abroad.

I remember a couple of years ago, one of the largest corporations in America is, of course, General Electric. The fellow who is head of that corporation is a guy named Jeff Immelt. Mr. Immelt spoke to some GE investors and he said, and I roughly quote here, not the exact quote, he said, when I look at the future of General Electric, I see China, China, China, China, and China. Why not? Why would you want to pay an American worker a decent wage? Why would you want to reinvest in Oregon or in the State of Vermont when you can hire people abroad for 50 cents an hour or $1 an hour, and they go to jail if they stand up for their political rights? It sounds like a great place to do business to me.

Mr. DEFAZIO. Remember how they have sold this, how they sold CAFTA, NAFTA? It was, we are opening up markets for U.S. workers and U.S. products. We want to put Americans to work. We want to create wealth in this country. NAFTA, Bill Clinton said, was going to bring 400,000 jobs to America. He was off by a few. It actually exported 1.2 million jobs from America to Mexico, so he was off by a little bit there.

Bill Clinton talked about how all the Mexicans were going to buy our goods. The total buying power of Mexico is less than the purchasing power of the people of New Jersey. If they spent every peso they earned on U.S. goods, which, of course, they have to eat and provide housing, they could not do that. The same thing with CAFTA and the same thing with China. These workers who work in the plants that are producing these products, they cannot afford to buy them.

Mr. SANDERS. Let me interrupt my friend and tell you, I do not know if you have been to Mexico to view this.

Mr. DEFAZIO. Yes, Machiadora.

Mr. SANDERS. I have been on several occasions to Machiadora, and what a sad sight it is. When you go there you see these modern factories, and then a mile away from these modern factories, not only by American interests, but European interests, Japanese interests, a mile away from those modern factories you see people literally living in cardboard shacks because their income is so low, their wages are so low that they cannot afford decent housing, even by Mexican standards, being exploited terribly.

But that is what we are seeing, a huge shift in manufacturing from the United States to China and to Mexico. And do you want to hear one of the ironies is that many of these corporations who have gone to Mexico are now leaving Mexico in order to go to China, because they do not want to pay Mexican workers $1 an hour. Go to China. You can pay people there 50 cents an hour.

It is a very serious problem currently existing in Mexico, and it is part of that whole race to the bottom.

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American workers, that is where our competition is. That is what this President, this Congress has said. Your competition are desperate people earning pennies an hour and if you don't lower your standard of living, they are going there.

Is that a sensible policy for the middle class of this country? Obviously it is not. Nobody here is not concerned about the poor people in the world. We want to see those people being able to feed their kids, have decent jobs, have health care, have education. But you don't have to destroy the middle class of this country in order to improve the standard of living of poor people around the world. We can do both. We can raise the standard of living of American workers and improve the lives of poor people around the world rather than engage in this race to the bottom.

I would like to mention to my friend, we can stay on the trade issue, but I know he has been very involved and we have worked together on this issue of the greed and the rip-offs being perpetrated literally today by ExxonMobil and the other large oil companies. I think just today, if my memory is correct, ExxonMobil announced that in the last quarter, the last 3 months, they earned $10 billion in profits which as I understand it is more than any corporation in the history of the United States of America; $10 billion. They are not the only large oil company to be earning record-breaking profits. In my State of Vermont, which obviously gets very cold in the wintertime, we are seeing a lot of senior citizens, lower income people, middle-income people, who are going to be having a very, very difficult time heating their homes this winter because the price of home heating oil is soaring. What I see in my State, a very rural State, where it is not uncommon for workers to travel 100 miles to and from their jobs, paying now $2.60, $2.70 for a gallon of gas, that is what I see. Meanwhile, ExxonMobil has just earned more profits than any other corporation in the history of the United States and every other major oil company is also earning record-breaking profits.

I wonder why the President of the United States has not said to the CEOs of the major oil companies: Come on into my office. Let's go into the Oval Office and let's talk about how you're going to lower gas prices, lower home heating oil prices so the American people don't have to take their paychecks or their limited incomes and give it to the large corporations.

I know my friend has done a lot of work on this issue.

Mr. DEFAZIO. I have got to correct the gentleman. He exaggerated. Their profit was only $9.8 billion for the quarter because they had some markdowns. That is the largest corporate quarterly profit in the history of the world, not just the United States of America. Some would say, well, you know, it has to do with supply and demand and all that. The biggest increase in profits for ExxonMobil, whose profits are up 75 percent on the quarter, BP's profits up 34 percent on the quarter. I think their stockholders should be talking to them. How come they only went up 34 percent on the quarter? ConocoPhillips 89 percent on the quarter—that CEO is going to be getting a nice little bonus—is in their refining areas.

The Republican chairman, from Texas, stood up on the floor of the House and said, ''We have closed 300 refineries in America in the last 10 years.'' If he is talking about ''we,''

that is, if he identifies himself as an oil company executive, that is true. If he is talking about the government of the United States of America, the laws of the United States of America, environmental laws, tax laws, other things, no. The 300 refineries that were closed were closed because of hundreds of oil company acquisitions and mergers and a deliberate policy.

There has been uncovered a memo from Conoco to other major oil companies back in the mid nineties that said: We have a great idea. We're all only getting 27, 22 cents a gallon on refining. If we close down a bunch of refineries, we can drive up those margins. They have succeeded beyond their wildest dreams. Oregonians were paying three bucks a gallon on Labor Day weekend. We are not in the east coast supply train so it is a little hard to say it had something to do with Katrina. But we were paying three bucks, $3.05 a gallon for regular, I remember paying. That was because the refiners cut went from 22.7 cents a gallon to $1.11 a gallon, a 500 percent increase in profits for the refiners. In fact, there is a new company, a new kid on the block, the largest refiner in America now called Valero whose CEO when George Bush offered to let him build new refineries on closed military bases with no environmental restrictions, he basically said, why would I want to do that? It's working just great the way it is. They are making unbelievable profits price gouging. It is exactly the same thing that Enron did in California. Enron in California got ahold of a bunch of generating plants and then they would shut them down and they would say, oh my god, we've got to charge you 10 times as much for your electricity today because there's a shortage. They are doing the same thing with refineries. They shut them down and they say, Oh, there's a refinery shortage. Americans are just going to have to pay more. Those darn environmentalists. None of them were closed because of environmental reasons, and they haven't applied to build any new ones.

Yesterday the Republican leaders of Congress held a press conference, which was kind of pathetic, where they said, Pretty please. We don't care about your really high profits, but we've heard there might be some gouging going on and you better stop that. And pretty please use some of your profits to build refineries.

No. It doesn't fit their business model. They are making money hand over fist. Their production end where they pump the stuff out of the ground, their profits are only up a measly 50 percent. On the distribution end they are only up 5 percent. The retailers are up 2 percent. The Republicans the week before last did adopt some price gouging legislation. Who did they target? The refiners, whose profits are up 500 percent? No. The companies who are pulling it out of the ground, whose profits are up 50 percent? No. Even the distributors who are up 5 percent, not a big deal? No, they targeted the retailers whose profits are up 2 percent because it's those mom-and-pops who are responsible for those high prices, let me tell you. But the friends of small business target the retailers and let the price gougers, the refiners, off the hook. Then they say, oh, we need to open up more land, we have to do this, we have to do that. No. Plain and simple this business model is immensely profitable in the industry and until we go after them has no incentive to change that business model.

The gentleman is right. The target is now fixed on your people. They have turned it from price gouging my people on gasoline to price gouging your people on home heating oil. But next spring they will turn their sights back to gasoline. They cannot extort as high, economists call it rent or price for their excess products in gasoline in the wintertime because people don't drive as much. In the summer they can do that.

Mr. SANDERS. Just so that everyone remembers, one of the points that the President made during his campaign, he comes from an oil background. The Vice President comes from an oil background. They know about these things. So for all folks in America who are paying outrageously high prices for gas at the pump, outrageously high prices for home heating oil, well, we have a President and a Vice President who are very chummy with the oil industry which maybe helps explain why the oil industry is enjoying the highest profits they have ever seen while people all over this country are absolutely getting ripped off. While we talk about oil, I want to divert just a little bit and go back to the trade issue because I know you and I have worked on this one together as well. I always find it so amusing for folks who say, We're great free traders. We believe that competition is where it is.

As everybody in Congress and everybody in America knows, there is an organization called OPEC, Organization of Petroleum Exporting Countries. OPEC's very reason for existence, the reason they came together, was to be a cartel which could limit production and raise profits. That is what they are. They acknowledge it. This is a self-acknowledged cartel. So I find it just so curious that for an administration, for leaders here in Congress who tell us how much they believe in competition and the free market, I find it quite amazing that I have not heard one word from the White House about the need to take action at the World Trade Organization to break up OPEC so that we can see honest competition from different countries and companies in terms of the oil they are producing.

Have you heard the President, the great exponent of free enterprise and competition, raise that issue?

Mr. DEFAZIO. To be totally fair, the last administration was pathetic on this issue, too. I first uncovered this issue during the Clinton administration. I thought they would be happy to hear it. They could help American consumers. They were big rules-based trade guys. They said, no, no, they didn't believe it. I had further legal analysis done and the legal analysis said, Yes, you can clearly file a claim. They are clearly violating the rules of OPEC. You can't constrain supply of a commodity in international trade if you are in the World Trade Organization to drive up the price, only for conservation purposes. They certainly can't make that case.

But the Clinton administration would not do it. I have heard, well, maybe the Bush people, he understands oil, the Vice President understands oil, they will get tough and take on OPEC. They are tough guys. And so I contacted them. I have gotten a form response from the Trade Representative and the Commerce Department. I have introduced legislation here in the House which the Republican leaders refuse to schedule which would mandate the President file a complaint against OPEC.

Free trade, you have got to realize, only works one way. It only works to stick it to American workers. It doesn't work for American consumers. They are not going to use free trade rules to go after OPEC. They are not going to use free trade rules to go after the company in China that cloned my furniture company. They are make a little feint at it. They are saying, Oh, we're going to go to the WTO and ask them to look at whether the Chinese are pirating things. All they have to do is pick up the Trade Representative's report or Pat Choate's book and they can read page after page after page of documentation of the Chinese stealing American products and goods and jobs. But they have only filed one complaint. This administration, 5 years in office, has filed one trade complaint against China, to be totally fair, on behalf of a pharmaceutical company. That is the only one they have filed. The thousands of small businesses and big businesses are being ripped off, OPEC who is ripping off everybody and driving businesses out of the United States of America, they won't take them on, but they did file a complaint on behalf of the pharmaceutical industry in China.

Mr. SANDERS. The reason for all of that is obviously very clear. Virtually every piece of legislation that comes to this floor of the House is frankly bought and paid for. Why would you stand up to our China policy, which has now a $160 billion trade deficit, the loss of millions of jobs, the lowering of wages throughout this country, why would you stand up and try to fight that when you have corporate America investing tens of billions in China, donating huge amounts of money to the President and other political people, why would you stand up for American workers in the middle class when you could defend China and the large corporations that go to China?

When we speak about our trade policy, I don't want anybody to think that we are just talking about blue collar jobs. One of the major economic crises facing our country today is not just the loss of manufacturing jobs in the auto industry, the steel industry, textiles, furniture, et cetera, et cetera. That is hugely important. But what is happening now, in addition to the loss of manufacturing jobs, we are beginning to see the hemorrhaging of white collar information technology jobs. For many years, the rhetoric here in Washington was, well, don't worry too much if you're going to lose the blue collar jobs in your community because that's kind of old-fashioned economics. We're not into that anymore. The real trick is to make sure your kids get a college education and they can go out and get white collar, computer, information technology jobs, make 50, 60, $70,000 a year, good, clean, solid income. That's the future of America.

But what is happening there? What is happening now is corporations are beginning to understand the same thing. Information technology companies are understanding what manufacturing companies are understanding. And, that is, why do you want to hire American workers at 40 or $50,000 a year when there are people in India, China, Russia and elsewhere who can do information technology jobs very, very well for 10 percent of the wages paid in the United States? So what you are beginning to see now is a hemorrhaging of white collar information technology jobs which are impacting people who have college degrees, people who have graduate degrees. We are seeing this taking place at an increasing level. The answer is if we lose blue collar jobs that paid middle-class wages, if we lose white collar jobs that paid middle-class wages, what is left?

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Well, I guess it is Wal-Mart time. We have a situation now, in a company like Wal-Mart, which is far and away the largest employer in America today, a company which pays low wages, minimal benefits, virtually no pension plan, that is the future of America, lose good-paying blue-collar jobs, lose good-paying white-collar jobs and move towards the Wal-Mart-type job in which our standard of living becomes less and less.

Mr. DEFAZIO. Just to make a link there, remember, during the discussions here on this floor, and during the formulation of the China trade policy here, there were the special Wal-Mart provisions that were added to that legislation, China being the largest producer of products for Wal-Mart. Wal-Mart has been driving manufacturers out of America.

There was a fan company driven out of Ohio. Finally, they did not want to go. They wanted to keep making them here, but Wal-Mart said we can get them cheaper. You make them cheaper. The guy said, I can't make them any cheaper. This is really efficient. We are making great products here in the United States of America. I am paying these people a decent wage. They said, no, we know you can do it better. No more contract unless you go cheaper. We know where you can go, China.

They are doing that to business after business after business, driving them out of America, driving them to China. Yes, you can say short run, that is good. The products are cheaper. Well, the profit margins are a lot cheaper. The products are maybe a little cheaper, but people do not have jobs any more. People are buying things on credit.

Not only are we borrowing $675 billion this year, projected, to buy products made overseas, Americans are borrowing money to buy the products that we borrowed money to import from overseas that we used to make here, because they have lost their jobs, and they are living off the equity in their homes or other things. We have record levels of debt in this country. So there are a host of cascading problems that are falling out of this unsustainable rush toward the bottom.

Mr. SANDERS. My friend mentioned the argument in favor of the permanent normal trade relations agreement was this. China is a huge country, with enormous numbers of consumers. Think about the potential market that we are going to have by selling product to China, all the jobs that we are going to be creating. That was the argument.

Well, it turns out I was in China a couple of years ago. We actually met with, I believe the gentleman was the head of Wal-Mart China. We went to Wal-Marts, and we talked to a number of their executives including, I think, the head of Wal-Mart China. Somebody asked a question of them. They said, will you please tell us, we are in your store here, it is a huge store, and in many respects it looks like an American Wal-Mart store.

Somebody asked them, tell me, I am looking around, and I see all of these American products from soaps to basketballs to whatever it is. What percentage of the products here in Wal-Mart China are made in the United States of America and brought to China?

The guy was a little bit sheepish. He really did not want to hear that question. He said 1 percent. Now obviously why would anybody, any large corporation, make a product in the United States and send it to China when you can produce it in China with wages substantially less than they are here.

Mr. DEFAZIO. Let me tell you, I had a container board company in my district, major corporation. They closed it down. They had one candid executive who told the truth. He said, why would anybody make container board in the United States of America any more? The container board is made to package products. The products are all made in China. The container board industry is moving to China so they can make the container board in China for the products made in China to ship back to the United States of America, even basic industries like that.

I mean, it is extraordinary the breadth and the depth of the undermining that is going on here. When you ask them what is your long-term vision, Alan Greenspan, the chief economist hack of the country, likes to say, oh, this shows how much people have faith in us. They will lend us all this money. But then when you say is it sustainable to borrow $600 or $700 billion a year forever.

Well, no, no, no. This is a temporary situation that will be corrected. How is it going to be corrected? If the dollar went to Arrupe, how would it be corrected? It is not going to be corrected through the typical currencies. We are buying everything overseas. The Chinese have basically pegged their currency to ours. No matter how much the dollar goes down the products cost the same. Oil costs more because we are paying for it, and they are raising the price.

The old models of trade do not work any more. But this administration, because it is working well for a very few, for the corporate CEOs and for a few investors, are perpetuating the model to the point where they push America over the final edge. You talked about the CEO of General Electric. The former CEO of Boeing gave a speech where he said he could not wait until Boeing was not referred to as an American company anymore.

Think about it. If our Republican colleagues do not care about the middle class and small business, which they pretty clearly do not by perpetuating these policies, they at least ought to care about their number one thing they are supposedly tough on, national security. So, in 30 years, when we are in confrontation with China, we have no manufacturing base at all left in this country, we do not make airplanes any more. Like the year before, we predicted we would get into a potential conflict with China, say, over Taiwan. We will call them up and ask them to sell us weapons so we can defend ourselves against them.

How is this going to work? They won't need weapons. They have so many of our assets in their bank as of now. When George Bush took the presidency they had $60 billion in U.S. assets. As of the end of last year they had $242 billion of Treasury bonds. They are headed from being number 2 toward being number 1. They will eclipse Japan in a few years as the largest holder of our debt.

All they have to do is threaten to dump our debt on the market and crash the dollar, and they can control the United States of America.

They are putting us so much at jeopardy. If they do not care so much about the middle class, if they do not care about small business, they have to care about the national security implications of this, and the economic security implications of this. But they do

not seem to. A few people are doing really well, and they consider themselves sort of stateless people, like the guy who owns a cruise line, who gave up his U.S. citizenship, lives in the U.S. but he took Bahamian citizenship so he would not have to pay taxes any more. He just lives here and all his customers are here. I mean, that is great. What a great model for the American people.

Mr. SANDERS. I think we are running out of time. Maybe we can just kind of wrap this up by saying this. This is a great, great country, and the concern that many of us have is that despite people working harder and harder, despite new technology being there that makes us more productive, for some of the reasons that we have discussed tonight, and many of the others that we have not discussed, what we are seeing in America is that the middle class is becoming poorer. Millions of American families today desperately want to be able to send their kids to college so that their kids will have a better income and standard of living than they do. They cannot afford to do that. What we are seeing is families being stressed out, because both husbands and wives are working incredible hours in my State in Vermont. It is not uncommon for people to be working two or three jobs trying to cobble together an income.

We did not touch on health care, and the disintegration of our health care system, 46 million Americans without any health insurance whatsoever, tens of millions more who are underinsured, people who are dying because they cannot accord to go to a doctor, and their illnesses become so severe that they are incurable by the time they walk into the doctor's office.

We did not touch on the greed of the pharmaceutical industry, which makes huge contributions to the political profession, mostly to the Republicans, and the result being that we end up paying by far the highest prices in the world for prescription drugs; and the passage of a Medicare prescription drug bill, which does not allow Medicare and 43 million recipients to negotiate with the drug company, so drug prices will go up and up.

The bottom line here is, in my view, that unless ordinary Americans, middle-class, working people, begin to stand up and fight back to reclaim this country from a handful of wealthy and powerful interests, who are using their power to make themselves wealthier at the expense of almost everybody else, unless we turn that around, the future of this country is not great for our kids and our grandchildren, everything being equal. Our kids will have a lower standard of living than we will.

I would like to let my friend from Oregon conclude.

Mr. DEFAZIO. The new CEO of Delphi said that very plainly. He said 10 bucks an hour. That is the future for manufacturing workers in America. As you mentioned, it will not be very long until they try to put the same squeeze on knowledge-based workers. They have done it to other skilled workers.

Just yesterday Northwest Airlines announced, or was it Continental, whichever one of those is currently in bankruptcy, they are both in bankruptcy. Anyway, one of those two airlines announced that they were going to outsource their flight attendant jobs because they can get cheaper jobs overseas. They want to do the same thing with pilots.

We are outsourcing the maintenance of our airplanes. More than half the heavy maintenance on our airplanes is now done overseas with very little supervision from the FAA. We are losing those jobs, too, because they can get a mechanic for $2 an hour in El Salvador, where they would have to pay a skilled mechanic in the United States of America maybe $25, $30 an hour. They do not want to pay those wages. The race to the bottom is going to end very, very poorly for most Americans. We have got to stop it.

Mr. SANDERS. We have got to stop it.

Mr. DEFAZIO. We have got to stop the trade policies, tax policies, the fiscal bankruptcy policies that we are doing. I don't mean by the bankruptcy bill, that was bad enough, written by the credit card companies, but the bankrupting, the looting of America that is going on with this administration.

It is just laughable when the Republicans parade down here and talk about the spending of the Democrats when they control everything and they have increased the debt by 62 percent in 5 years. How do you blame the Democrats for that when they are in charge of every branch of government?

Mr. SANDERS. The House and the Senate and the White House. They have it all.

Let me just conclude by thanking my friend from Oregon for being with me today.

THE PRICE OF ENERGY

The SPEAKER pro tempore (Mr. CONAWAY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 60 minutes.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise tonight to talk about an issue that is the most important and pressing issue facing the country today. That is number 1, the price of energy, and, number 2, in particular, natural gas.

I was not going to talk about what we just heard here, but I feel little bit compelled to talk from the last two previous speakers. They talked a lot about energy company profits, which are unfortunate, I think. But how can energy companies benefit from us in such a great way when things are so difficult for the users of energy in this country?

When you allow the marketplace to be short of gas or natural gas or oil, then you allow the traders in New York to bid up the price. When there is a shortage, the price goes up. The big companies that own millions of acres, great reserves and own it in the ground, when they produce it at $65 a barrel, they are going to make a lot more money than when they produce it at $35 a barrel. So if you want to beat them, you want to make sure that we have ample supply, that there is lots of gas, natural gas, that there is lots of oil to produce, that there is lots of coal. There is lots of all the energy portfolios.

Then they cannot make excessive profits because the oil they own, or the natural gas they own in the ground, is not two and three times more valuable than it really ought to be. Those are basic economics.

The one comment that I found interesting is this current administration has not worked to break up OPEC. I never heard anybody say that before. OPEC is a group of countries who have for years played a big influence in oil prices, because they sort of combine their resources, and decided how much oil they were going to put in the marketplace. At one time, they did have the ability to lower it by dumping millions more per day on the market or raising it by taking 1 million or 2 million a day off the market.

When the shortage started to show, the Wall Street traders could run the price up. They could get the high price for a while. When there was resistance from America, then they would bring it back down. In the meantime, they made a lot of money. The riches did not go to American companies, they went overseas.

Now, how government can break up organizations of governments that are sovereign countries, I mean, I do not understand how we have any role to play. Now, today, they do not have the same monopoly they did. With China and India becoming huge energy consumers, along with us, the marketplace is short. All the oil that can be pumped is being utilized. So there is no slack. I am told that they do not really have the ability to dump an extra 1 or 2 million barrels on the marketplace today that they used to have.

□ 2015

So they can take oil away and force the price up, but they cannot add extra oil and bring the price back down. I wished I knew how we could beat OPEC. I do know how we can beat OPEC.

But it is interesting, one of the Members that was here just speaking to us was in a committee meeting markup that I was in the other day. I will not mention any names but we had a debate on opening up Tar Sands in the West. My memory is he was opposed to it. We had an argument opening up ANWR. My memory was he voted against it. We had a discussion about opening up the OCS, that is, the Outer Continental Shelf. He was opposed to it.

Well, if those are the three ways that you bring energy to the marketplace, then we do not have to import as much energy, and we hopefully can get the price down. It is interesting the lack of understanding in this country who sets the oil prices, who sets the natural gas prices.

The issue I really wanted to talk about tonight is natural gas, and that is the clean fuel, the almost perfect fuel. There is almost no contaminants. When you burn it, it is a clean, blue flame. There is very little pollution, I think a fourth of the CO_2 if you consider that pollution, of fossil fuels, but today, it is $14.00 per 1,000. Yesterday, it was almost $15 all day long, and I guess that was the highest it stayed for one day in the history of this country. Five years ago, natural gas was a little over $3. Fifteen years ago, it was under $2.

Gasoline prices have dominated our news, and we have seen more newscasts about people at the pump and the price of gasoline because right after Katrina it did get up to $3, and most of us are not used to paying $3. Europe's been paying that for a long time, even more than that. We were not used to paying that. I know I shuddered at how much it cost me to fill up my wife's Cherokee, 6-cylinder engine, but it was close to $50, and that was sticker shock to fill up one vehicle and spend $50.

Natural gas, though, is the one that I believe has this country in serious potential economic trouble, and why do I say natural gas? Number 1, while gasoline prices almost doubled when they were at $3 there at about 155 or 160 percent of where they were 5 years ago now as they have come back down, but natural gas prices are 700 percent more than they were 5 years ago and maybe even a little higher percentage than that.

When this country buys $65 oil and produces it into products, the whole world does, but when we pay $14 per 1,000 for natural gas, we are all by ourselves. Natural gas is a product that I do not think a lot of people understand how we use it.

We heat our homes and cook our meals in not all households but many of them. We heat the majority of our schools and the hospitals and the YWCAs and YMCAs. Most of our small businesses use it to heat their places.

Then, in the industrial side, we melt steel with it. We melt aluminum with it. We bend steel and aluminum by heating it. The industry that has been hit the worst is fertilizer. Our farmers have really been hammered with fertilizer costs. Why would you need natural gas for that? Well, when you produce nitrogen fertilizer, that is the one that really makes plants grow fast, 71 percent of that cost is natural gas.

When you can buy gas in every country in the world cheaper than here, where do you think the fertilizer companies are going to make fertilizer? In the last 2 years, 44 percent of our fertilizer factories have left the States because of natural gas prices.

Going on down the list, petrochemicals, every chemical we buy at the hardware store and grocery store that we use to clean products with, they are all made from a natural gas base. Often half the cost of making petrochemicals is natural gas because it is an ingredient, and it is also fuel used to heat it and make the product.

Polymers and plastics, what do we have that does not have polymers and plastics in it? Almost nothing. Everything has polymers and plastics. Most of that has been made in this country, but polymers and plastics, when they are produced, they have both oil and a lot of natural gas in the production process and as an ingredient. So 40 to 45 percent of the cost of polymers and plastics come back to natural gas.

I was at a company in my district last week who makes the basic products for skin softeners, face creams and hand creams, and you know what one of the basic products is? A derivative of natural gas. Another company there made the mucilage for labels, largest company in the world making labels. What was the base product for making the glue that goes on labels? Natural gas.

I do not think a lot of Americans realize that, but from face creams to fertilizers to all kinds of chemicals and polymers and plastics, natural gas is the major ingredient, and the price of that natural gas has made us uncompetitive.

While we are at $14, Europe has been at $6 or $6.50. China, Taiwan, South Korea and Japan have been between $4.50 and $5. Those are our economic competitors making products, competing against us, and some of those countries have cheap labor. Now they have an energy that is used so extensively in the manufacturing process where they have almost a three-to-one advantage.

Then you go to the rest of the world, and most of the world's less than $2. So, if you are going to make petrochemicals and make a profit, you are going to make polymers and plastics, if you are going to melt steel and iron ore or make fertilizer, where are you going to do it? You are going to do it in a country where it is $14 or are you going to go do it where it is $6 or are you going to go to South America where it is $1.60?

At the current time, 120 chemical plants are being built in the world. One of them is in the States. 119 of them, many of that 119 are being built to displace American jobs because they can produce their products far more competitively in foreign countries.

How do we change this? We have to open up supply. It is interesting, about 10 years ago, this country, this Congress, made a decision that we would remove the prohibition of using natural gas to generate electricity. We used to only allow natural gas to be used as electric generation early in the morning when we had peak power needs and in the early evening when we went home and were eating our meals and the factories were still running and the lights were coming on and we used more power right then than at any other time of the day. At that time of the day, the electric companies have to produce more power than they do during the middle of the day or during the night when we are all sleeping.

So peak plants were allowed to use natural gas because it is cheaper to build them, and you can turn them off and on. It is hard to turn a nuclear plant off and on. It is hard to turn a coal plant off and on, but you can turn a natural gas plant off and on and you can use it for peak power needs.

When we changed that law and allowed natural gas to be used, 98 percent of all power generation in this country that is new and was built in the last decade is all natural gas. We now consume one-fourth of the natural gas that this country has to consume to make power, to make electricity. So that has made the marketplace very, very short.

The other problem is we have not opened up supply. I remember a number of years ago when I was attending breakfast as a new Member of Congress that the Edison Electric Institute was putting on, they showed this 12 or 15 years of time that we would use a lot of natural gas to make electricity, and then other sources would come back in line and take up the slack.

At the same time, I went over to a breakfast in the Senate with Daniel Yergin, who wrote the book on oil, a Pulitzer Prize book, and he talked about the oil industry. He stated that if we go down this road, as was being proposed, and we did not open up supply, it would cause severe economic problems in this country because natural gas prices would become unaffordable.

That is exactly what has happened. In my view, it is Congress and the last three administrations who are all equally at fault. Twenty-some years ago, a prohibition was placed in law by Congress and a moratorium was placed by the President at that time that you could not produce oil and gas on 85 percent of the Outer Continental Shelf, and the Outer Continental Shelf is the land offshore for the first 200 miles. The first three miles are controlled by the States. The next 197 miles are controlled by the Federal Government, the Federal waters. Then you go into international waters.

Why would we do that? I am not quite sure why they did it at that time. I was told it was done temporarily by the President, that we were going to have an inventory and find out where our best reserves were, and then we would know where to produce. That never happened.

The next President came in and he made it last to 2012, and the current administration has not dealt with it. So we have a presidential moratorium from producing there and we have a legislative moratorium.

I was here a number of years and voting on Interior appropriations bills unaware that every one of those bills I passed said you cannot spend a dime to lease land on the Outer Continental Shelf so it can be produced.

Why would this country do that? The argument is that you cannot do it and have clean beaches, that you cannot do it and have nice shorelines. Let me see what the rest of the world does.

We can go north to a country that is considered very environmentally sensitive, Canada. They produce oil both oil and gas right off of the main coastline in Canada and right above Washington, off that coastline, and they drill in our Great Lakes every day, and produce gas only, not oil, and sell it to us. In fact, we get 14 percent of our natural gas from Canada. We produce 84 percent of our own, and we get 2 percent from LNG, that is liquefied natural gas, and I will talk about that later. That is another issue.

So, Canada produces there. The United Kingdom, are they not a pretty environmentally sensitive country? I think so. How about Denmark, Sweden, Norway, New Zealand, Australia? They all produce on their Outer Continental Shelf. You go past 12-miles, you cannot see it, you do not know it is there. It is interesting, in the gulf, when the storms hit so hard there this year, the fishermen were saying to the oil companies now, if you are not going to produce here any longer, we want you to leave the rigs and the platforms because that is where the good fishing is. Every study has shown where we are producing oil and gas in the Outer Continental Shelf, there is a lot more aquatic life because they like the shade, they like the cover, and that is just where the good fishing is.

I want to read you an interesting article to prove that I think with today's technology oil and gas production both are not an environmental threat.

It says here: ''The most cited reason is to protect 'the State's tourism dependent economy and environmentally sensitive shoreline.'' That is what States like Florida and California have been telling us.

''Objections which are based more on fear than fact. Of the hundreds of thousands of gas wells drilled in the U.S., not one has ever been declared or caused an environmental hazard,'' not one.

A natural gas well is a 6-inch hole in the ground. You put a steel casing down it, you cement the bottom and cement the top, and you let gas out.

''As for oil, the last environmental hazard was a spill in California over 36 years ago.'' Technology has really improved since then. ''Light years away when you could consider the advances made in advanced drilling technology.

''To demonstrate how safe offshore energy production is today: there were 113 production platforms destroyed, 52 damaged, 8 drilling platforms destroyed and 19 damaged by Katrina and Rita. Yet there were no significant spills and no spills of any kind which resulted in contact with sensitive habitat.''

We just know that this storm was one of the hardest to hit the gulf.

''Simply put, there is no basis in science or recent history to the claim that offshore energy production presents a real or potential environmental hazard to any State's shoreline. A fact accepted by countries such as Norway, Sweden, Denmark, Australia, United Kingdom and Canada noted 'green countries' which willingly drill off their coastlines.

''As for the problem of aesthetics, all production platforms can easily be placed away out of sight of even the tallest tourist by placing them no closer than 20 miles off shore.''

In my view, this argument just does not cut water. Anyway, I have been one who has been proposing that we open up the Outer Continental Shelf. I have been involved in this natural gas issue for the last 5 years. For a number of years, I stood right back here in this aisle and argued with Members of Congress who are no longer here but who were in powerful positions, trying to convince them that all the charts and graphs put out by the Energy Department showed me that we were approaching a very big shortfall on natural gas in the future, and because it is so involved in our whole economic basis, it is so involved in heating our homes and running our businesses and making so many different products, that we could not afford to let natural gas prices excel to the point of where it would make this country noncompetitive.

□ 2030

Today it is at $14. Earlier I was talking on the phone to a gentleman who is the head of the Christian Youth Center in a community in my district. He said he just signed a contract. Last year they bought their gas for $7. He just signed a contract for $14. That means that organization is paying twice as much for heat this year. I have talked to all kinds of companies, and most are signing contracts for $14 and $15. They never dreamed they would pay that much. A couple short years ago, they were at $3 and $4.

When you are a company that bakes things, a company that heat treats metal, a company that uses huge amounts of natural gas, you are suddenly placed in a noncompetitive position with the rest of the world. That is where this country is at.

This is a government-caused shortage. We have decided to expand use of clean natural gas, but at the same time we have refused to produce it, and you cannot import it like you can oil, thank God. There are those who think importation is the answer. I do not think so. I think it can be helpful, but I hope it does not become our long-term policy.

Liquefied natural gas, you liquefy it at very low temperatures. You place it in the most expensive ships known to man, and then bring it into ports. Then you have to warm it back up, turn it back to a gas and have it injected into our system. The part I have not been able to get an answer on, we have four such ports that can receive liquefied natural gas and regassify it and put it into the system. The one I know about is Baltimore, and I was told they are at 63 percent capacity. When you can buy natural gas in foreign countries for $2, $3 and $4, I do not know why the ships are not lined up. There is something flat about this system because it is not being utilized to the capacity this country has.

Big oil would like us to go down that road. They would like to build the ships. They would like to build the ports and they have the money to do that. I think that is a flawed philosophy because who do we buy it from? We buy it from Libya, Algeria, Nigeria, and Russia, not exactly our friends, and unstable countries, countries that do not always treat us very fairly. For the short term, I think we should take all we can get, but I do not think we should build our long-term natural gas supply system that way. The chart that I saw recently showed by the year 2020, 38 percent of our natural gas would come from LNG. I do not think that we can make that happen. I hope we do not make that happen because we have trillions of cubic feet off our shores, all up and down our coastlines.

I have a map, and it shows 85 percent of our coastline, California coastline, and from Maine to Florida all locked up. The outer continental shelf is from 2 miles to 3 miles loaded with natural gas. My proposal is we open it up for natural gas. We give the shorelines 20 miles of protection so you would never see it, and then the States have the right to open it up for oil. We cannot drill our way out of our oil problem, but this country can be self-sufficient on natural gas. We can produce enough natural gas so our price is half of what it is today, maybe even lower than that, where our industries are competitive, where our seniors can afford to heat their homes, and where our YMCAs and churches and our schools can afford to pay their energy bills. This is going to hit education. Their energy bills this winter are going to double.

And at the same time I was talking to the refinery in my district who is very concerned about where the price of home heating oil is going to be this year because he has never been in the position where at this time of the year they did not have any in storage because they cannot produce enough home heating oil. Some schools and hospitals have dual tanks because if one is not available, they have the other. It is very important that you never lose heat in a hospital.

But home heating oil, this refinery said they did not have any in storage tanks. They have been making more gasoline because of the gasoline shortage, and home heating oil has been

selling so fast they cannot produce enough to have any in storage. It will hit the fan on that issue in January and February. When cold weather is here and has a grip on us and there is a short supply, we will see prices for home heating oil that will make natural gas look like a bargain, if you can even buy it.

Mr. Speaker, this country is facing, I believe, the greatest pressure on our economy because of the price of energy and specifically natural gas. It is one we do not have to have. This has been by choice, and then by willingness of no one to face up to where we are at today and change it.

I propose to this Congress, and I have been promised we will have a discussion, I have a proposal that would open up the outer continental shelf all of the way around this country. We would open it up for natural gas. We would give the 20-mile cushion so it is out of sight, and we would allow the States the rights, and we would reward the States for those who produce and provide the energy this country needs.

I have asked our leadership, and I have been told it will happen, that we will have a debate in the Committee on Resources. And if I can get my bill out of there, and I am hopeful because we passed an amendment similar to that a few weeeks ago, and that bill got stalled because of great opposition from the Florida State government and the Florida delegation. So we did not deal with the issue on the floor. But I have asked that we have a clean up or down vote, that we have lengthy debate, that we tell the American people about how natural gas, and I believe natural gas, if we had ample supply, the use of it could be expanded.

We passed a bill last week to incentivize the expansion of refineries. Natural gas could be utilized in all of our school buses because a gasoline engine with a slight adjustment can burn natural gas. Our construction vehicles, city transit vehicles, we could have a large number of vehicles in this country that do not have to travel long distances and can be refueled every night use natural gas. Swan Delivery Company that sells ice cream and frozen products, they have advertised for years that they are the company that is green, they burn natural gas and not gasoline. Now they are paying a huge premium for that. That shows us it can be done.

I have a bus system at State College in my district, they are all natural gas. Today they are paying a premium for being good stewards of the environment burning the clean fuel.

And the West is full of natural gas, but that is not as obtainable because we have inadequate pipeline systems to get it out to the States. The outer continental where we have, I am told, over 400 trillion cubic feet, and many think it may be double that, that is a 50- to 70-year supply. We would not need to import any from Canada. We could use it for transportation. The first hydrogen cars would really be run on natural gas because that is how we can make hydrogen today most efficiently. So it can be the bridge to the future as we bring on renewables.

Mr. Speaker, $60 oil is going to make a lot of things work. We are working now on making fuels out of coal. We are making fuels out of grain. I have a company in my district that just bought a landfill, and they are going to make ethanol out of garbage. All kinds of things are going to work, but it is not quick. It is going to take time.

So an ample supply of the clean fuel that has no contaminants, that we can use in so many ways and is so much a part of our economy already, natural gas can be our bridge, but $14 natural gas has been the wall that this country is going to hit at a high rate of speed.

I was a retailer for 26 years. I vividly remember the late 1970s and early 1980s when we had very high natural gas prices, and we had extremely cold winters. I remember as a retailer it was always difficult to make a profit in January and February. You were lucky if you did not lose money, and then you started making profit in the spring and summer. But during those years, people were so far behind in their spending because they had spent so much money to heat their homes, and petroleum prices were up, too. Sometimes it was clear into May before business became normal again because people were spending so much.

This winter people are going to spend twice as much to drive their car, and almost twice as much to heat their homes. They are going to have a whole lot less money for spending, and 70 percent of Americans spend all of the money they earn every paycheck, so the marketplace is going to be very soft for retail business and commerce, in my view. It is all going to be caused because this country has been unwilling to realize that energy prices are a direct correlation of supply. And we are much more dependent on foreign oil. ANWR could be helpful, and other drilling would be helpful, but on natural gas, there is no valid reason that we have the highest natural gas prices in the world that makes our petrochemical companies uncompetitive, that makes our plastic companies and polymer companies uncompetitive.

Several weeks ago Alcoa Aluminum Company in Pittsburgh ran a release, and the headline did not say this, I had to read the whole article to pick it up, and I read it twice to make sure I was correct. It said in the article if energy prices persist to be consistently high as they are today in America, Alcoa Aluminum will have to, and it said especially natural gas, we will have to reconsider whether we can produce here.

Now, I thought that was a message that should have been the headline. I thought it should have read, ''Alcoa said current natural gas prices may prevent us from doing business here.'' That was not the headline. I forgot what the headline was, but it was sort of an innocuous headline. Nobody read that and seemed to understand what it said. It said we have to reconsider whether we can produce here.

Mr. Speaker, I have had chemical companies and fertilizer companies tell me how it is almost impossible for them to continue being here, and they have told that to the leaders of Congress and I am sure they have told it to the administration. But for some reason we are here tonight and today and yesterday, and we have no real plan of action to bring on natural gas supplies that can allow Americans to heat their homes cost effectively or small businesses to operate efficiently. Or for the major companies, which are the best blue collar jobs that we have left in this country, to stay here and prosper here and be competitive in a global marketplace.

This is an issue that I do not think is complicated. I think it is quite simple. I have been concerned about it for 5 years. Unfortunately, all of my predictions have come true, and it is even worse than I expected. Tonight I urge my colleagues, I urge the people in this country, we have to open up the supply of energy in general but natural gas in particular. It is the fuel that can give us a strong economy, that can help us affordably live in our homes, small businesses stay profitable, and allow the large production companies that make all of the products that I have mentioned, whether it is bending, melting, smelting, cooking, you name it, if it uses natural gas, today they cannot do it competitively.

If we do what we should do and open up supply, America will continue to be the land of opportunity and we can compete with anybody because we have the best workforce.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. OBEY (at the request of Ms. PELOSI) for today on account of an important matter in the district.

Mr. REYES (at the request of Ms. PELOSI) for today on account of official business.

Mr. MACK (at the request of Mr. BLUNT) for today on account of traveling with the President of the United States to survey damage caused by Hurricane Wilma.

Mr. SENSENBRENNER (at the request of Mr. BLUNT) for today and October 28 on account of family business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

(The following Members (at the request of Mr. MCCOTTER) to revise and extend their remarks and include extraneous material:)

Mr. MCHENRY, for 5 minutes, November 3.

Mr. WOLF, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mrs. SCHMIDT, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. KAPTUR, 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. 939. An act to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize the reimbursement under that Act of certain expenditures, and for other purposes; to the Committee on Transportation and Infrastructure.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1409. An act to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 172. An act to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes.

ADJOURNMENT

Mr. PETERSON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 43 minutes p.m.), the House adjourned until tomorrow, Friday, October 28, 2005, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4807. A letter from the Congressioanl Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Stall Reservations at Import Quarantine Facilities [Docket No. 02-024-2] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4808. A letter from the Congressioanl Review Coordinator, Department of Agriculture, transmitting the Department's final rule — 2004 Dairy Disaster Assistance Payment Program (RIN: 0560-AH28) received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4809. A letter from the Assistant Secretary for Special Eductaion and Rehabilitative Services, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research — Disability and Rehabilitation Research Projects and Centers Program — Disability and Rehabilitation Research Projects — received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4810. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Review, Department of Energy, transmitting the Department's final rule — Energy Conservation Standards for Certain Consumer Products and Commercial and Industrial Equipment (RIN: 1904-AB54) received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4811. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Program for Consumer Products; Test Procedure for Residential Central Air Conditioners and Heat Pumps [Docket No. EE-RM/TP-97-440] (RIN: 1904-AA46) received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4812. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Program for Consumer Products; Test Procedure for Residential Central Air Conditioners and Heat Pumps [Docket No. EE-RM/TP-97-440] (RIN: 1904-AA46) received October 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4813. A letter from the Acting Divison Chief, WCB, Federal Communications Commission, transmitting the Commission's final rule — Appropriate Framework for Broadband Access to the Internet over Wireline Facilities [CC Dkt 02-33]; Computer III Further Remand Proceedings: Bell Operating Company Provision of Enhanced Services; 1998 Biennial Regulatory Review — Review of Computer III and ONA Safeguards and Requirements [CC Dkt 95-20, 98-10] ; Conditional Petition of the Verizon Telephone Companies for Forbearance with Regard to Broadband Services Provided Via Fiber to the Premises; Petition of the Verizon Telephone Companies for Declaratory Ruling or, Alternatively, for Interim Waiver with Regard to Broadband Services Provided Via Fiber to the Premises to the Committee on Energy and Commerce.

4814. A letter from the Regulations Coordinator, Food and Drug Administration, transmitting the Administration's final rule — Registration of Food Facilities Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 [Docket No. 2002N-0276] (formerly Docket No. 02N-0276) (RIN: 0910-AC40) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4815. A letter from the General Counsel, Office of Federal Procurement Policy, Office of Management and Budget, transmitting the Office's final rule — Capitalization of Tangible Assets; Correction—received July 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4816. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Revisions to the State Program Amendment Process (RIN: 1029-AC06) Recieved October 17, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4817. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Pacific Coast Population of the Western Snowy Plover (RIN: 1018-AT89) received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4818. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Bull Trout (RIN: 1018-AJ12; 1018-AU31) received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4819. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Arkansas River Basin Population of the Arkansas River Shiner (Notropis girardi) (RIN: 1018-AT84) received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4820. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Southwestern Willow Flycatcher (Empidonax traillii extimus) (RIN: 1018-AT88) received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4821. 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; Atka Mackeral in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332- 5039-02; I.D. 092105D] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4822. 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 Areas 620 and 630 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 092105A] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4823. 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. 091205A] received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4824. 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. 091605F] received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4825. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic 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. 091505A] received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4826. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Hana, HI [Docket No. FAA-2005-21166; Airspace Docket No. 05-AWP-4] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4827. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Sheldon Municipal Airport, IA [Docket No. FAA-2005-22006; Airspace Docket No. 05-ACE-30] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4828. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Wellington Municipal Airport, KS [Docket No. FAA-2005-22005; Airspace Docket No. 05-ACE-29] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4829. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Restricted Area R-3004; Fort Gordon, GA [Docket No. FAA-2005-22397; Airspace Docket No. 05-ASO-9] (RIN: 2120-AA66) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4830. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Legal Desription of Class E Airspace; Lincoln, NE [Docket No. FAA-2005-21707; Airspace Docket No. 05-ACE-22] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4831. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Norfolk, NE [Docket No. FAA-2005-21872; Airspace Docket No. 05-ACE-26] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4832. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Legal Description of the Class D and Class E Airspace; Salina Municipal Airport, KS [Docket No. FAA-2005-21873; Airspace Docket No. 05-ACE-27] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4833. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; and Revision of Class E Airspace; Big Delta, Allen Army Airfield, Fort Greely, AK [Docket No. FAA-2005-20643; Airspace Docket No. 05-AAL-13] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4834. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Golovin, AK [Docket No. FAA-2005-21448; Airspace Docket No. 05-AAL-16] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4835. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318-100, A319-100, A320-200, A321-100, and A321-200 Series Airplanes; and Model A320-111 Airplanes [Docket No. FAA-2005-21189; Directorate Identifier 2005-NM-055-AD; Amendment 39-14279; AD 2005-19-14] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4836. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -400, -500, -600, -700, -700C, -800 and -900 Series Airplanes [Docket No. FAA-2005-20347; Directorate Identifier 2004-NM-226-AD; Amendment 39-14284; AD 2005-19-10] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4837. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No. FAA-2005-21087; Directorate Identifier 2005-NM-019-AD; Amendment 39-14280; AD 2005-19-15] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4838. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A320-111 Airplanes and Model A320-200 Series Airplanes [Docket No. FAA-2005-21861; Directorate Identifier 2005-NM-093-AD; Amendment 39-14281; AD 2005-19-16] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4839. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; British Aerospace Model HS 748 Airplanes [Docket No. FAA-2005-22453; Directorate Identifier 2002-NM-139-AD; Amendment 39-14278; AD 2005-19-13] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4840. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-301, -321, -322, -341, and -342 Airplanes; and Model A340-200 and A340-300 Series Airplanes [Docket No. FAA-2005-22452; Directorate Identifier 2001-NM-336-AD; Amendment 39-14277; AD 2005-19-12] (RIN: 2120-AA4) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4841. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Short Brothers Model SD3 Airplanes [Docket No. FAA-2005-21344; Directorate Identifier 2004-NM-190-AD; Amendment 39-14283; AD 2005-19-18] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4842. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The New Piper Aircraft, Inc., Models PA-28-160, PA-28-161, PA-28-180, and PA-28-181 Airplanes [Docket No. FAA-2005-21174; Directorate Identifier 2005-CE-23-AD; Amendment 39-14285; AD 2005-19-20] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4843. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lycoming Engines (Formerly Textron Lycoming) AEIO-360, IO-360, O-360, LIO-360, LO-360, AEIO-540, IO-540, O-540, and TIO-540 Series Reciprocating Engines [Docket No. FAA-2005-21864; Directorate Identifier 2005-NE-29-AD; Amendment 39-14276; AD 2005-19-11] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4844. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arrius 2 F Turboshaft Engines [Docket No. FAA-2005-22430; Directorate Identifier 2005-NE-34-AD; Amendment 39-14275; AD 2005-19-10] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4845. A letter from the Department of Transportation, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PZL-Swidnik S.A. Models PW-5 ''Smyk'' and PW-6U Gliders [Docket No. FAA-2005-20802; Directorate Identifier 2005-CE-18-AD; Amendment 39-14282; AD 2005-19-17] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4846. A letter from the Regulations Coordinator, OFM, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program and State Children's Health Insurance Program (SCHIP) Payment Error Rate Measurement [CMS-6026-IFC] (RIN: 0938-AN77) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

4847. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Condition of Participation: Immunization Standard for Long Term Care Facilities [CMS-3198-F] (RIN: 0938-AN95) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BUYER: Committee on Veterans' Affairs. H.R. 4061. A bill to amend title 38, United States Code, to improve the management of information technology within the Department of Veterans Affairs by providing for the Chief Information Officer of that Department to have authority over resources, budget, and personnel related to the support function of information technology, and for other purposes (Rept. 109–256). Referred to the Committee of the Whole House on the State of the Union.

Mr. PUTNAM: Committee on Rules. House Resolution 520. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–257). 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. MCCRERY (for himself, Mr. JEFFERSON, Mr. BRADY of Texas, Mr. LEWIS of Georgia, Mr. LEWIS of Kentucky, Mr. BAKER, Mr. ALEXANDER, Mr. JINDAL, Mr. MELANCON, and Mr. PICKERING):

H.R. 4155. A bill to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricane Rita, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of Washington (for himself, Mr. RANGEL, Mr. CARDIN, Mr. STARK, Mr. LEVIN, Mr. MCDERMOTT, Mr. MCNULTY, Mr. JEFFERSON, Mrs. JONES of Ohio, Mr. EMANUEL, Mrs. TAUSCHER, Mr. KIND, Mr. DAVIS of Alabama, Mr. ACKERMAN, Mr. ALLEN, Mr. BAIRD, Ms. BALDWIN, Ms. BEAN, Mr. BERMAN, Mr. BLUMENAUER, Mr. BOREN, Mr. BOUCHER, Mr. CARDOZA, Mr. CARNAHAN, Mr. CASE, Mr. COSTELLO, Mr. CROWLEY, Ms. DELAURO, Mr. DICKS, Mr. DINGELL, Mr. ENGEL, Mr. ETHERIDGE, Ms. ESHOO, Mr. FORD, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Ms. HARMAN, Ms. HERSETH, Mr. HIGGINS, Mr. HINOJOSA, Mr. HOLDEN, Ms. HOOLEY, Mr. HOLT, Mr. INSLEE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KILDEE, Ms. KILPATRICK of Michigan, Mr. LARSEN of Washington, Ms. LEE, Mr. LYNCH, Mrs. MALONEY, Mr. MATHESON, Ms. MATSUI, Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. MCINTYRE, Mr. MEEKS of New York, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Mr. NADLER, Mr. OWENS, Mr. PRICE of North Carolina, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Mr. SANDERS, Mr. SNYDER, Ms. SOLIS, Mr. STRICKLAND, Mr. VAN HOLLEN, Mr. WEXLER, Ms. SCHWARTZ of Pennsylvania, and Mr. ROSS):

H.R. 4156. A bill to amend the Trade Act of 1974 to extend the trade adjustment assistance program to the service sector, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, Energy and Commerce, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself, Mr. DEAL of Georgia, Mr. BLUNT, Mr. CANTOR, Mr. MCCRERY, Mr. SAM JOHNSON of Texas, Mr. CAMP, Mr. RAMSTAD, Mr. ENGLISH of Pennsylvania, Mr. HAYWORTH, Mr. HULSHOF, Mr. HERGER, Mr. LEWIS of Kentucky, Mr. WELLER, Mr. RYAN of Wisconsin, Mr. BEAUPREZ, Mr. UPTON, Mrs. WILSON of New Mexico, Mr. BASS, Mr. TERRY, Mr. MURPHY, Mr. BRADLEY of New Hampshire, Mr. BOEHLERT, Mr. CASTLE, Mrs. EMERSON, Mr. GERLACH, Mr. HOBSON, Mrs. KELLY, Mr. JINDAL, Mr. SCHWARZ of Michigan, Mr. SHAYS, and Mr. SIMMONS):

H.R. 4157. A bill to amend the Social Security Act to encourage the dissemination, security, confidentiality, and usefulness of health information technology; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA (for himself, Mr. BECERRA, Mr. COSTA, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. MENENDEZ, Mr. ORTIZ, Mr. SALAZAR, Ms. LORETTA SANCHEZ of California, Ms. SOLIS, Mr. ISRAEL, Mr. FORD, Mr. CARDOZA, Mr. CUELLAR, Mr. GRIJALVA, Mr. HINOJOSA, Mrs. NAPOLITANO, Mr. REYES, Ms. LINDA T. SÁNCHEZ of California, Mr. SERRANO, Ms. VELÁZQUEZ, Mr. OWENS, Ms. JACKSON-LEE of Texas, Mr. RUPPERSBERGER, Mr. MICHAUD, Mr. HIGGINS, and Mrs. JONES of Ohio):

H.R. 4158. A bill to authorize the Secretary of Energy to establish a program of energy assistance grants to local educational agencies; to the Committee on Education and the Workforce.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. NEAL of Massachusetts, and Ms. JACKSON-LEE of Texas):

H.R. 4159. A bill to amend title 38, United States Code, to establish licensure requirements for employees and contractor personnel of the Department of Veterans Affairs performing orthotics services, pedorthics services, or prosthetics services in any State in which there is a State licensure requirement for persons performing those services in private practice; to the Committee on Veterans' Affairs.

By Mr. CASTLE (for himself and Mr. GILCHREST):

H.R. 4160. A bill to authorize the Secretary of the Army to evaluate, construct, operate, and maintain capital improvements to the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland (Chesapeake and Delaware Canal) for public recreation; to the Committee on Transportation and Infrastructure.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 4161. A bill to reiterate the responsibilities of FEMA with regard to the creation of an appeals process and the establishment of minimum training and education requirements under the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004; to the Committee on Financial Services.

By Mr. GALLEGLY:

H.R. 4162. A bill to provide for an exchange of lands between the Secretary of Agriculture and the United Water Conservation District of California to eliminate certain private inholdings in the Los Padres National Forest, and for other purposes; to the Committee on Resources.

By Mr. JINDAL (for himself, Mr. MCCRERY, and Mr. MELANCON):

H.R. 4163. A bill to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and to direct the Secretary of Homeland Security to exercise certain authority provided under that Act; to the Committee on Transportation and Infrastructure.

By Mr. LYNCH:

H.R. 4164. A bill to amend chapter 89 of title 5, United States Code, and the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to require coverage of hearing aids under the Federal Employees Health Benefits Program and private group and individual insurance; to the Committee on Government Reform, and in addition to the Committees on Education and the Workforce, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MACK:

H.R. 4165. A bill to clarify the boundaries of Coastal Barrier Resources System Clam Pass Unit FL-64P; to the Committee on Resources.

By Mrs. MCCARTHY (for herself and Mr. SCHWARZ of Michigan):

H.R. 4166. A bill to amend the Public Health Service Act with regard to research on asthma, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROGERS of Michigan (for himself, Mr. TOWNS, Mr. ADERHOLT, Mr. ALEXANDER, Mr. ANDREWS, Mr. BARROW, Mr. BASS, Mr. BEAUPREZ, Mr. BERRY, Mrs. BIGGERT, Mr. BISHOP of Georgia, Mrs. BLACKBURN, Mr. BLUNT, Mr. BOEHLERT, Mr. BOEHNER, Mr. BONILLA, Mr. BONNER, Mr. BOREN, Mr. BOUCHER, Mr. BOUSTANY, Mr. BOYD, Mr. BRADLEY of New Hampshire, Mr. BURGESS, Mr. CALVERT, Mr. CAMP, Mr. CANNON, Mr. CANTOR, Mrs. CAPITO, Mr. CARDOZA, Mr. CARTER, Mr. CHANDLER, Mr. CHOCOLA, Mr. COBLE, Mr. CONAWAY, Mr. CRAMER, Mr. CRENSHAW, Mr. CROWLEY, Mrs. CUBIN, Mr. DAVIS of Illinois, Mr. DAVIS of Kentucky, Mrs. JO ANN DAVIS of Virginia, Mr. DAVIS of Tennessee, Mr. TOM DAVIS of Virginia, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DOOLITTLE, Mr. DOYLE, Mrs. DRAKE, Mr. DUNCAN, Mr. EHLERS, Mr. EMANUEL, Mrs. EMERSON, Mr. ENGLISH of Pennsylvania, Mr. ETHERIDGE, Mr. FERGUSON, Mr. FOLEY, Mr. GALLEGLY, Mr. GERLACH, Mr. GILLMOR, Mr. GINGREY, Mr. GOODE, Mr. GOODLATTE, Mr. GORDON, Ms. GRANGER, Mr. GRAVES, Mr. GREEN of Wisconsin, Mr. HALL, Ms. HART, Mr. HAYES, Mr. HENSARLING, Mr. HERGER, Mr. HIGGINS, Mr. HOEKSTRA, Mr. HULSHOF, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SAM JOHNSON of Texas, Mr. JOHNSON of Illinois, Mr. JONES of North Carolina, Mrs. KELLY, Mr. KENNEDY of Minnesota, Mr. KINGSTON, Mr. KIRK, Mr. KLINE, Mr. KOLBE, Mr. KUHL of New York, Mr. LAHOOD, Mr. LATHAM, Mr. LATOURETTE, Mr. LEWIS of Georgia, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LUCAS, Mr. MARCHANT, Mr. MARSHALL, Mr. MATHESON, Mr. MCCOTTER, Mr. MCINTYRE, Miss MCMORRIS, Mr. MEEKS of New York, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. MOORE of Kansas, Mr. MORAN of Kansas, Mr. MORAN of Virginia, Mrs. MUSGRAVE, Mrs. NORTHUP, Mr. NORWOOD, Mr. NUNES, Mr. ORTIZ, Mr. OSBORNE, Mr. OTTER, Mr. OXLEY, Mr. PEARCE, Mr. PENCE, Mr. PETERSON of Minnesota, Mr. PICKERING, Mr. PITTS, Mr. POMBO, Mr. PORTER, Mr. PRICE of Georgia, Ms. PRYCE of Ohio, Mr. RADANOVICH, Mr. RAMSTAD, Mr. REGULA, Mr. REHBERG, Mr. ROHRABACHER, Mr. ROSS, Mr. ROYCE, Mr. RUPPERSBERGER, Mr. RUSH, Mr.

SCHWARZ of Michigan, Mr. SESSIONS, Mr. SHADEGG, Mr. SHIMKUS, Mr. SHUSTER, Mr. SIMPSON, Mr. SKELTON, Mr. SODREL, Mr. SOUDER, Mr. STRICKLAND, Mr. SULLIVAN, Mr. SWEENEY, Mr. TERRY, Mr. THOMPSON of Mississippi, Mr. TIAHRT, Mr. TIBERI, Mr. UPTON, Mr. WAMP, Mr. WELLER, Mr. WESTMORELAND, Mr. WICKER, Mrs. WILSON of New Mexico, Mr. WILSON of South Carolina, Mr. WYNN, Mr. WHITFIELD, Mr. SHERWOOD, Mr. JEFFERSON, Mr. DAVIS of Alabama, and Mr. MANZULLO):

H.R. 4167. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RYUN of Kansas (for himself, Mr. WILSON of South Carolina, Mr. TANCREDO, Mr. NEUGEBAUER, Mr. DANIEL E. LUNGREN of California, and Mr. FORBES):

H.R. 4168. A bill to amend the Immigration and Nationality Act to prescribe the binding oath or affirmation of renunciation and allegiance required to be naturalized as a citizen of the United States, to encourage and support the efforts of prospective citizens of the United States to become citizens, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Financial 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.

By Mr. SCOTT of Virginia (for himself, Mr. RANGEL, Mr. CONYERS, Mr. THOMPSON of Mississippi, Mr. JEFFERSON, Mr. FRANK of Massachusetts, Ms. JACKSON-LEE of Texas, Mr. PAUL, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LEE, Mr. HASTINGS of Florida, and Mr. AL GREEN of Texas):

H.R. 4169. A bill to suspend temporarily the application of laws which would deny certain federal benefits, entitlements, grants, and licenses to victims of Hurricane Katrina or Hurricane Rita due to convictions for certain drug crimes; to the Committee on Financial Services, and in addition to the Committees on Ways and Means, Education and the Workforce, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESSIONS (for himself, Mr. BOOZMAN, Mr. KUHL of New York, and Mr. DANIEL E. LUNGREN of California):

H.R. 4170. A bill to provide administrative subpoena authority to apprehend fugitives; to the Committee on the Judiciary.

By Mr. TAYLOR of North Carolina (for himself, Mr. JONES of North Carolina, Mr. MCHENRY, Ms. FOXX, and Mrs. MYRICK):

H.R. 4171. A bill to provide for the consideration of a petition for Federal Recognition of the Lumbee Indians of Robeson and adjoining counties, and for other purposes; to the Committee on Resources.

By Mr. BURTON of Indiana (for himself, Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. MENENDEZ, Mr. BLUMENAUER, Ms. LEE, Mr. WEXLER, Mr. WELLER, Mr. GONZALEZ, Mr. MACK, Ms. HARRIS, and Mr. FORTUÑO):

H. Con. Res. 280. Concurrent resolution mourning the horrific loss of life caused by the floods and mudslides that occurred in October 2005 in Central America and Mexico and expressing the sense of Congress that the United States should do everything possible to assist the affected people and communities; to the Committee on International Relations.

By Mr. DAVIS of Illinois (for himself, Mr. SHIMKUS, Mr. HASTERT, Mr. RUSH, Mrs. BIGGERT, Mr. EMANUEL, Mr. WELLER, Mr. GUTIERREZ, Mr. KIRK, Mr. LIPINSKI, Mr. JOHNSON of Illinois, Mr. COSTELLO, Ms. SCHAKOWSKY, Mr. EVANS, Mr. MANZULLO, Ms. BEAN, Mr. LAHOOD, Mr. JACKSON of Illinois, and Mr. HYDE):

H. Con. Res. 281. Concurrent resolution congratulating the Chicago White Sox on winning the 2005 World Series; to the Committee on Government Reform.

By Ms. LEE:

H. Con. Res. 282. Concurrent resolution expressing the sense of the Congress that the tax give away since 2001 to the wealthiest 5 percent of Americans should be repealed and those monies instead invested in vital programs to relieve the growing burden on the working poor and to alleviate poverty in America; to the Committee on Ways and Means.

By Mrs. MCCARTHY (for herself and Mr. TURNER):

H. Con. Res. 283. Concurrent resolution honoring the heroic service and sacrifice of the 6,500 glider pilots of the United States Army Air Forces during World War II; to the Committee on Armed Services.

By Ms. ROS-LEHTINEN (for herself and Mr. ACKERMAN):

H. Con. Res. 284. Concurrent resolution expressing the sense of Congress with respect to the 2005 presidential and parliamentary elections in Egypt; to the Committee on International Relations.

By Mrs. SCHMIDT:

H. Con. Res. 285. Concurrent resolution expressing the sense of the Congress that the States of Louisiana, Mississippi, and Alabama should adopt comprehensive, modern, and uniform statewide building codes; to the Committee on Transportation and Infrastructure.

By Mr. WILSON of South Carolina:

H. Res. 519. A resolution recognizing and saluting the Carolinas Independent Automobile Dealers Association; to the Committee on Energy and Commerce.

By Mrs. MALONEY (for herself and Mr. BILIRAKIS):

H. Res. 521. A resolution expressing the sense of the House of Representatives that the Former Yugoslav Republic of Macedonia (FYROM) should cease its distribution of negative and nationalist propaganda and should work with the United Nations and Greece to find a mutually acceptable official name for the FYROM; to the Committee on International Relations.

By Mr. ROHRABACHER (for himself and Mr. LANTOS):

H. Res. 522. A resolution honoring the 600th anniversary of the birth of Gjergj Castrioti (Scanderbeg), statesman, diplomat, and military genius, for his role in saving Western Europe from Ottoman occupation; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. POE.
H.R. 65: Mr. MILLER of Florida.
H.R. 398: Mr. BLUMENAUER, Mr. DEFAZIO, Mr. ETHERIDGE, Ms. LORETTA SANCHEZ of California, and Mr. DICKS.
H.R. 445: Mr. HAYES.
H.R. 586: Mr. MCKEON and Mr. ROGERS of Kentucky.
H.R. 690: Mr. RUPPERSBERGER.
H.R. 735: Ms. ESHOO.
H.R. 752: Mr. BERMAN.
H.R. 791: Ms. BERKLEY and Mr. SHERMAN.
H.R. 910: Mr. SCOTT of Virginia and Mr. BRADY of Pennsylvania.
H.R. 949: Mrs. DAVIS of California and Mrs. MCCARTHY.
H.R. 986: Ms. WOOLSEY.
H.R. 1002: Mr. MEEK of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BROWN of Ohio, and Mr. THOMPSON of Mississippi.
H.R. 1108: Mr. ENGEL, Mr. ANDREWS, Mr. LANTOS, Mr. BACA, and Mr. GORDON.
H.R. 1153: Mr. MEEHAN.
H.R. 1155: Mr. CLEAVER.
H.R. 1288: Mr. ROHRABACHER and Mr. LATHAM.
H.R. 1306: Miss MCMORRIS and Mrs. KELLY.
H.R. 1322: Mr. ISRAEL and Mr. LANTOS.
H.R. 1415: Mr. SERRANO and Mrs. TAUSCHER.
H.R. 1508: Ms. BEAN.
H.R. 1514: Mr. WALSH.
H.R. 1534: Mr. DEAL of Georgia.
H.R. 1535: Mr. DEAL of Georgia.
H.R. 1536: Mr. DEAL of Georgia.
H.R. 1565: Mr. SANDERS.
H.R. 1578: Mr. MARCHANT, Ms. HART, and Ms. Bean.
H.R. 1602: Ms. KAPTUR.
H.R. 1603: Mr. PAUL.
H.R. 1691: Ms. BERKLEY.
H.R. 1736: Mr. GINGREY.
H.R. 1823: Mr. LANTOS.
H.R. 1849: Mr. STARK.
H.R. 1951: Mr. BISHOP of Utah and Mrs. EMERSON.
H.R. 1973: Mr. UDALL of New Mexico, Mr. WU, Mrs. CAPPS, Mr. BARTLETT of Maryland, Mr. GILCHREST, Mr. MANZULLO, Mr. SHAYS, Mr. WILSON of South Carolina, Mr. ROHRABACHER, Mr. THORNBERRY, Mr. TURNER, Mr. UDALL of Colorado, Mr. KINGSTON, Mr. KIRK, Mr. DENT, Mr. PICKERING, Mr. PETRI, Mr. WALDEN of Oregon, Mr. SIMPSON, Mr. LEWIS of Georgia, Mr. RAMSTAD, Mrs. EMERSON, Mr. GERLACH, Mr. WATT, Mr. CARDIN, Ms. HOOLEY, Mr. EHLERS, Mr. DEFAZIO, Mr. UPTON, Mr. BOOZMAN, Mr. MCHUGH, Mr. VISCLOSKY, and Mr. MORAN of Kansas.
H.R. 2014: Mr. BERRY.
H.R. 2134: Mr. SCHIFF.
H.R. 2218: Mr. ABERCROMBIE.
H.R. 2669: Mr. WAXMAN, Mr. CROWLEY, and Mr. FERGUSON.
H.R. 2682: Mr. VAN HOLLEN.
H.R. 2803: Mr. UDALL of New Mexico.
H.R. 2808: Mr. MCDERMOTT, Mr. NEY, Mr. KANJORSKI, Ms. WASSERMAN SCHULTZ, and Mr. CLAY.
H.R. 2822: Mr. MILLER of Florida.
H.R. 2828: Mr. EVANS.
H.R. 3042: Mr. STRICKLAND.
H.R. 3049: Mr. KENNEDY of Minnesota.
H.R. 3142: Mr. PASTOR.
H.R. 3147: Mr. NEUGEBAUER.
H.R. 3267: Mr. VAN HOLLEN and Mr. BLUMENAUER.
H.R. 3301: Mr. CHOCOLA and Mr. DENT.
H.R. 3449: Ms. SCHAKOWSKY.
H.R. 3505: Mr. WELLER and Mr. SODREL.
H.R. 3506: Mr. SANDERS.
H.R. 3630: Mr. SHIMKUS.
H.R. 3698: Mr. HOYER.
H.R. 3702: Mr. CLAY and Mr. PETERSON of Minnesota.
H.R. 3721: Mr. HINCHEY.
H.R. 3743: Mr. FITZPATRICK of Pennsylvania.
H.R. 3804: Mr. LANTOS.
H.R. 3852: Mr. GONZALEZ, Ms. SCHAKOWSKY, Mr. CASE, Mr. BAIRD, and Mr. MOORE of Kansas.
H.R. 3857: Mr. BROWN of South Carolina.
H.R. 3861: Mr. JONES of North Carolina.
H.R. 3889: Mr. GIBBONS.
H.R. 3909: Ms. WASSERMAN SCHULTZ.
H.R. 3953: Ms. WASSERMAN SCHULTZ, Mr. LINCOLN DIAZ-BALART of Florida, Mr. STEARNS, and Mr. PUTNAM.

H.R. 3957: Mr. MCHUGH.

H.R. 4009: Ms. LORETTA SANCHEZ of California.

H.R. 4025: Mr. SCHIFF, Mr. MATHESON, Mr. SALAZAR, Mr. HOLDEN, Mr. CASE, Mr. HINCHEY, Mr. RYAN of Ohio, Mr. KENNEDY of Rhode Island, Mr. NEAL of Massachusetts, Mr. MCCOTTER, Mr. GUTIERREZ, Ms. BEAN, Mr. LEWIS of Georgia, and Mr. RUPPERSBERGER.

H.R. 4042: Mr. SAM JOHNSON of Texas, Mr. LEWIS of Georgia, Mr. FILNER, Mr. FRANK of Massachusetts, and Mr. SOUDER.

H.R. 4045: Mr. WEXLER.

H.R. 4061: Ms. BERKLEY, Mr. MICHAUD, and Ms. HOOLEY.

H.R. 4079: Mr. BARTLETT of Maryland.

H.R. 4093: Mr. FEENEY, Mr. OTTER, Mr. KELLER, Mr. COBLE, and Mr. BACHUS.

H.R. 4098: Mr. FORD, Mr. BARROW, Mr. TAYLOR of North Carolina, and Mr. BOREN.

H.R. 4145: Mr. SERRANO, Mr. ORTIZ, Mr. LEWIS of California, Ms. ESHOO, Mr. GONZALEZ, and Mr. SNYDER.

H.R. 4146: Mr. FRANK of Massachusetts.

H. Con. Res. 90: Mr. BRADY of Pennsylvania, Ms. MCCOLLUM of Minnesota, Mr. WOLF, and Mr. BURTON of Indiana.

H. Con. Res. 234: Mr. CROWLEY.

H. Con. Res. 235: Ms. CORRINE BROWN of Florida and Ms. HERSETH.

H. Con. Res. 251: Ms. WOOLSEY.

H. Con. Res. 260: Mr. FRANK of Massachusetts, Ms. SCHWARTZ of Pennsylvania, Ms. DELAURO, Mr. MCDERMOTT, Mr. KENNEDY of Rhode Island, Mr. EVANS, and Mr. MCGOVERN.

H. Res. 302: Mr. FRANKS of Arizona.

H. Res. 335: Mr. BRADY of Pennsylvania and Mr. PETERSON of Minnesota.

H. Res. 415: Ms. ZOE LOFGREN of California.

H. Res. 458: Ms. BERKLEY and Mr. HONDA.

H. Res. 466: Mr. BUTTERFIELD.

H. Res. 483: Ms. SCHAKOWSKY, Mr. ISRAEL, Mr. RUPPERSBERGER, Ms. JACKSON-LEE of Texas, Mr. LARSEN of Washington, and Mr. SHAYS.

H. Res. 515: Mr. JEFFERSON and Mr. AL GREEN of Texas.

H. Res. 517: Mr. BISHOP of New York, Mr. FOSSELLA, Mr. KING of New York, and Mr. ROTHMAN.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, THURSDAY, OCTOBER 27, 2005 No. 139

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Alan Keiran, chief of staff of the Senate Chaplain's Office.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

O God of might and power, give our Senators today Your passion. Give them a passion for people that will bring liberty and hope. Give them a passion for justice that will empower them to become our Nation's conscience. Give them a passion for unity that will break down the barriers that divide us. Give them a passion for action that they may not shrink from the new or be satisfied with the comfortable inertia.

Give us all a passion for progress that will enable us to see what is not and dream what can be.

We pray in Your precious Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

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

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3010, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Sununu amendment No. 2214, to provide for the funding of the Low-Vision Rehabilitation Services Demonstration Project.

Sununu modified amendment No. 2215, to increase funding for community health centers.

Thune further modified amendment No. 2193, to provide funding for telehealth programs.

Murray amendment No. 2220, to provide stop gap coverage for low-income Seniors and disabled individuals who may lose benefits or suffer a gap in coverage due to the implementation of the Medicare part D prescription drug benefit.

Harkin modified amendment No. 2283, to make available funds for pandemic flu preparedness.

Clinton/Schumer amendment No. 2313, to provide for payments to the New York State Uninsured Employers Fund for reimbursement of claims related to the terrorist attacks of September 11, 2001, and payments to the Centers for Disease Control and Prevention for treatment for emergency services personnel and rescue and recovery personnel.

Coburn amendment No. 2233, to prohibit the use of funds for HIV Vaccine Awareness Day activities.

Coburn amendment No. 2230, to limit funding for conferences.

Dayton amendment No. 2245, to fully fund the Federal Government's share of the costs under part B of the Individuals with Disabilities Education Act.

Dayton amendment No. 2289, to increase funding for disabled voter access services under the Help America Vote Act of 2002.

Santorum amendment No. 2241, to establish a Congressional Commission on Expanding Social Service Delivery Options.

Santorum amendment No. 2237, to provide grants to promote healthy marriages.

Durbin (for Boxer/Ensign) amendment No. 2287, to increase appropriations for after-school programs through 21st century community learning centers.

Bingaman (for Smith/Bingaman) amendment No. 2259, to provide funding for the AIDS Drug Assistance Program within the Health Resources and Services Administration.

Bingaman amendment No. 2218, to increase funding for advanced placement programs.

Bingaman amendment No. 2219, to increase funding for school dropout prevention.

Bingaman/Salazar amendment No. 2262, to increase funding for education programs serving Hispanic students.

Harkin amendment No. 2322, to prohibit payments for administrative expenses under the Medicaid program if more than 15 percent of applications for medical assistance, eligibility redeterminations, and change reports are processed by individuals who are not State employees meeting certain personnel standards.

Cornyn amendment No. 2277, to increase the amount of appropriated funds available for Community-Based Job Training Grants.

Landrieu amendment No. 2248, to increase appropriations for the Federal TRIO programs for students affected by Hurricanes Katrina or Rita.

Landrieu amendment No. 2250, to provide funding to carry out the Mosquito Abatement for Safety and Health Act.

Landrieu amendment No. 2249, to require that any additional community health center funding be directed, in part, to centers in areas affected by Hurricane Katrina or Hurricane Rita.

Collins/Feingold modified amendment No. 2265, to fund grants for innovative programs to address dental workforce needs.

Murray amendment No. 2285, to insert provisions related to an investigation by the Inspector General.

Ensign amendment No. 2300, to prohibit funding for the support, development, or distribution of the Department of Education's e-Language Learning System (ELLS).

The PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. shall be equally divided between the majority and the minority.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the time until 10 a.m. will be equally divided for debate prior to the cloture vote. That cloture vote is scheduled to begin at 10 a.m. promptly. We

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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will be on the Labor-HHS appropriations bill. We started that bill now 6 days ago, last Friday. Senators have had ample opportunity to debate and offer amendments. Therefore, I expect that we will invoke cloture this morning. Once cloture is invoked, the chairman can begin the process of bringing that bill to a close. If we work together and Members are reasonable with their requests for amendments, we will be able to finish the bill tonight. If we are unable to get passage of the bill tonight, then we would return to session tomorrow and stay on the bill with votes until completion. That gives added incentive for people to finish it today, but we will be here tomorrow to vote if we do not finish it tonight.

Today we may also receive the Agriculture appropriations conference report from the House, and I will be talking to the Democratic leader about the scheduling for consideration.

Finally, we have some Executive Calendar nominations ready for Senate action, including a couple of judges. We need to dispose of those nominations as soon as possible.

WITHDRAWAL OF NOMINATION OF HARRIET MIERS

Mr. FRIST. Mr. President, over the last several minutes, Harriet Miers has formally requested to withdraw as a nominee to serve as Associate Justice of the Supreme Court. I had a conversation with Ms. Miers early this morning, and she told me that it was last evening that she spoke to the President and formally requested her nomination to be withdrawn. She stated clearly to me this morning and in a letter, which I will refer to shortly, that she felt that withdrawal was in the best interest of the United States. She came to this decision on her own, based on what she has experienced and witnessed and with the requests that are currently being made and as she projected forward to the hearings, again, in the best interests of the country. This morning she was gracious and forthcoming, confident, expressed appreciation for all of the work that has been done to date in the Senate and asked me to express that to each of the Senators, asking me to say thank you for their individual courtesy over the past several days and weeks. As one may expect, she was disappointed but confident and upbeat.

Earlier this morning, following that, I did talk to the President. It is appropriate, because things are moving so quickly for me, to quote from her letter, again, to use Harriet Miers' own words. As this is addressed by the political pundits and the commentators over the course of today, I think it would be helpful for our colleagues to hear directly what Ms. Miers sent to the President.

OCTOBER 27, 2005.

Dear Mr. President: I write to withdraw as a nominee to serve as an Associate Justice on the Supreme Court of the United States. I have been greatly honored and humbled by the confidence that you have shown in me, and have appreciated immensely your support and the support of many others. However, I am concerned that the confirmation process presents a burden for the White House and our staff that is not in the best interest of the country.

As you know, members of the Senate have indicated their intention to seek documents about my service in the White House in order to judge whether to support me. I have been informed repeatedly that in lieu of records, I would be expected to testify about my service in the White House to demonstrate my experience and judicial philosophy. While I believe that my lengthy career provides sufficient evidence for consideration of my nomination, I am convinced the efforts to obtain Executive Branch materials and information will continue.

As I stated in my acceptance remarks in the Oval Office, the strength and independence of our three branches of government are critical to the continued success of this great Nation. Repeatedly in the course of the process of confirmation for nominees for other positions, I have steadfastly maintained that the independence of the Executive Branch be reserved and its confidential documents and information not be released to further a confirmation process. I feel compelled to adhere to this position, especially related to my own nomination. Protection of the prerogatives of the Executive Branch and continued pursuit of my confirmation are in tension. I have decided that seeking my confirmation should yield.

I share your commitment to appointing judges with a conservative judicial philosophy, and I look forward to continuing to support your efforts to provide the American people judges who will interpret the law, not make it. I am most grateful for the opportunity to have served your Administration and this country.

Most respectfully,

HARRIET ELLAN MIERS.

Those are her words, and I think they are very direct. I did have a chance to talk to the President moments ago. He says that he accepted this withdrawal. Harriet Miers will continue as White House counsel, of course. And I believe that we can expect another nomination in the very near future. I will be talking to Chairman SPECTER a little bit later this morning.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

HARRIET MIERS

Mr. REID. Mr. President, I have heard, since I have been in Washington these many years, about what a tough town it is. I rarely have felt that in my work here. But today I feel what some have said. For Harriet Miers, this is a tough town.

Here is a fine woman, gentle and kind, has a lengthy career. Her record: First woman to become a member of a large law firm in Texas; first woman to be president of the Dallas Bar Association. The Dallas Bar Association is larger than most State bar associations. She followed that with being the president of the Texas Bar Association, one of the three or four largest bar associations in the United States. She has served in elective office for a short period. She has had extensive experience in the courts.

I was in Texas this past weekend with a bunch of Democratic lawyers, members of the Democratic Party. They all said the nicest things about Harriet Miers. She was a fine litigator.

It is no secret I thought she would be an appropriate nomination for the President. I suggested that to the President in a meeting that was attended by the distinguished majority leader. I believe the 35 to 40 percent of the people who have served on the Supreme Court with no judicial experience before getting there have been equally as good as those people who have come to the Court with judicial experience. I believe those Justices with whom I had lunch a few months ago, who said, we would like to have people with no judicial experience come to the Supreme Court—that is what they said—were right. I believe they are still right.

I have talked a little bit about Harriet Miers. She called me this morning. I agree with the distinguished Republican leader that she was upbeat, but she wasn't happy. She was very disappointed. It was obvious she was very disappointed. Who wouldn't be? In her experience as a lawyer, elected city councilperson, in her whole career she has shown that she has been a strong supporter for law firm diversity policies, a leader in promoting legal services for the poor. She made statements, written and otherwise, where she spoke her beliefs on basic fairness.

I believe, without any question, that when the history books are written about all this, it will show that the radical rightwing of the Republican Party drove this woman's nomination right out of town. Apparently, Ms. Miers didn't satisfy those who want to pack the Supreme Court with rigid ideologists. The only voices heard in this process were the far right. She wasn't even given a chance to speak for herself before the Senate Judiciary Committee. Her credentials, which are excellent, weren't good enough for the rightwing. They wanted a nominee with a proven record of supporting their skewed goals.

I hope our President, in choosing a replacement for his lawyer—and that is what she is—will not reward the bad behavior of his rightwing base. President Bush should reject the demands of these extremists and choose a Justice who will protect the constitutional rights of all Americans. The President should listen to all Americans, not just extreme elements of his own party.

I repeat what the distinguished Senator from Maryland said, Ms. MIKULSKI, that she sensed a whiff—I think that is a direct quote—of sexism in all of the attacks on this nominee.

Mr. President, it is over with. She has given her withdrawal to the President. I don't think it is a good day for our country.

The PRESIDENT pro tempore. Who yields time?

Mr. REID. I yield to the distinguished Senator from New York.

How much time do we have, Mr. President?

The PRESIDENT pro tempore. Eight minutes 11 seconds.

Mr. REID. And that is equally divided; is that right?

The PRESIDENT pro tempore. The majority has 7 minutes 42 seconds.

Mr. REID. While the distinguished majority leader is here, Mr. President, through you to the distinguished Republican leader, we had a half hour set aside and I took more than my share. You didn't take much time. I ask unanimous consent that there be 30 minutes for morning business and the vote at 10 o'clock be scheduled at 10:15.

I understand the Senator from New York is not talking in morning business. I withdraw my request. I yield to her whatever time she may consume.

The PRESIDENT pro tempore. The Senator from New York is recognized.

AMENDMENT NO. 2313

Mrs. CLINTON. I thank the Chair. I ask unanimous consent that at the conclusion of my brief remarks my colleague, Senator SCHUMER, be recognized.

The PRESIDENT pro tempore. Subject to the control of the time, yes.

Mrs. CLINTON. I thank the Chair.

Mr. President, I believe amendment 2313 is pending before the Senate; is that correct?

The PRESIDENT pro tempore. Pending before the Senate is H.R. 3010.

Mrs. CLINTON. Is amendment 2313 at the desk?

The PRESIDENT pro tempore. The amendment is the pending amendment, the one we go on in regular business.

Mrs. CLINTON. Mr. President, parliamentary inquiry: Will we be going to regular business before the cloture vote?

The PRESIDENT pro tempore. We are on the bill at this time.

Mrs. CLINTON. Then if we are on the bill at this time, I wish to speak briefly about amendment 2313 and ask that it be pending before the Senate.

The PRESIDENT pro tempore. The Senator has the right to make that amendment the regular order if she desires.

Mrs. CLINTON. I do desire, Mr. President, to make amendment 2313 the regular order.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. CLINTON. I thank the Chair.

Mr. President, this amendment addresses a problem that is quite unprecedented with respect to the funds that were appropriated originally from this body following the attacks of September 11. The funds were part of the original emergency appropriation passed by the Congress and signed by the President. The money addressed in this amendment is intended for use for medical services and related matters on behalf of first responders, construction workers, and others who worked at Ground Zero, who were in a variety of ways injured, whose health was impacted, often leading to employment-ending disabilities. The people who gave so much in the immediate aftermath of those attacks include, of course, those who lost their lives and also those who as part of the rescue and recovery operations suffered long-lasting physical and mental damage.

A number of those people have not been able to return to work. They are suffering from ailments ranging from physical disability, loss of limbs, loss of the use of limbs. They have suffered an incredible range of lung-related and breathing diseases—asthma, respiratory dysfunction. Others have suffered greatly from the stresses they confronted, particularly working on what was called ''the pile'' day after day after day; some who worked out at Freshkills, the formerly very large landfill on Staten Island where the remains of so many who lost their lives, including the debris from the cleanup, were taken and deposited. Detectives worked there hour after hour after hour recovering evidence, and often that evidence included, tragically, body parts. Many of these people who were directly impacted continued to work as long as they could. They tried to return to some semblance of normalcy. Unfortunately, they often could not continue.

The money that was directed to be used for their medical and employment-related needs was caught up in some of the efforts to deal with the budget currently, and an unprecedented rescission of these funds previously appropriated was called for.

On both sides of the aisle, in the Senate as well as the House, we have a number of our colleagues who understand completely the need for these funds to be reinstated and available for the purposes they were intended. Certainly, the Governor of our State, the mayor of our city, along with representatives of many of the workers, the police officers, detectives, the firefighters, the construction workers, and others who were adversely impacted because they responded to the need for their services and their heroic efforts, are all united in our effort on both sides of the aisle at all levels of Government to make sure that what was promised is fulfilled.

I greatly appreciate the chairman of the committee and the ranking member working with us over the last weeks to make sure we correct this unprecedented rescission. I believe the amendment has been agreed to by the chairman and ranking member. I hope we are able to move forward with that expeditiously today.

This is a righting of an inadvertent wrong. I don't think the full intent and understanding of what these funds were for was perhaps appreciated, but there seems to be a great willingness, which I greatly appreciate, on behalf of the majority——

The PRESIDENT pro tempore. The Senator's time has expired.

Mrs. CLINTON. And so, Mr. President, let me, if I could——

The PRESIDENT pro tempore. There is no further time for the minority to yield.

Mrs. CLINTON. Mr. President, may we have unanimous consent to use the leader time?

The PRESIDENT pro tempore. The leadership time is reserved. The leadership is to use that time.

Mr. SCHUMER. Mr. President, I ask unanimous consent that I be given 2 minutes. It can be deducted from the Republican time.

The PRESIDENT pro tempore. Without objection, that request can be agreed to.

Mr. SCHUMER. I thank the Chair. I want to add my voice in support of this amendment on behalf of Senator CLINTON and myself.

We all know the help this country has generously offered those who put their lives on the line—some survived, some did not—after 9/11. Many emerged wounded. I want to add one other element here. When we negotiated with the President for the $20 billion, there was a great moment of unity. When this Congress stood up, it was a great moment of unity. I have to say the President has never wavered in his commitment of the $20 billion. In fact, the White House has been generous in granting us flexibility—seeking to take $2 billion of the tax dollars and move them to transportation.

This one rescission is the only mark where there has been a wavering in the commitment made to New York in those bleak weeks right after 9/11. We don't know how it came about. I doubt it came from the President—maybe somebody in OMB. But removing this rescission rights that wrong and keeps the ledger unblemished about this Nation's commitment to $20 billion to New York.

I thank Senator SPECTER and Senator COCHRAN for understanding that need, and Senator CLINTON and I look forward to the fact that this amendment, which will now be in the Senate bill, will prevail in the House and that the White House will help us make that happen.

The PRESIDENT pro tempore. The Senator's 2 minutes have expired.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the remainder of the time be allocated to Senator SCHUMER and myself.

The PRESIDENT pro tempore. Without objection, it is so ordered. There is 5 minutes 44 seconds remaining.

Mrs. CLINTON. Mr. President, as you can tell from both Senator SCHUMER and myself, we are very grateful for this understanding and pending action that will give us a chance to right this wrong. Again I think it is difficult to trace how it happened. I believe it is in the rush of trying to figure out how to maybe make things balance a little bit more that this was seized upon.

I ask unanimous consent that letters from Governor Pataki and Mayor Bloomberg be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE CHAMBER,
STATE CAPITOL,
Albany, NY, October 21, 2005.

Hon. THAD COCHRAN,
Chair, Appropriations Committee, Senate Dirksen Office Building, Washington, DC.
Hon. ROBERT C. BYRD,
Ranking Member, Appropriations Committee, Senate Hart Office Building, Washington, DC.

DEAR SENATORS COCHRAN AND BYRD: I would like to voice my strong concerns over a provision in the House Labor-HHS Appropriations bill which would rescind $125 million from the New York State Workers' Compensation Board sent to New York as part of the response to the September 11, 2001 terrorist attacks. As the Senate considers its own Labor-HHS appropriations bill, I would ask that this rescission not be included. If it is not feasible to reverse the rescission, then I would respectfully ask that you support passage of a new emergency appropriation.

Under P.L. 107–117, Congress provided New York a total of $175 million for the Workers' Compensation Board. The funding was for paying benefits to the volunteers who responded to Ground Zero or the Staten Island Landfill and to pay claims to the employees of uninsured employers. These funds were made available ''until expended.''

Consistent with Congressional intent, I am requesting that all funds from the initial appropriation remain available to ensure that the continuing needs of affected individuals are met.

I appreciate that you have incredibly difficult decisions to make given the funding constraints under which you must pass the Labor-HHS bill. However, the aftermath of 9/11 continues to manifest itself with responders' illnesses emerging late and lasting longer than expected. To rescind the funding provided to deal with these needs would be turning our back on the very people who stepped up to the plate in the wake of a national emergency.

Thank you for your attention to this critical issue.

Very truly yours,
GEORGE E. PATAKI.

THE CITY OF NEW YORK,
OFFICE OF THE MAYOR,
New York, NY, October 24, 2005.

Hon. THAD COCHRAN,
Chairman, Senate Appropriations Committee, Capitol Building, Washington, DC.
Hon. ARLEN SPECTER,
Chairman, Senate Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies, Dirksen Senate Office Building, Washington, DC.
Hon. ROBERT C. BYRD,
Ranking Member, Senate Appropriations Committee,
Capitol Building, Washington, DC.
Hon. TOM HARKIN,
Ranking Member, Senate Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies, Hart Senate Office Building, Washington, DC.

DEAR CHAIRMEN COCHRAN AND SPECTER AND RANKING MEMBERS BYRD AND HARKIN: In the aftermath of the attacks on the World Trade Center (WTC), the Federal Government promised to appropriate $20 billion to help New York City in its recovery efforts. As you are aware, $125 million of that Federal funding has been rescinded. I am asking your support for an amendment to be offered by Senators Clinton and Schumer to restore these funds to meet the ongoing needs of those harmed by the September 11th attacks and (their aftermath. The funds in question were originally to be used to process workers' compensation claims, but have not proven necessary for that purpose.

It is impossible to predict exactly the needs of the governments, businesses and individuals hurt by such a crisis. Jurisdictions affected by major disasters, be they manmade or from natural causes, should get the benefit of hindsight to make full and proper use of allocated funds. Thus it is important that the Congress allow these jurisdictions to come back to Congress to make revisions in the federal assistance provided.

In New York, there is still a need for New York State to retain $50 million of the aforementioned $125 million, but we are writing you about the remaining $75 million. New York has significant, ongoing needs for continued monitoring and possible medical treatment as a result of the September 11th attacks.

It is our understanding that Senators Clinton and Schumer will be offering an amendment to restore this $75 million so it can be used to administer baseline and follow-up screening and clinical examinations and long-term medical health monitoring, analysis, and treatment for emergency services personnel and rescue and recovery personnel through the FDNY Bureau of Health Services and Counseling Services Unit, the NYPD, Project Cope, the Police Organization Providing Peer Assistance (POPPA), the World Trade Center Health Registry and the Mount Sinai Center for Occupational and Environmental Medicine working with the State and City of New York.

The New York City Fire Department (FDNY) estimates that this funding would enable the World Trade Center (WTC) Medical Monitoring Program, that the Department's Bureau of Health Services runs in partnership with Mt. Sinai Medical Center, and the FDNY Medical Treatment Program to continue for several more years, although additional funds would be needed beyond that time period. The WTC Medical Monitoring Program monitors and treats the WTC rescue and recovery workers and volunteers affected by environmental contaminants and other exposures at the WTC site. It is the only long-term, national program that provides periodic medical monitoring exams, as well as short- and long-term medical treatment, for the approximately 12,000 FDNY rescue workers and 12,000 other responders who could be at risk for WTC-related illnesses as a result of their efforts in rescue and recovery, service restoration or debris removal and clean up at the WTC site. Federal and private funding is due to expire in 2009 for the monitoring program and 2007 for the treatment program. This is a much-needed amendment that would continue this federal partnership for several more years.

The FDNY's workforce was the most severely affected by September 11, 2001. On that day alone, the Department suffered 343 fatalities, and 200 of our responders needed medical treatment—some for life-threatening injuries. In all, more than 12,000 FDNY rescue workers performed rescue and recovery efforts from September 11, 2001 through July 2002. Since then, nearly 4,000 have developed respiratory and/or mental health-related illnesses. Potentially disabling conditions that our rescue workers face include asthma, chronic bronchitis, chronic sinusitis, gastroesophageal reflux disorders and psychological distress as a result of their repeated exposures to the injured, the dying, the dead, human remains, potentially life threatening situations for themselves and other traumatic events. Our FDNY rescue workers are also concerned about other potential exposures to environmental toxins. More than 500 firefighters have qualified for early retirement disability.

This funding would also provide critical support for the New York City WTC Health Registry. The WTC Health Registry, operated by the NYC Department of Health and Mental Hygiene, tracks many highly affected subgroups present on 9/11, including Lower Manhattan residents, children, building survivors and visitors, as well as rescue workers and rescue/clean-up volunteers. The Registry has enrolled 71,000 persons, including those who were contacted from known employer and building listings, as well as eligible individuals who voluntarily enrolled. The Registry is designed to maintain contact with and systematically document potential health effects related to 9/11 through periodic monitoring of mental and physical health conditions over the course of the next 20 years. To benefit participants and others affected by the disaster, the Registry provides immediate information on health and mental health outcomes, as well as available resources and treatment options. It is a unique resource open to health experts around the country conducting more in-depth health investigations. Special studies by a number of academic institutions have already begun, with the Registry providing a means to contact interested participants. The findings of these studies will benefit individuals affected by 9/11 and physicians concerned with their care.

The Registry provides one of the few opportunities to conduct future population-based assessments of WTC health effects on different affected populations. It was established with funding provided through the federal Agency for Toxic Substances and Disease Registry (ATSDR). The cost of this program is modest and provides a platform to monitor the public health consequences of the WTC attacks and develops essential health and emergency preparedness information. This amendment will ensure that the Registry receives funding for several more years. It is also essential that the federal government keep faith with the 71,000 WTC survivors who enrolled by ensuring the stability and long-term survival of this crucial project.

Thank you for all you have done to help us on behalf of those affected by September 11.

Sincerely,
MICHAEL R. BLOOMBERG,
Mayor.
NICHOLAS SCOPPETTA,
Commissioner, Fire Department of the City of New York.
THOMAS R. FRIEDEN,
M.D., M.P.H., Commissioner, Department of Health and Mental Hygiene.

FIRE DEPARTMENT OF NEW YORK—MT. SINAI PARTNERSHIP

To continue the existing medical monitoring and treatment program, the FDNY needs federal assistance for a 30-year medical monitoring program that to date has been funded by the Centers of Disease Control and Prevention (CDC) and the National Institute of Occupational Safety and Health (NIOSH). This would allow the FDNY Bureau of Health Services to continue to provide comprehensive periodic follow-up monitoring exams to FDNY WTC rescue workers (active and retired) at periodic (e.g., 18-month) intervals, thereby maintaining needed services and medical continuity for this group.

Based on current patient enrollment and the anticipated health/economic needs of this population, the FDNY needs federal assistance to support the medical treatment for the FDNY WTC rescue workers (active and retired). This funding would support necessary medical and mental health treatment programs already in place for what we estimate to be, conservatively, 30 percent of the FDNY WTC responder population. Funding for these monitoring and treatment programs would allow the FDNY to provide to

our WTC rescue workers the same level and number of medical and mental health services as Mount Sinai plans for the non-FDNY WTC responders.

The FDNY treatment program, treating an estimated 3,000 patients, has a current budget of $15 million annually. The Mt. Sinai portion of this program has a similar budget. Funding for these programs is uncertain after 2007. The FDNY monitoring and evaluations program, treating an estimated 12,000 patients, has a current budget of $5 million per year. Funding for this program is uncertain after 2009.

WORLD TRADE CENTER REGISTRY (WTCHR)

The WorId Trade Center Health Registry is designed to monitor the physical and mental health of the 71,000 enrollees for 20 years. The Registry is the only systematic way to document and verify the possible long-term consequences of the WTC disaster in groups most directly affected by the attacks, such as residents, children, building survivors, visitors, and rescue/recovery workers and volunteers. This is the largest effort ever in the U.S. to systemically monitor the health of persons exposed to a large-scale disaster.

The Registry has developed a comprehensive resource guide, which is updated regularly, to help WTC-affected persons find physical or mental health services and other 9/11-related assistance. It is the only comprehensive and updated resource directory for people affected by the attack. To accompany this, the Department is collaborating with Mt. Sinai Medical Center to develop a set of clinical guidelines for physicians treating patients affected by 9/11.

An average cost of $46 per enrollee per year is required to support the registry for its 20 year life span—a modest cost to monitor the health consequences of this major disaster and to develop essential health and emergency preparedness information. Average annual and recurring support of $3.31 million is needed to support the registry. A cooperative agreement between ATSDR and the New York City Department of Health and Mental Hygiene (DOHMH) provides partial and declining support only through 2007, leaving a shortfall averaging $2.2 million through that date. After 2007, no funding has been committed to support the $3.31 million need. New York City is working with our federal partners and representatives to secure long-term funding for WTCHR.

Mrs. CLINTON. This money has been counted on to meet the needs of so many of these workers, through the workers comp system, through the health care system. We fought very hard to make sure there was a sufficient amount of money for the diagnosis of the various physical and mental ills that people suffered after 9/11. I was very grateful we were able to do that. People are being diagnosed. They are being given some help. Unfortunately, without this money, that help cannot continue. After 9/11, we learned that many of the people who were involved in the horrible bombing in Oklahoma City years before were finally coming to ask for help, that they had been suffering in silence. Often there had been terrible memories that interfered with their ability to continue working. This is something that we know from experts is, unfortunately, a very long-term, slow-moving problem, that not everybody suffers the same way immediately. There are those for whom it takes longer to come to grips with what has happened. We are seeing that. We are seeing still people who for the first time go to a physician, for the first time ask for help. I have worked closely with the fire department over the last 4 years and they have been absolutely superb in trying to make sure that help was available, people knew about it, but they are the first to tell you not every one of the firefighters was ready to ask for it. They had to be convinced it was OK to do.

So having this money reinstated will fulfill the promise we have made to all of these men and women that we are not going to forget them, we are going to take care of them; that when they are ready to ask for help, they will get help, and that the resources will be available for them to get that help.

It is very heartening, and I obviously understand we are going to have a challenge in the conference committee, but all of our colleagues on both sides of the aisle in the House, particularly those who serve on the Appropriations Committee, are part of this team and are working hard to make sure their leadership understands what our leadership does, which is that this is keeping faith with the people who kept faith with America, a lot of brave and heroic and very extraordinary human beings who ran toward danger instead of away from it. I am very grateful that this will be in the Senate bill and we will be able to go with a united front on behalf of the Senate joining with those in the majority and minority in the House to make sure we provide this funding as soon as possible.

I appreciate all the hard work we have seen from the chairman and the chairman's staff, from the ranking member and the ranking member's staff. This was a challenge they undertook because they supported what we were trying to do and understood how significant it was to correct this situation.

I also appreciate the chairman of the full committee and the ranking member of the full committee who have similarly been very supportive in helping us work out a solution to this issue.

I can only hope that when we get to conference the House will understand and accept how we have worked this out and give us a chance to make our case. I believe it is a worthy case. It has bipartisan support. I think the House will see that and understand it.

I am grateful to everyone who has helped us get to this point.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VITTER). The clerk will call the roll.

The assistant 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, on behalf of the chairman of the subcommittee, Senator SPECTER, I want to state that this amendment restores $125 million previously appropriated to New York as part of the emergency supplemental bill under chapter 11, relief and recovery, passed by the Congress and signed into law by President Bush on January 10, 2002.

The funds would be used for such purposes as mental health treatment and long-term health monitoring of rescue and recovery personnel.

The amendment is fully offset.

I ask for a voice vote on this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2313.

The amendment (No. 2313) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mrs. CLINTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I call for the regular order.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on H.R. 3010: The Labor-HHS appropriate bill.

Bill Frist, Arlen Specter, Thad Cochran, Michael Enzi, Wayne Allard, Jon Kyl, Rick Santorum, Richard Lugar, Mike DeWine, Craig Thomas, Mel Martinez, Sam Brownback, Kay Bailey Hutchison, John Thune, Orrin Hatch, Robert Bennett, Mike Crapo.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.R. 3010, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act of 2006, shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE, and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The yeas and nays resulted—yeas 97, nays 0, as follows:

[Rollcall Vote No. 275 Leg.]

YEAS—97

Akaka	Bayh	Boxer
Alexander	Bennett	Brownback
Allard	Biden	Bunning
Allen	Bingaman	Burns
Baucus	Bond	Burr

Byrd	Grassley	Nelson (FL)
Cantwell	Gregg	Nelson (NE)
Carper	Hagel	Obama
Chafee	Harkin	Pryor
Chambliss	Hatch	Reed
Clinton	Hutchison	Reid
Coburn	Inhofe	Roberts
Cochran	Inouye	Salazar
Coleman	Isakson	Santorum
Collins	Jeffords	Sarbanes
Conrad	Johnson	Schumer
Cornyn	Kennedy	Sessions
Craig	Kerry	Shelby
Crapo	Kohl	Smith
Dayton	Kyl	Snowe
DeMint	Landrieu	Specter
DeWine	Lautenberg	Stabenow
Dodd	Leahy	Stevens
Dole	Levin	Sununu
Domenici	Lieberman	Talent
Dorgan	Lincoln	Thomas
Durbin	Lugar	Thune
Ensign	Martinez	Vitter
Enzi	McCain	Voinovich
Feingold	McConnell	Warner
Feinstein	Mikulski	Wyden
Frist	Murkowski	
Graham	Murray	

NOT VOTING—3

Corzine	Lott	Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 97, the nays are 0. Three-fifths of the Senators duly sworn and chosen, having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. OBAMA. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

(The remarks of Mr. OBAMA and Mr. DURBIN are printed in today's RECORD under ''Morning Business.'')

AMENDMENT NO. 2193

Mr. SPECTER. Mr. President, before moving ahead to the amendments on the flu pandemic, there are some amendments which have been cleared and which have been accepted on both sides.

I call up Thune amendment No. 2193.

This amendment provides $10 million for the telehealth programs within the Department of Education. The amendment is fully offset. I believe it has been agreed to by my distinguished ranking member, Senator HARKIN.

Mr. HARKIN. We have no objections on this side.

Mr. SPECTER. I urge its agreement.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2193), as modified, was agreed to.

AMENDMENT NO. 2265

Mr. SPECTER. Amendment No. 2265, the Collins dental health workforce needs amendment, provides funding which will grant innovative programs an opportunity to move forward to address the dental workforce needs. The amendment has been cleared.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2265) was agreed to.

AMENDMENT NO. 2269

Mr. SPECTER. Amendment No. 2269, the Lautenberg amendment, provides for a prohibition for the use of funds for abstinence education information that has proved medically inaccurate. Again, it has been cleared on both sides of the aisle.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. LAUTENBERG, proposes an amendment numbered 2269.

The amendment is as follows:

(Purpose: To prohibit the use of funds to provide abstinence education that includes information that is medically inaccurate)

At the appropriate place, insert the following:

SEC. ____. None of the funds made available in this Act may be used to provide abstinence education that includes information that is medically inaccurate. For purposes of this section, the term ''medically inaccurate'' means information that is unsupported or contradicted by peer-reviewed research by leading medical, psychological, psychiatric, and public health publications, organizations and agencies.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2269) was agreed to.

AMENDMENT NO. 2214, AS MODIFIED

Mr. SPECTER. Mr. President, I call up the Sununu amendment numbered 2214, as modified.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 2214), as modified, is as follows:

After section 221, insert the following:

SEC. 222. For carrying out the Low-Vision Rehabilitation Services Demonstration Project by the Secretary of Health and Human Services, an additional $5,000,000: *Provided,* That both accounts made available on page 137, line 9 are reduced by $5,000,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2214), as modified, was agreed to.

AMENDMENT NO. 2308, AS MODIFIED

Mr. SPECTER. Now the Alexander amendment 2308, as modified.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. ALEXANDER, proposes an amendment numbered 2308, as modified.

The amendment (No. 2308), as modified, is as follows:

At the end of title III (before the short title), add the following:

SEC. ____. (a) There are appropriated, out of any money in the Treasury not otherwise appropriated, $7,000,000 to the National Assessment Governing Board for the purposes of implementing a National Assessment of Educational Progress test in United States history.

(b) On page 192, line 20, strike $418,992,000 and insert $411,992,000 in lieu thereof.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2308), as modified, was agreed to.

AMENDMENT NO. 2219, AS MODIFIED

Mr. SPECTER. Mr. President, I call up the Bingaman amendment numbered 2219, as modified.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. BINGAMAN, proposes an amendment numbered 2219, as modified.

The amendment (No. 2219), as modified, is as follows:

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

SEC. ____. (a) In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional $4,900,000 to carry out part H of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6551 et seq.).

(b) Notwithstanding any other provision of this Act, the amount made available under the heading Health Resources and Services Administration for construction and renovation is further reduced by $4,900,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 2219), as modified, was agreed to.

AMENDMENTS NOS. 2220, 2241, 2237, AND 2249, EN BLOC

Mr. SPECTER. Mr. President, I ask unanimous consent it be in order to make a germaneness point of order against the following amendments en bloc: Senator MURRAY, 2220; Senator SANTORUM, 2241; Senator SANTORUM, 2237; Senator LANDRIEU, 2249. I now raise a point of order that the amendments are nongermane.

The PRESIDING OFFICER. Without objection, the Senate may make a point of order, en bloc.

Mr. SPECTER. Technically, I raise a point of order that the amendments are nongermane.

The PRESIDING OFFICER. The point of order is sustained. The amendments fall.

Mr. HARKIN. Mr. President, what is the pending amendment or business before the Senate?

The PRESIDING OFFICER. The pending amendment is the Ensign amendment No. 2300.

AMENDMENT NO. 2283

Mr. HARKIN. I ask unanimous consent to set the pending amendment aside and return to amendment No. 2283.

The PRESIDING OFFICER. Without objection, the matter before the Senate is amendment 2283.

The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, before I talk about this amendment that has to do with avian flu, I add my congratulations to the Chicago White Sox for a sterling performance—four straight games in the World Series—to congratulate the team, and to congratulate their owner, Jerry Reinsdorf. The last time the Chicago White Sox won

the World Series was 1917. Of course, they were the Black Sox at that time. And the outstanding performer during that 1917 classic was a guy by the name of Joseph Jefferson Jackson from Greenville, SC. Baseball fans and aficionados perhaps may not recognize his real name, but they will recognize the name Shoeless Joe Jackson.

In 1999, along with Senator Thurmond and Senator Hollings, we introduced a sense-of-the-Senate resolution. It was accepted by the Senate. Commissioner Selig agreed to review the Shoeless Joe Jackson case to reinstate him to baseball. However, 6 years have passed and Mr. Selig has done nothing.

With the winning of the World Series by the Chicago White Sox, it is time to revisit this issue. In that regard, Senator DEMINT from South Carolina and I have submitted a resolution. We will be talking about it later today at an appropriate time when Senator DEMINT and I can both be on the Senate floor. I want Senators to know we have a sense-of-the-Senate resolution that Senator DEMINT and I will be submitting similar to the one we offered in 1999 once again trying to honor one of baseball's all-time great players who suffered a great injustice at the hands of the then Commissioner Landis, Kenesaw Mountain Landis, who was a commissioner of baseball for almost 40 years. It was Commissioner Landis who banned Shoeless Joe Jackson from baseball, and robbed him of his rightful place in the Baseball Hall of Fame. We will have more to say about that later today.

I congratulate the Chicago White Sox on a great victory and thank my colleague and my friend from South Carolina for working to get this new resolution. Hopefully, we will take it up in the Senate this afternoon and pass it sometime this afternoon.

Mr. President, we have an amendment before the Senate that is crucial to maybe even our most basic survival as a nation, perhaps crucial to the survival of our economy and the future. I know that sounds like overblown rhetoric, but everyone has probably been reading lately about the threat of an avian flu pandemic. It has been on all the news magazines and all the news shows. Newsweek magazine last week had a very comprehensive exposé or at least a delineation of the flu, how it is spread, how virulent it is, and what it can do to us. So I don't think it is overblown to say this perhaps could be the biggest threat our country has faced in the last 100 years.

As has been pointed out in numerous articles and I think elsewhere in the Newsweek article I referred to earlier, what this pandemic could do to us as a people is even more threatening than what a few terrorists could do and, as they point out, even a few terrorists with a nuclear-type device. This pandemic could literally—estimated by the experts, not by me—cause the death of anywhere from 200,000 to 2 million Americans, with tens of millions of Americans hospitalized without any capacity to take care of them. This would cause a disruption in our economy the likes of which we have probably never seen.

I have been involved in looking at avian flu for the last several years, tracking it and keeping in close contact with the National Institutes of Health and the Centers for Disease Control and Prevention in Atlanta. I always try to be careful we do not unduly alarm people. I don't want to put myself nor do I think we should put ourselves in the position of unduly alarming or generating a phobia that paralyzes our country, but alarm bells must be rung. The warning signs are there. We have to start preparing. The time for planning and thinking about it has passed. We have to do something immediately.

The amendment we are debating allows the United States to dramatically step up emergency preparations for an avian flu pandemic. Last month, I offered on the Defense appropriations bill a similar amendment that provided $3.9 billion to prepare for such a pandemic. At that time, we did not know when or if the Labor-HHS bill would ever come to the Senate. Obviously, this is the appropriate place for it since this appropriations subcommittee under the leadership of Senator SPECTER has jurisdiction over both the Department of Health and Human Services and also the Centers for Disease Control and Prevention and also the National Institutes of Health.

Between last month when this amendment was adopted on the Defense appropriations bill and now, I have gone back to NIH, the Centers for Disease Control and Prevention, and a number of drug companies involved in either vaccine production or the production of antivirals to get a better handle on what it is we need to do. Just what is it?

I will admit that in the first amendment, which I offered on the Defense appropriations bill, we were missing some information. But now we have that information. So the amendment we have before us today is a more robust version of that earlier amendment we had on the Defense appropriations bill which was adopted by the Senate. This version is based on more and better information.

There is a broad consensus in the scientific community as to the steps we need to take to get ready for a potential pandemic. Reflecting that scientific consensus, this amendment will do four broad things.

One, as our first line of defense, it will dramatically step up international surveillance of avian flu outbreaks overseas.

Two, it will ramp up our vaccine production infrastructure here in the United States.

Three, it will give us resources to build up both stockpiles of vaccines currently believed to be effective against avian flu as well as stockpiling antiviral medications that you take if, in fact, you get infected.

Fourth, this amendment will strengthen our public health infrastructure at the Federal, State, and local levels, which today is simply not equipped to cope with a major pandemic.

Some have suggested that we be patient and we wait for the administration to put forward a plan to fight avian flu. We have already waited too long. I am not saying we don't need a plan. We do need an action plan. But we have been warned for years. The first warning came in 1997 that an avian flu pandemic was not just possible but likely, just as we were warned for years that the levees in New Orleans would fail in the case of a major hurricane. Yet the Federal Government did not come forward with any plan of action. I am not saying this Government under President Bush. It was previous Federal Governments. We did not heed the warnings. As I might even say, we were warned in 1997 about a coming avian flu pandemic. Well, nothing was done then either. There is a lot of blame to go around. I am not blaming anyone. I am saying, look, we have turned a blind eye and a deaf ear to our warnings. Now we have to take action.

Within the last year, the threat of a pandemic has become even more urgent and immediate. The alarm bells are ringing at full volume, and we in Congress cannot in good conscience wait any longer. We need to act. If the administration offers a plan at a later date, that is fine. It will almost certainly have to include the elements we have in our amendment. We are all talking to the same people, after all.

But here is the thing. I do not know when they are going to come up with their plan. I do know at least there is talk around here that we are going to adjourn by Thanksgiving, finish our business, be out of here by Thanksgiving. Well, if the administration comes up with a plan next week, or the week after, and we are out of here, what happens in terms of needing the resources, the money? That is what we have.

Our responsibility as appropriators is to come up with the money. That is what this amendment does, so that if the administration does come up with a good action plan, we will not have lost any time. The money will be there, and we can move ahead as rapidly as possible.

There is no question the United States is woefully unprepared for a major outbreak of human-to-human transmitted avian flu. We have had clear warnings, as we did prior to 9/11, prior to Katrina, but, again, the Federal Government did not do anything. Now we have been warned in no uncertain terms about avian flu, but, again, under two administrations, nothing has happened.

As many of my colleagues know, avian flu—or H5N1, as it is called in the scientific community—has passed from

bird to bird and from birds to humans. We know of one specific case—we know of one specific case—where it went from human to human. Now, there may be others, but we do know of them. And we do know that 50 percent of the humans who have been infected with avian flu have died—50 percent. It has a 50-percent mortality rate. We also know another thing: Every chicken, every member of the poultry family that has been infected with avian flu dies—100 percent. This is a very virulent strain.

Experts in virology at the Department of Health and Human Services say it is only a matter of time before the virus mutates and human-to-human transmission becomes both widespread and sustained. That has not happened yet. We have had some cases of the avian flu jumping from a bird to a human. As I said, we have had one known case of it going from one human to another; and, I might add, both died. We have had no cases where the transmission is both sustained and pervasive, widespread, but the virologists say it is only a matter of time before that happens.

An outbreak in China, Vietnam, Cambodia, or anywhere such as that, could trigger within weeks a worldwide outbreak, facilitated by air travel, the mass movement of people across borders. As I said, 50 percent of the individuals who have been infected have died. You can envision a nightmare scenario, a kind of 21st century ''Black Death'' that is not difficult to picture. Indeed, most experts say it is not a matter of if but when.

Let me quote from an article that was in the recent Newsweek magazine of October 31, an article by Fareed Zakaria, entitled ''A Threat Worse Than Terror'':

''A flu pandemic is the most dangerous threat the United States faces today,'' says Richard Falkenrath, who until recently served in the Bush administration as deputy Homeland Security adviser. ''It's a bigger threat than terrorism. In fact it's bigger than anything I dealt with when I was in government.''

One makes a threat assessment on the basis of two factors: the probability of the event, and the loss of life if it happened. On both counts, a pandemic ranks higher than a major terror attack, even one involving weapons of mass destruction. A crude nuclear device would probably kill hundreds of thousands. A flu pandemic could easily kill millions.

Mr. President, I ask unanimous consent that the Newsweek article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Newsweek]

A THREAT WORSE THAN TERROR

(By Fareed Zakaria)

''A flu pandemic is the most dangerous threat the United States faces today,'' says Richard Falkenrath, who until recently served in the Bush administration as deputy Homeland Security adviser. ''It's a bigger threat than terrorism. In fact it's bigger than anything I dealt with when I was in government.'' One makes a threat assessment on the basis of two factors: the probability of the event, and the loss of life if it happened. On both counts, a pandemic ranks higher than a major terror attack, even one involving weapons of mass destruction. A crude nuclear device would probably kill hundreds of thousands. A flu pandemic could easily kill millions.

Whether this particular virus makes the final, fatal mutation that allows it to move from human to human, one day some virus will. The basic factor that is fueling this surge of viruses is China's growth. (China is the natural habitat of the influenza virus.) As China develops, it urbanizes, and its forests and wetlands shrink. That forces migratory birds to gather closer together—and closer to human habitation—which increases the chances of a virus spreading from one species to the next. Also, growth means a huge rise in chicken consumption. Across thousands of homes in China every day, chickens are slaughtered in highly unhygienic ways. ''Every day the chances that this virus or another such virus will move from one species to another grow,'' says Laurie Garrett, author of ''The Coming Plague,'' who has been writing brilliantly on this topic for years.

Nobody really disputes that we are badly unprepared for this threat. ''If something like this pandemic were to happen today,'' says Falkenrath, ''the government would be mostly an observer, not a manager.'' The government can't even give intelligent advice to its citizens because it doesn't actually know what to say. We don't know whether people should stay put, leave cities, stay home or go to the nearest hospital. During the cold war, hundreds of people in government participated in dozens of crisis simulations of nuclear wars, accidents and incidents. These ''tabletop exercises'' were conducted so that if and when a real crisis hit, policymakers would not be confronting critical decisions for the first time. No such expertise exists for today's deadliest threat.

Beyond short-term measures for this virus—mainly stocking up on Tamiflu—the only credible response to the development of countermeasures. The best response would be a general vaccine that would work against all strains of the flu. That's a tall order, but it could be achieved. The model of the Manhattan Project is often bandied about loosely, but this is a case in which it makes sense. We need a massive biomedical project aimed at tackling these kinds of diseases, whether they're natural or engineered by terrorists.

The total funding request for influenza-related research this year is about $119 million. To put this in perspective, we are spending well over $10 billion to research and develop ballistic-missile defenses, which protect us against an unlikely threat (even if they worked). We are spending $4.5 billion a year on R&D—drawings!—for the Pentagon's new joint strike fighter. Do we have our priorities right?

The final sense in which we are unprepared is that we have weak global organizations to deal with pandemics. The bird flu is a problem that began in Guangdong, China, and spread to Indonesia, Russia, Turkey, Romania and now possibly Iran. It may move next into Africa. Some of these governments are competent; others are not. Some hide information from everyone; others simply refuse to share it with the United States. We need a system that everyone will follow. The World Health Organization should become the global body that analyzes samples, monitors viruses, evaluates cures and keeps track of the best practices. Yet the WHO leads a hand-to-mouth existence, relying on the whims and grants of governments. A year ago its flu branch had five people. Now it has 12. It needs a much, much larger staff and its own set of laboratories around the world that would allow it to fulfill this clearinghouse function. Countries have finally agreed to a new set of conventions that give the U.N. and the WHO some of the authority they need. And Kofi Annan has appointed one person to coordinate the global efforts to fight pandemics.

Many people believed that globalization meant that government would become less important. But as we see, today's world has actually made government more crucial. Only government can tackle a problem like this one, not by being big but by being smart and effective. And we need good governance not just at home but beyond. Without effective international coordination, we are doomed to failure. John Bolton once said that you could chop off 10 floors of the United Nations and we'd all be better off. Let's hope that the scientists fighting global diseases aren't on any of those floors.

Mr. HARKIN. We have to ask some very tough questions now. Where do our preparedness efforts stand? What can we do better? We are facing a threat, a huge threat. We are doing nothing. We can do better. We must do better for the American people to prepare for an avian flu pandemic.

First, let's look at the issue of global surveillance, which is No. 1 in terms of the first part of our amendment that we have addressed.

The Centers for Disease Control and Prevention is doing a great job working in cooperation with the World Health Organization and governments in affected regions to detect the disease and to help stop its spread. Dr. Gerberding, the head of the Centers for Disease Control and Prevention in Atlanta—I don't know if she is getting any sleep now because this is topmost on their agenda. They are on the case.

Surveillance can alert us to an outbreak, and governments can then take measures to isolate the disease. This is our first line of defense. The sooner we identify and contain an outbreak of human-to-human transmitted avian flu virus, the better off we will be. To coin a well-worn phrase: It is better to fight them over there than to fight them here. It is better to stop H5N1, isolate it, contain it where it might break out, rather than having it transmitted and brought to other countries and brought to America.

Again, the Centers for Disease Control and Prevention know how to do this. We had success with surveillance during the SARS outbreak a couple years ago. The Centers for Disease Control and Prevention managed to control its spread. It never got to America. I think the closest it got, if I am not mistaken, was Toronto. But we also learned some invaluable lessons from the SARS episode. We learned we have to be prepared, that our surveillance efforts have to be more than they have been in the past.

Secretary Leavitt, who I know has also been on top of this, recently took a tour of Southeast Asia. He took Dr. Fauci, the Director of the National Institute of Allergy and Infectious Diseases, Dr. Gerberding, and others. I

know they met with people in various parts of the governments of several countries in Southeast Asia.

What I heard back from that is, while the governments are willing to work with us, and to report and survey, a lot of times they do not have the capacity, they do not have the knowledge, they do not have the wherewithal of the Centers for Disease Control and Prevention. They could use our help. Many of these outbreaks of avian flu in those countries are in remote locations, and the central government may not have a lot of control over that.

If you take a small village where they have a lot of poultry, and maybe that is one of their major sources of livelihood, and where they do not understand the dimensions of avian flu and what it means, well, maybe they do not report it, or it may be reported in a minor way. We need people there on the ground who can move rapidly to the sites to see whether a case of avian flu has broken out.

As I understand it, the governments of these countries are willing to work with us to allow us to do that, but we do not have the resources to do that right now because the Centers for Disease Control and Prevention simply does not have the money. That is what is in our amendment: to give the Secretary of Health and Human Services the money to be able to respond and get CDCP action prone, right now, in those countries.

Secondly, what is the status of our capacity to produce vaccines here in the United States? Unfortunately, the news is almost all bad. It is astonishing that the United States has one plant—one plant—capable of manufacturing flu vaccines. That plant happens to be in the State of our distinguished chairman, Pennsylvania. It is a great company. They do great work. I have met with them. They use one technology. It is egg-based technology. That is basically the technology we have been using for a long time in which to grow vaccines from a virus strain.

So since we only have that one plant right now, in the event of a worldwide pandemic, the U.S. would have to rely on imported vaccines, vaccines other countries may not be willing to ship to us. In other words, the first responsibility of any government is to protect its own people. If this pandemic ever breaks out, I doubt any other government is going to be willing to ship us vaccines. They are going to want it for their own people.

We are very vulnerable. We need to play some catch-up ball. The Federal Government needs to help private industry develop more vaccine manufacturing capacity. These should be next-generation cell-based facilities, which would then be capable of producing vaccines at twice the rate of egg-based facilities.

This is the only way we are going to be able to produce enough vaccine rapidly enough to deal with a major outbreak. Right now it is all egg-based. As I understand it, the manufacturing plant I mentioned is in the process of enlarging its capacity for egg-based vaccines. That is all well and good, but that still will not be enough to protect us in the future. It will not be sufficient to take a strain of the virus and develop a vaccine specifically for that virus in a short period of time. Some say it would take 2 to 3 years to produce a nonegg-based production capacity. I don't accept that. This is a matter of incredible urgency. We have already given one grant to a company—it is public, I can mention it—Sanofi Pasteur, which is the company based in Pennsylvania that already has a cell-based vaccine manufacturing plant which they are increasing. The Government has already given them a grant—it was under a competitive bid situation—to build a cell-based plant. That is all well and good. But we have to do a lot more than that. We need two or three on line being built now, not just one.

Our goal should be to have the research and production capacity to isolate a virus, convert it to a vaccine, produce enough vaccine for the American populace, all within a timeframe of 3 to 6, maybe 9 months at the most. We can do that. That can be done. We don't have the capacity to do it right now, and we are a long way from reaching that goal.

Again, keep in mind that H5N1, the strain of the virus that is there now, we have a vaccine for that. The National Institutes of Health, under the great leadership of Dr. Zerhouni and Dr. Fauci at the National Institute of Allergy and Infectious Diseases—Dr. Fauci got a strain of the virus earlier this year. They then began a crash program to develop a vaccine. They have. That vaccine is now in clinical trials. It looks as though it is going to be pretty good against H5N1. But we have been warned by experts that H5N1 may not be the strain that comes here. It could be H5N2, N3, N4, N5, something else just as virulent. Experts believe the vaccine being developed will have some effect, perhaps, on different strains, but they can't be sure.

What we need is a vaccine manufacturing capacity, cell-based, so you can manufacture a vaccine in a hurry, so if a different strain were to hit here, we could again isolate the virus, develop the vaccine, and have a vaccine within 6 to 9 months, not just developed but also manufactured in sufficient capacity to vaccinate our people. That is also in our amendment.

I hasten to add that in our amendment, we don't specify exactly how this is to be done. We will leave that up to the Secretary—hopefully, working with us in a collaborative effort—to figure out the best way of doing it. The point is to get the money out there now, to know it is there, that we can move ahead with contractual relationships, cost-share agreements, guaranteed purchases, whatever it takes to get these facilities constructed in the shortest possible timeframe.

The third part of our amendment, we need an aggressive program of purchasing and stockpiling vaccines and antivirals. I just talked about vaccines. Vaccines are what you take to prevent getting the illness. Antivirals are what would you take if you get the illness so you don't get very sick. The World Health Organization a few years ago recommended that nations stockpile enough antiviral medication to cover at least 25 percent of the population. Guess where we are right now. One percent. We have enough antiviral medication to cover 1 percent of our people. Again, we have to play catch-up ball. Antivirals are the medications one would take if they get sick. It will prevent a lot of people from dying, help them get through the illness.

I had Senator KENNEDY prepare this chart, which illustrates how unprepared we are. These are the stockpiles of antiviral medicine. Australia has enough for 20 percent of the population; Great Britain has enough for 25 percent, the World Health Organization recommendation; France has 25 percent; Japan is rapidly building up, they are at 17 percent. The U.S.A. is at 1 percent stockpile of medications. Again, if the pandemic hits here, are we going to go to Britain and say: Send us some of yours, or Japan or France or some other place? No. They are going to keep their antivirals for their own people. That is why we need to put the money out right now to begin the purchase of antivirals and to stockpile them. It has a long shelf life so we don't have to worry about it. That is the antivirals.

As for vaccines, we are facing a catch-22 situation. We won't be able to produce a vaccine until we actually see what the variant is, H5N1, H5N3, whatever it might be that causes the outbreak. Scientists at NIH have developed a vaccine for H5N1. They believe it will be effective against some of the future variants, but we don't know exactly how effective. It is the best we have. It will at least provide some protection. We should be stockpiling it now.

The fourth part of our amendment is the public health infrastructure. Right now our public health infrastructure is simply not capable of dealing either with an avian flu pandemic or even a major act of bioterrorism. Let's assume we build up adequate stocks of the vaccine. Let's say we are able to get a crash course and we can get up to 25 percent, like Great Britain, in our antivirals. Let's say we can do that in a short period of time. I believe we can, if we put the funds out there. Let's say we have all that. It is going to go for naught if we don't have a public health infrastructure to deliver it, to identify the people who need it, to make sure these drugs and antivirals and vaccines get out there.

One thing I am upset about—the President's budget for fiscal year 2006 proposed to cut $120 million from State public health agencies. That is the

wrong way to go. Our amendment doesn't just restore that; it goes a lot further. It is not enough just to restore the funding. That funding would basically take care of ''normal'' illnesses people get around the country. It wouldn't even come close if we had an outbreak of avian flu. We need to hire more public health professionals, epidemiologists, physicians, lab technicians, others. We need people who are trained and educated to recognize, to know how to isolate, to know how to put the rings around populations if avian flu breaks out, and how to distribute it, who gets these, who is the first line of individuals.

Someone is detected having avian flu; let's say they do get H5N1. How do we find out who that person came in contact with in the last 48 hours, track them down, get them the vaccines immediately, or the antivirals? Did the person work in a building that had central air-conditioning that could have taken the virus and spread it around? Who works there? Get them the antivirals and the vaccines immediately. This takes expertise. This takes people. This takes a knowledge base and education.

The Centers for Disease Control and Prevention know how to do it. They can do it for minor outbreaks now. But something this big, we need to do more to build up that public health infrastructure. In consonance with the public health infrastructure, we need to dramatically increase the surge capacity of hospitals all across the country. Most hospitals right now have trouble coping if we have a bad flu season with what we call ordinary flu. They would be overwhelmed by an avian flu pandemic.

Dr. Rick Blum, president of the American College of Emergency Room Physicians, recently said:

> We have pumped billions of dollars into preparedness since 9/11, but virtually none of that has gone to the one place where we know 80 percent of patients go first, [the emergency room].

For example, most victims of avian flu would need ventilators to help them breathe. Right now there are only 105,000 ventilators in the entire United States, three-quarters of them in use on any given typical day. So we have to prepare for surge capacity. Where do the tens of millions of Americans go? Don't take my word. Ask the experts. That is what they are saying: a million to as high as maybe 10 million hospitalizations.

We have our work cut out for us. We face enormous technical and logistical challenges. We have no time to waste. This amendment would provide for nearly $8 billion for a comprehensive national effort to prepare in the ways I have outlined. More specifically, the total is divided up as follows: $3.080 billion would be allocated for stockpiling antivirals and the necessary medical supplies to deal with a pandemic once it has broken out; $3.3 billion would go to stockpiling flu vaccines, expanding the U.S. flu vaccine manufacturing capacity and for vaccine-related research; $600 million in additional grants to State and public health agencies for their own emergency preparedness; $750 million to improve hospital preparedness and surge capacity—where is the overflow going to go—and for health technology information networks; $60 million for stepped-up global surveillance—this would quadruple the current level of surveillance we have right now, our first line of defense—$75 million allocated for communication and outreach to the public in case of an avian flu pandemic.

Again, this is where you have to tread lightly. You want to get people informed. People should be understanding of this. If a case of avian flu were to break out in this country, we don't want panic to ensue. People need to be adequately informed and advised. This has to do with communications and outreach.

Lastly, $100 million will be channeled into research and CDC lab capacity related to an avian flu pandemic.

Now, this is about double what we had in the Defense appropriations bill almost a month ago. And the reason for that is simply because in the meetings we have had with Government officials, with drug companies, and others, it has become clear that the big gap in the amendment we offered earlier was the $3.3 billion in stockpiling flu vaccine and getting money out there to rapidly build cell-based technology through vaccine-manufacturing plants. We have to do that right away.

I know the analogy may not be correct, but when people say you can't do that in a big hurry, I say just think about the Pentagon over here, how big it is. Have you ever seen the Pentagon? We built the Pentagon in 9 months during World War II, by the way. Now, I know that vaccine manufacturing is not the same but, come on, we can do it. We can build the facilities. A lot of it is in equipment. But if the money is there, we know we can get the equipment built. Maybe we can't do it in 9 months, but don't tell me we can't do it within a year and a half, or at least have a couple on line within a year. That is really the big difference between this amendment and the one that was offered a month ago on the Defense appropriations bill.

Let me again sum up by saying this is the proper bill for it to be on. If we had had Labor-HHS earlier, we would have offered the amendment to that. This is the proper place for it. We do have the jurisdiction. It ought to be here. And, again, we are not tying the hands of the Secretary or anyone else. We are not being absolutely specific on how you do things in the amendment. We want the money to be there. When the administration comes up with their plan and they want to move ahead, it is there. We have 3 more weeks—I don't know how many weeks. Everybody tells us 3 more weeks. Let's face it, there are a lot of things happening in the administration—Supreme Court Justices, other things that are bouncing around here that divert attention. We cannot divert our attention. We cannot. We have to get this money out there and get it appropriated.

I will have more to say perhaps later on. I know there are other Senators who wish to speak on this amendment and about the threat of an avian flu pandemic. So I will yield the floor at this time and just say I hope we can have a strong vote or have this amendment accepted as we did under the Defense appropriations bill that was taken up earlier. And, again, this is emergency funding—emergency funding. It ought to be emergency funding. It is something we have to do. We just cannot wait any longer.

So I will yield the floor and ask any Senators who want to speak on this amendment to come over and speak.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I commend my distinguished colleague from Iowa for his leadership on this very important issue. I spoke briefly yesterday about the matter and expressed my agreement with the basic thrust of what the Senator from Iowa is seeking to accomplish. There is no doubt that we face a tremendous potential problem with the impact, which could be devastating, as Senator HARKIN has outlined.

We have been awaiting a plan from the administration because in the normal course of events, with the expertise at the Department of Health and Human Services and the Centers for Disease Control, we would look to the administration to give us an appraisal as to what their plans are, what their evaluation has been, and how much money they think they need.

Senator HARKIN has gone over a number of facts and factors, but the executive branch has more at its disposal than does the Congress, at least at this stage. Our subcommittee has scheduled a hearing on this issue. It is fair to say that we have been under a heavy workload in preparing this bill, and we have had other very heavy commitments, most notably in the confirmation proceedings which were recently concluded for Chief Justice Roberts, and the confirmation hearings which have been intense for Ms. Harriet Miers until her withdrawal this morning.

We have been in touch with the executive branch and have sought to get information from them as to what they would like to have done. And I have a call in to Secretary Leavitt at the moment, the Secretary of Health and Human Services, to get as much information as we can from the executive branch.

We have been exploring an alternative and are in the process of modifying the amendment from the Senator from Iowa to call for the disbursement of these funds at the discretion of the President after consultation with certain designated Members of the Congress. We are now talking about the

breadth of what we have in mind: The chairmen and ranking members of the Appropriations committees of both Houses, perhaps adding the chairmen and ranking members of the Appropriations subcommittees on labor, health and human services and education. Also, the suggestion has been made about having the chairmen and ranking members of the committees on health, education, labor, and pensions. We are trying to sort through that now to have a workable consultation but leaving the judgment to the President.

We are well aware of the very substantial sum of money which is in this amendment, in the range of $8 billion. We are also well aware of the scope and magnitude of the problem. It would have to receive 60 votes to have an emergency designation but, again, with the expenditures in the hands of the President, there is about as good an assurance as you can have it would be wisely disbursed.

At any rate, we are in the midst of trying to work this through. If the Congress does not act—we are not too far away from adjournment—the funding will not be present. The President can't spend money without the appropriation coming from the Congress. If there is to be an emergency supplemental, all of that takes time. And once you go through a supplemental, then there is the risk of it becoming a Christmas tree with many other items being included.

So when we have the appropriations for the Department of Health and Human Services and this subcommittee working with that Department and with the Centers for Disease Control, we are the logical subcommittee to take up the issue and to grapple with it. We, obviously, are very concerned about the responsibility for appropriating this kind of funding.

So that is where we stand. I note the senior Senator from Illinois has come to the floor, and Senator HARKIN and I would urge anyone else who wants to speak to come to the floor now because we are going to be moving for a vote on this subject in the immediate short timespan.

Mr. HARKIN. Will the Senator just yield for a minute?

Mr. SPECTER. I do.

Mr. HARKIN. I want to respond by thanking the chairman and my good friend from Pennsylvania for his great leadership on this issue. You said it about me, but you have been the chairman. You have led this subcommittee. You know what is needed. You have been first and foremost in insisting that we get the funds necessary for both CDC and for NIH for this research.

I might just say again for public knowledge, obviously our chairman, the Senator from Pennsylvania, has to wear other hats. As chairman of the Judiciary Committee he has been tied up a lot on Supreme Court nominees, and I recognize he has had to deal with that on his side, in chairing that committee. It is an awesome responsibility, and I commend him for the work he has done, by the way. I thought the hearings on Judge Roberts were superb, and I commend my friend for his leadership in chairing that committee.

So we find ourselves in the situation now where we have asked for information in the past, but things happen around here and we move on and our focus gets diverted a little bit on this and that. That is human nature. I understand that. I hope we can hear back from the administration.

I say to my friend from Pennsylvania that I have no problem in modifying the amendment or whatever it might be that would say that the money is there. In fact, the amendment does not say how they would spend it. It would be there for them. If there is any way we can modify that, if they have some other ways on what to do, that is fine with me. I do not mind that at all. I am just concerned that we have it there so that we don't have to come back at some point and they can't say, well, we would do it, but Congress didn't appropriate the money.

I sure do not want to have that sitting on our plate, I say to chairman.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in support of the amendment being offered by the Senator from Iowa. It might not be this winter, it might not be next winter, but it is going to happen. The virtual certainty of a pandemic flu is what public health leaders are telling us we as a country need to be prepared for. So are we prepared? The obvious answer is no.

Last week, HCD Research polled 846 doctors from across the country about their sense of how well prepared America is to face a pandemic flu. Four out of five of the doctors surveyed said America is not prepared for a public health crisis that we have been told is virtually certain to occur.

When it comes to public health challenges, America can do better. What is our national leadership on this issue? We still do not have a national pandemic preparedness plan. The administration has been working on a plan, literally, for years.

As we head into this flu season, still there is no plan coming from this administration. Communities need Federal guidance. This is not an issue where every village, every town, every State can make its own policy.

California's State health officer said:

> While state and local officials have been taking what steps they can to prepare for avian flu, they've been eagerly anticipating a national preparedness plan to tell them how to seal up those gaps. And where is that plan? The administration tells us to expect one sometime soon but it is long, long overdue.

Japan has had its national pandemic preparedness plan in place since 1997. Canada, Austria, Great Britain, all have a national preparedness plan in place. We look forward to seeing this plan from this administration.

In the meantime, I am joining Senators HARKIN, OBAMA, and KENNEDY to offer this pandemic flu amendment. Senator HARKIN has been our voice and our leader on this issue. Senator KENNEDY has made a lifetime of public service devoted to public health issues. Senator OBAMA, my new colleague from the State of Illinois, was one of the first to speak out in our State and bring this to my attention and the attention of so many Members. I salute all three of them for their extraordinary leadership.

This proposal would make $8 billion available to immediately ramp up preparation for the flu pandemic, whether it is the H5N1 strain now rampant in birds or another virulent strain that might threaten us. We know this pandemic is virtually inevitable, in the words of Dr. Gerberding of the Centers for Disease Control.

What does this amendment do? It gives the Federal health agencies what they need to move immediately and aggressively to get this country ready for a global pandemic flu.

Let's start with hospitals. That is an important line of defense for people sick with flu. Communities and hospitals need to develop surge capacity to figure out how to take care of people when the beds are filled and the emergency room is overwhelmed and the neighboring counties face similar situations. The Trust for America's Health anticipates U.S. hospitals will swell by more than 2 million people if we face this flu pandemic. But Health and Human Services Secretary Leavitt has worried aloud that communities haven't even prepared for this surge in hospital admissions.

The American College of Emergency Physicians President Rick Blum says:

> We've pumped billions of dollars into preparedness since 9/11 but virtually none of that has gone to the one place where we know that 80 percent of the patients go first.

Whether it is a terrorist attack, a natural disaster, or a public health disaster, hospitals are stretched now to have staff to handle the daily flow of patients. They are already operating with a real shortage of nurses and other health professionals.

Realistically, aren't a significant percentage of those health care workers going to get sick themselves if we have a new pandemic or stay away from the clinical setting once the pandemic hits?

These are serious and important questions we need to ask, answer, and be prepared to face.

The Harkin amendment provides $750 million for communities to prepare for additional hospital beds and working with shortages of doctors, nurses, and other health professionals.

The amendment also provides $3 billion so the Federal Government can get in line to buy antiviral medicines to have on hand for an outbreak of flu. Until there is cash in hand to purchase the drugs, the Government cannot contractually commit to buy them; they cannot even get in line to buy them.

The United States has about 2.3 million courses of antiviral medications stockpiled—2.3 million for a nation of our size. We expect another 2 million by the end of next month. That is enough to treat about 2 percent of the U.S. population, far short of the international standard of 20 to 25 percent.

Senator FRIST has asked the Secretary to try to increase that stockpile to ensure treatment so that we could treat 50 percent of America. Our amendment would provide Secretary Leavitt with the resources he needs to make it happen. We go beyond political rhetoric to political reality.

Our amendment also provides $3.3 billion so we can intensify our search for a vaccine that could protect Americans from contracting flu in the first case. If we can develop and manufacture a vaccine that is effective against the pandemic flu, we might be able to stop this flu epidemic in its tracks. Testing drugs is expensive. It is time consuming. We have to invest in it and invest in it now.

The amendment also adds $60 million for global surveillance. I heard one public health official describe this as ''situational awareness.'' Margaret Chan, who leads the pandemic flu planning efforts for the World Health Organization, estimates there is a window of only ''20 to 21 days'' in which a local outbreak could be controlled before it is turned loose on the world.

Fareed Zakaria, in the recent issue of Newsweek on this particular issue of the flu pandemic, wrote as follows:

> Many people believed that globalization meant that government would become less important. But as we see, today's world has actually made government more crucial. Only government can tackle a problem like this one, not by being big but by being smart and effective. And we need good governance not just at home but beyond. Without effective international coordination, we are doomed to failure.

If we hope to contain this flu, we have to know where and when the first outbreak occurs, and we can only do that if we step up the work we are doing with other countries to monitor contagious diseases.

Karen Hughes, a confidante of President Bush, now with the State Department, recently spoke about the $5.5 million the United States has spent on technical assistance to other countries—$5.5 million. That is not enough, and we know it.

Secretary Leavitt concluded his trip to seven Asian countries with this observation:

> Right now, the world's surveillance is not adequate to protect us.

Many people in the Bush administration are acknowledging the problem. What we want them to do is acknowledge the solution, the Harkin-Kennedy-Obama amendment. We need this money. Americans deserve Federal leadership. We need leadership that prepares us for a disaster, not just telling us it is coming but doing something. America can do better to make our individuals and families safe from these public health threats.

A few weeks ago, President Bush praised John Barry's book, ''The Great Influenza,'' a historical account of the 1918 pandemic flu. If you read the book, you will find John Barry was critical of the role of Government in that influenza outbreak. He blamed lack of preparation in this country on Congress. Here is what he said:

> They cut every budget request in half.

Are we facing the same thing today? Are we doomed to repeat that same mistake when it comes to this avian influenza? We will not be if we take the leadership initiative of Senator HARKIN. We are not seeing the leadership from the White House at this moment that the country needs. It is time for Congress to move decisively, to enact this amendment, to provide direction in funding and progress to prepare the United States for the virtual certainty of a pandemic flu outbreak.

Senator FRIST has made it clear he wants the Senate to finish its business and go home by Thanksgiving, but unless and until we address the avian flu pandemic, we should not go home. We should go home to an America that gives thanks that its leaders in Congress—in the House and the Senate—had the vision and determination to deal with this public health challenge. Our work will not be completed until we do.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

WITHDRAWAL OF THE NOMINATIONS OF HARRIET MIERS

Mr. KENNEDY. Mr. President, the Harriet Miers confirmation process has been one of the most unusual and troubling Supreme Court nominations in our modern history.

The loudest voices heard in this process were the voices of the extreme factions of the President's own political party.

They had a litmus test, and they decided Harriet Miers didn't meet that test even before giving her a fair chance to have her own voice heard. That is not what the confirmation process is about, and their litmus test is not what the Supreme Court is about.

The more Ms. Miers's record indicated that she might in fact be personally committed to the basic constitutional rights and liberties that make our country what it is for all Americans, the more committed those extreme groups and their partisan voices in the media became to prevent her nomination from being confirmed by the Senate.

Most of us in the Senate were ready to give Harriet Miers a fair chance and a fair hearing. We wanted to have a dignified process in which the evidence would come first, and then the decision, and Harriet Miers deserved that chance.

It is disingenuous for the President to suggest that Senators' insistence on White House records was somehow responsible for the withdrawal of the Miers' nomination. If the President were willing to stand up to the extremists in his party, a realistic compromise could easily have been found on this issue.

The fact that the White House and Senate Republicans were not willing to stand up for principle and fairness against the extremists in their midst should be disturbing to all Americans. But now we have all seen that fringe of our society at its worst, and we know that their agenda is not the Nation's agenda.

President Bush has an opportunity now to unite the country. In choosing the next nominee, he should listen to all Americans, not just the far right.

If he does, we can have a smooth and dignified confirmation process and avoid the kind of harsh battle that the extremists on the right seem bent on provoking.

President Bush should take whatever time is necessary to find a consensus nominee to fill Justice O'Connor's seat on the Court.

Justice O'Connor is willing to serve the Court and the Nation for as long as it takes, so there is no need to rush to send a new nominee to the Senate. Hopefully, the next selection will share Justice O'Connor's values and her commitment to the Nation's progress in achieving equal rights for all.

We are reminded that the nomination of Justice O'Connor was sent to the Senate by President Reagan and had a unanimous vote in the Senate. She has served with great distinction and eloquence and is a beloved figure in the United States.

That kind of nomination brought the country together. It certainly is an opportunity now for the President to follow what President Ronald Reagan did in bringing the country together on a Supreme Court nominee. It seems to me that would best serve the country, best serve the Constitution, and best serve the Supreme Court.

AMENDMENT NO. 2283, AS MODIFIED

Mr. President, I thank my friend from Iowa, Senator HARKIN, for his extraordinary leadership on the issue of avian flu. I thank my other colleagues in the Senate—Senator REID, Senator BARACK OBAMA, Senator DURBIN, and others—who have been important voices in helping us focus the attention of this body on the issue of avian flu.

I also acknowledge the support that has been given to the Harkin proposal by the chairman of the appropriations subcommittee dealing with health, Senator SPECTER. I also acknowledge and commend the work of my colleagues and friends, the chairman of our Health, Education, Labor, and Pensions Committee, Senator ENZI, and Senator BURR, the chairman of the Subcommittee on Bioterrorism and Public Health Preparedness. He has spent a great portion of his time in the Senate, working on biodefense and related public health threats, and the

challenges in developing countermeasures, vaccines and antivirals to deal with new public health challenges.

We are at a very important step. We are on an issue which is of such central importance to health care that we have seen the Senate come together. There are a lot of issues that are divisive, but it seems that we are making remarkable progress in this area.

Our legislation is timely. I remind the Senate that this issue, pandemic flu, has been a concern of the world community for some time. This chart says, ''The U.S. Missed the Warning Signs of the Flu Pandemic.'' The Institute of Medicine warned us about this in 1992; then we had the General Accounting Office warning us in November of 2000. This is what the General Accounting Office had stated:

Influenza pandemic. Plan Needed for Federal and State Response, November 2000.

Despite these warnings, we still do not have a plan.

The warnings continue: In the year 2001, we had the warning of the European Commission, and in 2002 the World Health Organization. And then we have had recent outbreaks take place in South Korea and Vietnam.

The current avian flu strain poses a deadly threat. If you have this virus, this chart displays the chances of survival. One can see from this chart that there is only a 50-percent chance of survival. Granted, there have only been several dozen cases in each of these countries, but nonetheless, this figure, of 50 percent, does show that we are in great danger if there is a pandemic.

We have seen other countries move ahead: Japan released its pandemic plan in October 1997; Canada, February 2004; the Czech Republic, April 2004; Hong Kong, February 2005; Britain, March 2005; and the United States, we're still waiting.

What is important here is the fact that we are taking three major approaches to preparing for a pandemic.

One, we are going to have an important commitment to stockpiling antivirals and vaccines. That is going to be enormously important, particularly given the fact that we have such an inadequate stockpile today. We've stockpiled antivirals for only 1 percent of the population. This is incredibly low in comparison to other countries. With this amendment, we will have the opportunity to stockpile what is needed.

Secondly, we will be supporting efforts to detect the potential spread of the virus globally and in the United States, and we provide resources to contain it and improve our surge capacity, which is enormously important.

I know there are some differences with our friends and colleagues on the other side about the public health aspects of this. And I know Senator BURR is strongly committed to doing a review of the entire public health system and making a series of recommendations—which I think are going to be enormously important, and I look forward to joining him—but this is a small downpayment to ensure we begin making progress in the area of pandemic preparedness and public health.

A review of any other country's pandemic preparedness plan will show that it is not only the stockpiling of the vaccines and antivirals that's needed, but also the public health component. So this has that dimension, which is very important: improving the public health system, and stockpiling antivirals and vaccines.

The third aspect, which will be included in the proposal by Senator ENZI and Senator BURR and others, will deal with the incentives that will be made available to industry to develop countermeasures and vaccines, and also, hopefully, some compensation, for example, for first responders who might take a particular vaccine or antiviral that might not have gone through the complete safety process at the FDA and still, as a first responder, be committed and dedicated to protecting the public. We want to make sure that if those individuals, who are committed to protecting the public, suffer from an adverse reaction to the vaccine or antiviral, they won't be left high and dry. They deserve protection for themselves and for their families.

This is a complex issue, but I think the Senate has come together and will come together with the succeeding legislation in a very important way.

The final dimension is where the administration, HHS, will be in terms of their plan. We eagerly await its release. We understand it will be forthcoming in a very short period of time, but we don't have it yet.

We have seen examples of national pandemic plans, for example, the Canadian plan which was issued in 2004, that talks about what does this plan address? Who is responsible for pandemic planning? It goes into the roles and responsibilities of all of the different governmental agencies.

Why is this an important health issue? It goes into great detail about what is going to be communicated to the public, the legal considerations, the ethical considerations, and then it goes into what preparations are being made. It addresses specific components of the preparation: surveillance, vaccine, antivirals, health service, emergency planning, emergency service, public health interests, communications, and then what needs to happen to ensure a comprehensive response. It goes into a whole series of recommendations and details what will be involved in the recovery.

This plan is very thorough. I think the American people are entitled to that kind of plan in order to protect their health and safety.

I thank Senator HARKIN, Senator SPECTER, my friend and colleague Senator ENZI, Senator BURR, and others who have been involved. I think this is going to be an enormously important and historic action by the Senate when it is completed.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Wyoming.

Mr. ENZI. Mr. President, I express my appreciation for the comments of Senator KENNEDY, Senator HARKIN, and others on the floor, discussing the importance of this biodefense legislation in the overall response to bird flu and other potential infectious diseases.

I express special thanks to Senator BURR and Senator KENNEDY for their help on the subcommittee that has been in charge of this, for the extensive hearings they have had, which have included a number of meetings many of us attended with experts from around the world who deal with these problems, and for coming up with a comprehensive solution that will address whatever happens to come up, whether it is avian flu, SARS, or some other pandemic we have not envisioned yet.

We have a bill that was reported out of the committee a little over a week ago that deals with that comprehensive response. I am hoping everybody will take a look at the work we did on that. Again, I want to express my thanks to Senator BURR for his work and the leadership he has provided.

One of the key principles of that legislation is that our response activities must be more broadly focused, not focused solely on the latest, newly emerging disease. So that, even if bird flu never becomes a pandemic, we will be prepared for the next infectious disease, as I mentioned, perhaps even a new SARS outbreak. The money spent will not be wasted because the process that will be set up will be able to handle a wide range of things.

Given that, I believe the additional funding for a potential flu pandemic should be focused on broader response activities. In examining the initial amendment proposed by Senator HARKIN, and as Senator KENNEDY discussed on the floor yesterday, the overall funding was intended for stockpiling antivirals, strengthening public health responses, increasing global health surveillance, dramatically increasing the vaccine infrastructure, improving hospital preparedness, including surge capacity and health information technology systems, and other key elements.

These elements are broader than bird flu. If targeted appropriately and implemented properly, it will mean that we Americans will be better prepared for whatever new infectious disease comes our way, not just bird flu. That is why I have worked with Senator HARKIN to come up with an amendment that clarifies we are going for the broader picture that all of us worked on in committee.

I was pleased with the unanimous response we had for getting it out of committee. So rather than the funding provided in the Labor, HHS bill being for a very limited thing, we want to focus on the broader context we have all worked on and agreed on, for the most part. We will be bringing a bill to the floor, I hope, to cover this in great

detail and then a second bill that will deal with public health.

I appreciate the work Senator HARKIN has done on this and the way he has brought it to the attention of the American public. I appreciate the work of Senator BURR on this to have a bill that actually does this comprehensively. I also appreciate the way people are working together to come up with a safe, secure United States.

I particularly thank the Senator from Texas for her indulgence, and I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I do thank the Senator from Wyoming for the great leadership he is providing for our Nation to start preparing us for the different types of flu viruses that might come our way. I know he has worked very hard on this in his chairmanship of the Health, Education, Labor, and Pensions Committee. I certainly was pleased to hear his comments on this very important issue. It is one that is important for all of us to assure that our country is ready if we have the kind of pandemic that could happen. It reminds me of Y2K when many were concerned that computers would crash all over America when we turned into the next century, and because we were prepared, there was no crisis. That is what I hope is the result of our addressing the potential flu strains that may be making their way across the world and could affect Americans in the future.

HARRIET MIERS

Mr. President, I particularly will talk today about my friend Harriet Miers. All of us were stunned this morning—I certainly was—when I heard she had submitted her resignation as a nominee to the Supreme Court because I have total confidence in her. I have total confidence she would have been a superb Justice of the Supreme Court of the United States. I have that confidence because I know her.

Many people were making judgments before they knew her. They were not giving her the benefit of the opportunity to come into an open forum and talk about her views.

She wrote today to the President: As you know, Members of the Senate have indicated their intention to seek documents about my service in the White House in order to judge whether to support me. I have been informed repeatedly that in lieu of records I would be expected to testify about my service in the White House to demonstrate my experience and judicial philosophy. While I believe that my lengthy career provides sufficient evidence for consideration of my nomination, I am convinced the efforts to obtain executive branch materials and information will continue.

This is a letter that was written by a woman who cares more about our country, more about our President and his role and the respect for his role under the separation of powers in the Constitution, than she cares about a wonderful cap for a wonderful career, and that is her career. I admire her even more, if that is possible, for the decision she has made. I have to say I am disappointed in that decision because I know she would have been a superb Justice. She would have been a strict constructionist. She would have been a judge who knew the place of a judge, not to make law, which is a requirement and responsibility for those elected for that purpose. She would have been a Justice who looked at and interpreted the law.

I will tell my colleagues what else Harriet Miers would have done that I think is very important. She would have known what it was she could do on the Supreme Court to give guidance to legislatures, to Members of Congress, to clients who are being represented by lawyers throughout the country, about how the law should be interpreted. She would have given the guidance to legislatures about what the constitutional requirement would be.

When one is giving tests for discrimination, for instance, the Supreme Court has said there are varying tests for discrimination. There are rigid tests in some circumstances, there are more moderate tests in other circumstances. I would like to have had someone on the Court with real-world experience to more clearly define those tests so that Congress, so that legislatures, would know when they pass a law more how the Court would interpret that law in light of a more clear path to the right result.

I would have liked someone who has had the experience of living in a part of the country that is different from other members of the Court. I think we need diversity of geography. I think there are different issues in eminent domain, in business and commerce, in regard for private property rights, in States that have a lot of Federal lands versus States that do not have a lot of Federal lands. There are different approaches to these issues by people who live in different parts of the country and I think that kind of diversity is important.

This is a woman who has been a leader in the legal field. She worked her way through SMU Law School. She was also case notes editor of the Southwestern Law Journal, which is now the SMU Law Review. She became one of the first women to be hired by a major Dallas law firm as an associate. She then rose to lead that law firm, to be the managing partner, the first woman to do so in the State of Texas. She worked in the leadership of the bar association, which is the legal organization that sets the standards of ethics, propriety, and practice for our lawyers in this country. She rose to be the first woman president of the Dallas Bar Association and later the first woman president of the State Bar Association.

I graduated from law school about the same time she did. I graduated from the University of Texas. She graduated from SMU. I know how hard it was to get a job. I know the obstacles she faced. I know she did not have the door opened for her with her outstanding record at SMU that many of our male colleagues in law school had. Yet, she attacked those barriers with a positive attitude and spirit. She knew if she proved herself, she would be rewarded as anyone else. She never gave up.

She caught the eye of a Governor of Texas, and she had been a Democrat. I think everyone knows she was a Democrat in the early years. Most people in Texas were. In 1989, she made a decision that she wanted to support a Republican, George W. Bush. That changed her views in many things. I think some of the things that were being brought up from before she changed her views and her support have been used to indicate she is not firm in her views. Well, I think she is firm in her views. I think she is firmly a strict constructionist, a person who has proven herself intellectually in business, in experience, and in leadership. She would have been a terrific Justice. I do not think she was given her due.

I am disappointed, but I do not question her decision because I know she made the decision on the right points and for the right reasons. She wanted to protect the Presidency from invasion of the rights of the President.

Can you imagine if a President had to stop and think—before asking advice from his legal counsel or his top staff as he is trying to make an important decision for our country: If I ask this question in writing, is that going to be recoverable in the public arena? Do I then have to temper what I say?

A President cannot talk to each of his staff members all day. He has many other responsibilities, so he has to communicate in writing. I think he should be able to communicate with his key staff people as he is in the decision making process, and I think he should not have to worry that it is going to, all of a sudden, be misconstrued in the public arena when it was part of his decision making process.

That is what Harriet Miers is also trying to protect. She is giving up probably something she never dreamed she would be, because it is the pinnacle of a legal career to be a Justice on the Supreme Court. She is giving that up because she believes that right of the President would either be invaded or it would be made a cause celebre, and that would not be healthy for our country or for the President. So she gave up what could have been a dream of hers, to do what is right for our country.

I want to reaffirm my view that she would have been an excellent Supreme Court Justice, that she had the right background and experience, that she would have brought a viewpoint that is a very important viewpoint to the Court. You know, if we didn't want diversity of experience in making these

important decisions, we would have one Justice of the Supreme Court; we wouldn't have to have nine. Our Founding Fathers decided to have nine. I think they were right, as they are in so many parts of the Constitution that they thought would be important for the Constitution to last over 200 years. I think diversity of experience and background is very helpful for a Court of nine Justices.

I am disappointed today, but I am very supportive of her decision because it was her decision and because she made it for the right reasons. I wish her well and I am very pleased she is going to stay as White House Counsel, one of the most important jobs in the White House. She will continue serving our country. When I talked to her this morning she was upbeat, she was positive, she was strong, and I know she will be a great contributor to the United States of America and to the President she serves. I commend her today, with all that she has gone through, for the grace with which she has gone through it.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I understand there are other speakers who wish to be heard on the pandemic amendment. I urge them to come to the floor now. We still have quite a list of amendments to deal with. It is Thursday afternoon. I know that is a signal of Members' special interest.

To those who have amendments they want to have heard and disposed of before we go to third reading and final passage, I urge them to come to the floor at this time.

In the absence of any Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I rise to address the issue which is being debated here relative to the amendment by Senator HARKIN regarding the avian flu and how we are going to address this very serious potential pandemic. We all recognize this is a threat of dramatic proportions, not only to our society but to the world generally. As a Congress, we have tried to begin to address this matter relative to other issues that could have an equal impact, involving biologics that could be used against our society in a terrorist attack.

Three years ago I authored a bill called the BioShield bill. Along with a number of Members of this Senate, including Senator KENNEDY, who was the ranking member of the committee I chaired at that time, the HELP Committee, we put together a package which basically created a structure which we hoped would lead to development of vaccines to address the threat which was posed by the use of biological weapons against our country, specifically things such as smallpox, anthrax, botulism, and plague.

That proposal, the BioShield bill, was funded at $5.6 billion, which is a lot of money. The reason we put that much money in the pipeline was because we wanted to create an incentive for the pharmaceutical industry and for start-up biological companies to begin to develop vaccines.

Our country, regrettably, has seen basically a devastation of the vaccine industry. We used to have 30 to 40 companies that were involved in the production of vaccines. Regrettably, that number is down to three or four. The reason we have seen this dramatic reduction in companies that are willing to invest in research and then develop vaccines is pretty simple. The return on investing in a vaccine is significantly less than the cost of investing in that vaccine as looked at through the eyes of a pharmaceutical company or those of a biological company, because of the threat of lawsuit.

The fact is, the potential liabilities created by doing a vaccine are so huge that no amount of projected return on investment, from an investment standpoint, ever justifies creating a vaccine. So the vaccine companies have essentially contracted in this country and the assets which were being used to develop vaccines historically are now being used to develop other types of pharmaceuticals.

The second reason there has been a contraction, at least in these areas, is there is no use for these vaccines unless an event occurs because there is no smallpox in this world right now, thank goodness, and vaccines against smallpox would not be necessary unless there were a smallpox outbreak. And there could not be a smallpox outbreak unless there were a terrorist event that uses smallpox as a weapon. It is a fact that you cannot have a smallpox outbreak in this world today unless there were an intentional decision to spread the smallpox by somebody who had a terrorist intent. So for a company to go in and develop a vaccine for that means they would be developing a vaccine which has no market.

The BioShield theory was: Put a lot of money in the pipeline to create an economic incentive for companies and researchers and biological groups to pursue creation of vaccines only in those areas where there is no vaccine today or there is limited vaccine availability today and where the threat is not a common threat that would be spread in a way other than through terrorism.

We listed the top six threats, No. 1 being smallpox, No. 2 anthrax, followed by things such as botulism and plague spread by a terrorist event, and said we would use this $5.6 billion to try to develop these vaccines.

We thought we had therefore moved the issue along and started to resolve the issue. It turns out we did not. It turns out the BioShield bill, even though it had $5.6 billion behind it, has not energized the market or research atmosphere we hoped for. It turns out that only $1 billion has been spent on purchasing smallpox capability, the known manufacturing process for which had already existed. So we have learned a fairly significant lesson here which needs to be applied to the avian flu issue, and that is why it is important. The lesson is this: Even though you put a lot of money in the pipeline, you are not going to resolve the problem—the problem being resolved, of course, by having scientists being willing to develop ways to address these types of disease threats—unless you also put in place the mechanisms to create the atmosphere for the production of the vaccine.

So last week or 2 weeks ago the HELP Committee passed a creative and strong bill, which was authored primarily by the Senator from North Carolina, Mr. BURR, which attempted to address the entire issue in a packaged way of how you energize the American creative spirit to produce responses and vaccines which will protect us from not only terrorist threats but things such as avian flu.

One of the key elements of that is money. But another key element of that is the liability protection. So I came to the floor today to make it clear that even though it is correct that we need to put a significant amount of money in place, and put it in place soon—the amendment offered by the Senator from Iowa relative to the Defense bill, I think is the right approach. This amendment as an emergency supplemental, if it is put in place with the defense money being considered and in the context of what the administration is going to send up here as a proposal, probably within the next week, also may well be the right course. But all this money that is going to be put on the table is not going to solve the problem unless we are also sensitive to the fact that there are other forces out there that are limiting the willingness of the research community and the vaccine development community to pursue solutions. We have to take all those hurdles out of the way, not just one of them out of the way.

It is critical that we do a comprehensive approach to this. I understand within a week or so the White House is going to send us a comprehensive approach. It is critical that we get that type of leadership on this. But we, as a

Senate, at least, have already proposed a comprehensive approach through the proposal of Senator BURR, and we should make sure any movement in this area be tied to the proposal of Senator BURR and the HELP Committee, which was reported out, and the much more comprehensive amendment of Senator ENZI.

This is a much more complex problem than putting money into it. We already know from our personal experience through the BioShield that putting money into it is not going to get the type of response we need. It has to be more than dollars; it has to be policy.

Some of the specific things we need to do, beyond reforming the liability structure so we have people willing to participate in the vaccines, is to purchase a vaccine where it is available. Some obviously are available now, but the vaccine for avian flu is limited. Tamiflu has some serious limitations in its applicability, although there are other things in development which may work a lot better.

We also have to have research capacity to handle an event like this in basic things such as surgical masks and hypodermic needles and bed capacity.

All this has to be put together in a comprehensive structure, and there has to be a clearer form of how we would execute were we to be hit with a pandemic, with the responsibility being allocated and people knowing who they would be reporting to and how we would get action taken.

There are a lot of things in play here to effectively address the avian flu issue, much of which is being addressed as a Congress, but much of which has to be addressed also by the administration and which we expect to see in the next few weeks from the administration—and dollars are only part of it.

I wanted to put that caveat on the table. If we were to simply vote for the proposal from Senator HARKIN and say we have done our job, we need to pass the Burr language. And we need to make sure the administration is aggressively pursuing a comprehensive and orderly approach to how they will deal with it, should an outbreak occur. I know they are. Every State is. My own State has already set up a very sophisticated approach of how they are going to deal with the necessity of potentially isolating people, and with the potential of having to ration the vaccine. These are going to be very difficult questions of how you deal with bed capacity and things such as that. There is a lot more to do. I wanted to discuss this in the context of the BioShield bill and what we need to do. This is more than a dollars issue.

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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, this is a quote:

> A flu pandemic is the most dangerous threat the United States of America faces. It's a bigger threat than terrorism. In fact, it's bigger than anything I dealt with when I was in government.

This is not a quote from me or from the Presiding Officer. These are the words of Richard Falkenrath, who until very recently served as President Bush's Deputy Homeland Security Adviser. He is not alone in this assessment. Administration officials and public health experts have warned the next flu pandemic is not a question of if but a matter of when. If we don't take action now, the consequences of a global flu pandemic could be devastating. And perhaps that is even an understatement.

A respected U.S. health expert has concluded that 1.7 million Americans could die in the first year alone of an outbreak. Remember, in 1918, the last flu pandemic, as many as 60 million people died in the world. The world's population was one-third of what it is now.

In addition to the 1.7 million Americans who could die during the first year, according to health experts, the economic costs would be enormous.

Every week, the possibility of this threat grows closer. It is now in Croatia. Anyone who watches the news knows that the bird flu is sweeping much of the globe.

When we started debating a possible flu pandemic here in the Senate, the bird flu was contained in parts of Asia. Now it has moved into Turkey, and even as far west as Great Britain. Anyone who watches the news knows scientists recently determined that the last flu pandemic outbreak in 1918 started in birds, and it made its way into humans.

It has not been shown without any fault, any degree of being wrong, because it could be wrong—because the birds are dying from avian flu doesn't mean it will get to us, but it did in 1918. Will the virus jump to humans? That is the question. Shouldn't we be prepared if in fact that is the case?

I read one news account of a friend in Congress who said we don't want to spend a lot of money for something that might not happen. We have to be prepared. We have to be prepared. We should do everything we can to make sure Americans are prepared and protected—and we are not prepared.

Despite repeated promises, this administration has yet to release the President's Pandemic Influenza Response and Preparedness Plan. We have written letters; no response. I don't know why.

The World Health Organization deems such a plan essential to proper readiness. A draft of this plan was ready months ago, but no final plan has been released. At least we were told it wasn't.

As a result, preparations for a pandemic have been needlessly delayed and the Federal Government is ill prepared to handle such a pandemic. We don't have the capacity to rapidly manufacture vaccines in mass quantities. We lack an adequate stockpile in antiviral medications, and our health care infrastructure is woefully unprepared.

We are already behind nations such as Canada, Britain, and Australia, and we are falling further behind these nations each day we fail to act. Some nations finalized their avian flu plans months ago. They are implementing the protections, and we are still waiting for this administration to give us something as basic as a plan. America can do better. In fact, America must do better.

Senate Democrats have provided leadership on this issue. We have added much needed resources for pandemic preparedness in the Senate appropriations bill we passed nearly a month ago. We have offered legislation, the Pandemic Preparedness and Response Act. That would build on our commitment to preparing our Nation for the possibility of a pandemic. Unfortunately, the funding remains tied up in a conference with the House and the Senate, and we haven't acted on this comprehensive legislation.

The recent spread of bird flu to Europe proves we can't afford to drag our feet. The Senate must act immediately so we can limit the human and economic costs of a potential avian flu pandemic. That is why I am cosponsoring Senator HARKIN's amendment to provide $7.9 billion for a comprehensive national effort to prepare for an avian flu pandemic. The amendment will allow us to take the following steps to prepare our Nation for a potential pandemic:

No. 1, quadruple our funding for global surveillance relating to avian flu so we may rapidly detect the emergence of a new strain of flu; dedicate more than $3 billion to vaccine research and improving our domestic infrastructure.

We are woefully unprepared to do this.

We must increase our hospital surge capacity and funding for State and local health agencies so the American people can be assured there will be an adequate supply of health care providers and institutions to care for them in the event of a pandemic.

The legislation calls for conducting an outreach program to health care providers and to the American public.

With this legislation, we must stockpile effective antivirals adequate to treat at least 50 percent of the population and other medical supplies.

Finally, it calls for improving research and lab capacity related to an avian flu pandemic. This, to me, is the most important.

I congratulate the ranking member of this subcommittee, Senator HARKIN of Iowa, for this legislation. It is badly needed. I hope there will be a bipartisan vote to support this amendment.

I understand there are efforts being made to weaken this so-called second-degree amendment to give the President the authority to do all of this, and he would be obligated to do it only if he saw it was necessary. We are looking at that second-degree amendment now to see if there is any way we can work with the majority, who are offering this amendment.

The avian flu pandemic may be inevitable, but the devastating consequences are not. We need to heed warnings and take action now. I hope my colleagues will join in supporting us by making the investments necessary to make sure this Nation does everything possible to protect Americans from the threat of the global flu pandemic.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

HARRIET MIERS

Mr. SPECTER. Mr. President, I respect Ms. Harriet Miers' decision to withdraw from consideration for the Supreme Court. At the same time, I do regret our constitutional process was not complete. Instead of a hearing before the Judiciary Committee and a debate on the Senate floor, Ms. Miers' qualifications were subject to a one-sided debate in news releases, press conferences, radio and TV talk shows, and the editorial pages.

I acknowledge the rights of everyone to express themselves as they see fit, but that should not have precluded Ms. Miers from getting basic due process. There was a decisive imbalance in the public forum, with the case for Ms. Miers not heard because of the heavy decibel level against her.

I have repeatedly noted her excellent work in handling complex civil cases. Had the constitutional process been followed with a hearing, she would have had an opportunity to establish that her intellect and capabilities demonstrated in her 35-year professional career could be carried over in the field of constitutional law and the work of the Court. Whether she would have been confirmed remains an open question, but at least she would have had the major voice in determining her own fate.

Ms. Miers did deliver late yesterday evening, on time, her responses to the committee request for supplemental information on her questionnaire. Eight large boxes are in the committee's possession, but now there is no reason to read or analyze those responses.

The Judiciary Committee carefully did not intrude on the President's executive privilege. The committee studiously avoided asking what advice Ms. Miers gave to the President, and that limitation would have been continued in any hearing, with an adequate range of questions available to enable the committee to decide on her qualifications for the Court.

We must guard against having the Miers proceedings become a precedent for the future.

I ask unanimous consent that the text of an op-ed piece which I had submitted to the Washington Post yesterday and the Washington Post agreed to publish be printed in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. I thank the Chair.

I note Senator BYRD is here.

EXHIBIT 1

WASHINGTON POST-ACCEPTED OP-ED REFERENCED ON THE FLOOR

Just over three weeks ago, President Bush nominated White House Counsel Harriet Miers to fill retiring Justice Sandra Day O'Connor's seat on the Supreme Court. Since then, political pundits and outside groups have loudly expressed their opinions, one way or the other, on the nomination. There has been a great eagerness in some quarters, outside the Senate, to prejudge the nomination.

Fortunately, the Constitution does not leave the disposition of Presidential nominations to pundits or outside groups. The question whether to confirm a President's nominee is left to the careful consideration of the Senate, where we have an established process for examining a nominee's fitness for the bench. That process will begin on November 7, when the Judiciary Committee begins its hearings on Ms. Miers.

Confirmation hearings offer a nominee the opportunity to introduce herself to the Senate and the American people. The hearings allow Committee members to ask questions of the nominee, to develop a record, and to present an informed recommendation to the full Senate. In order to receive a favorable vote in the Committee, Ms. Miers will have to demonstrate her qualifications to serve on the bench. A crucial qualification to serve on the Supreme Court is the aptitude to decide difficult legal issues, including important Constitutional questions, and to explain those decisions in opinions.

It is true that Ms. Miers has not had deep experience in Constitutional law, but that is far from a disqualification for the bench. Few lawyers, aside from sitting federal judges or a few Constitutional law practitioners, have such experience.

Thus, while Ms. Miers needs a crash course in constitutional law to prepare for the hearings, the same could be said for virtually any nominee to come before the Senate Judiciary as a Supreme Court nominee. In the past century, we have had many justices without constitutional law experience, who never the less brought the legal acumen and intellectual abilities to tackle the vital and challenging work of the Supreme Court. These include, for example, Sandra Day O'Connor, who had never served on a federal court or practiced Constitutional law. Similarly, Justice Hugo Black, before his election to the Senate, specialized in labor and personal injury law. Yet, he is regarded as one of the greatest justices of the 20th century.

Moreover, the Supreme Court's docket is not limited exclusively to Constitutional law issues. Roughly 40% of the Court's docket tends to involve constitutional issues. Business and commercial law issues, with which Ms. Miers is well acquainted, make up another 20% of the Court's docket.

As Chairman of the Judiciary Committee, I have known and worked with Ms. Miers closely. As White House Counsel, she plays an important role in advising the President on complicated legal and policy issues.

Consequently, I work with Ms. Miers on nearly all the matters that come through our committee, from nominations to legislation, from the USA PATRIOT Act to asbestos liability reform.

Based on my personal experience, there is much to recommend her.

She is, as all acknowledge, a good and decent woman with whom it is a pleasure to work. She has a logical, disciplined, and sharp mind. She will bring to the bench, if confirmed, the knowledge of a practicing trial attorney—a perspective sorely lacking among the current Justices. As the President has observed, Ms. Miers had a wealth of practical experience as a lawyer in private practice. I have reviewed her record and found that she has handled a wide range of complex cases.

She is also a woman who fought up through the ranks. She went to law school at a time when women were discouraged from joining the field, yet she rose to manage a 450-person firm and became head of the Texas Bar Association. Ms. Miers comes to the Committee with many strengths and an accomplished record.

This is not to say that it is all easy sailing for Ms. Miers. I have not made up my mind. Nor have most of my colleagues. Like every Supreme Court nominee in recent times, Ms. Miers still has the burden of demonstrating the depth of her substantive knowledge on constitutional issues, issues such as the intersection of the First Amendment's guarantees of free speech and freedom of religion, the scope of Congress's powers to legislate under the Commerce Clause and Section 5 of the Fourteenth Amendment, the scope of executive power, and the criminal defendant's protections found in the Bill of Rights.

Like every Supreme Court nominee in recent times, Ms. Miers bears burden of proving she has the aptitude to address the complex issues that will come before the Court. She deserves, and she will receive, a full and fair hearing at which she will have the opportunity to demonstrate her fitness for the bench.

Until then, I hope that the American people and my colleagues will keep an open mind.

The PRESIDING OFFICER. The Senator from West Virginia.

SENSE OF FOREBODING

Mr. BYRD. Mr. President, the American people enter this fall season with apprehension, trepidation, and a somber sense of foreboding. Gasoline prices, which peaked above $3 per gallon in September, now seem stuck at levels once thought absurd. Gas prices in West Virginia hover around $2.57 per gallon and can vary significantly in some areas, rising precipitously at times.

Heating costs are projected to soar this winter, with many households expected to pay an additional $350 to heat their homes with natural gas and heating oil. It makes one shiver, thinking of winter in those mountains of Appalachia.

People are already struggling with inadequate wages, are being forced to curtail everyday expenses simply to buy gasoline, to fill up their tanks. Senior citizens on fixed incomes are already forced to choose between prescription drugs and food. That is a tough choice. They must now confront life-threatening heating costs. This winter is coming. I can feel it in the air.

This winter, with energy costs rising, the Federal safety net will be needed to provide essential support for countless Americans. Many are watching with incredulity the fraying of that safety net.

On the farms and in the cities, in rural and urban neighborhoods, Americans have been shaken by the Government's inability to respond effectively to Hurricane Katrina while the Government focused on tax cuts for the wealthy and massive spending requests to rebuild Iraq—what a shame; we should never have gone there, no; it was no threat to our national security, and I said so at the time—massive spending requests to rebuild Iraq. Our Nation's infrastructure was weakening from neglect at home while all this was happening. Katrina highlighted that erosion, focused our attention on that erosion and the high cost of forgoing critical infrastructure repairs.

Just a few days ago, that erosion was further highlighted as Americans watched the wooden 173-year-old Whittenton Dam threaten to give way in Taunton, MA, forcing the evacuation of yet another American city.

This winter, the country must confront the threat of an avian flu pandemic as public health officials warn that our Nation's health infrastructure remains woefully inadequate. Remember the influenza? Remember the flu of 1917 and 1918? I don't remember it exactly, but I had it. My mother died in that pandemic. I was less than a year old. She said to my father: Give ''the baby'' to the Byrds. One of my father's sisters had married a Byrd, Titus Dalton Byrd. They did not have any children. They had a child prior to my birth, but their child had died—his name was Robert Madison—so they had no children left. My mother's wish that my father give me, the ''baby,'' to Mr. and Mrs. Titus Dalton Byrd, the ''Mrs.'' being my father's sister. Yes, that is why I am here today. It was their wish that my father give me, the baby—there were three older brothers and a sister—give them all to somebody, but give the baby to the Byrds. They took me in, changed my name, and brought me to West Virginia, away from North Carolina. And here I am.

Earlier this week, Hurricane Wilma pummeled southern Florida, causing heavy flooding and power outages. The cleanup costs could be enormous.

Rather than addressing these weaknesses and providing the American people with some reassurance, the Congress incredibly and inconceivably is looking for ways to further siphon funds away from our safety net and domestic investments. It is as if we have learned nothing—absolutely nothing—from Hurricane Katrina.

A hope and belief seem to exist, and fingers are crossed all across this town, that no one will connect how the budget cuts being considered will affect those hurting from high energy prices.

Eight Senate committees—eight Senate committees—have drafted reconciliation legislation to cut domestic investments in order to prefund $70 billion in additional tax cuts, many of which will not take effect for several years. They are backloaded. Now, get that: tax cuts. Oh, it is so easy. Ah, how I love to vote for tax cuts. That is easy. It does not take any courage to do that. Tax cuts. I have been in politics now 60 years next year, in various and sundry legislative branches, and the easiest vote I ever cast was for tax cuts.

Some of these spending cuts are coming from the very same programs that are providing essential disaster relief to the victims of Hurricanes Katrina and Rita, such as those used to provide temporary health services. They comprise much of the safety net for our Nation's most vulnerable, as well as for Americans afflicted by disaster.

The reconciliation process has been touted as a means to contain the budgetary costs of Katrina, but that is a specious, spurious argument. The reconciliation process would worsen—worsen now; not improve—our fiscal position. With $70 billion in new tax cuts and an estimated $39 billion in spending cuts, the result is a deficit that increases by $31 billion—$31 for every minute since Jesus Christ was born; $31 for every minute—oh, the clock is ticking; that clock is ticking—$31 for every minute since Our Lord Jesus Christ was born. Under the process being considered, Katrina costs would continue to mount, without offsets, while the safety net is further worn away.

The argument for reconciliation makes even less sense when you consider that Katrina costs are one-time, unforeseen emergency expenditures. Meanwhile, no action, none, no action has been taken to pay for trillions of dollars—trillions. How long would it take to count a trillion dollars at the rate of $1 per second? How long would it take to count a trillion dollars at the rate of $1 per second? Man, can you imagine that? How long would it take? Thirty-two thousand years? These young pages who have quick minds can figure that out. Thirty-two thousand, I am not sure about that figure. If it is not 32,000, it is 34,000 or 36,000. Thirty-two thousand years—I will stick with that figure for now—at a minimum, at the rate of a dollar per second. Can you believe it?

There are trillions of dollars of tax cuts. No action has been taken to pay for those trillions of dollars of tax cuts or the hundreds of billions of dollars of costs for Iraq—a war that we should have never been in. We should never have gone. And they are still struggling to find a reason why we went. Too late now. I said then I don't believe there are weapons of mass destruction. I think there have been in some years gone by but not now. And have they been found? No. And I and 22 others—yes, 22 others; one Republican among the 23; one Senator who is now dead and gone; he died in a plane crash—23 souls, including my own, said: No. No, we won't go. We are not going to vote to give this power to declare war to this President or any President. We are not going to do it. Twenty-three of us. But there we are. We are there.

So with the hundreds of billions of dollars of costs for Iraq, no action has been taken to pay for that, even though these costs are as plain and obvious as any in the Federal budget. I simply cannot fathom why the administration believes that reconstructing Baghdad does not have to be paid for, while reconstructing Mississippi and Louisiana and Alabama requires offsets.

Can you imagine that? Reconstructing Baghdad does not have to be paid for, while reconstructing Mississippi and Louisiana and Alabama requires offsets. It does not make sense. It does not make good sense. It does not make common sense.

Nor has any action been taken to find savings elsewhere in the bloated—bloated—Federal budget. The Defense Department's budget comprises one-sixth of the Federal budget and surpasses the total discretionary budgets of every other agency and office of the Federal Government combined. The Pentagon is not even able to pass a standard audit. How about that. The Pentagon is not even able to pass a standard audit, and it has not been able to for some years. I will say that again. The Pentagon is not even able to pass a standard audit or to conduct effective oversight of military expenditures in Iraq. May God help us.

Government auditors have found substantial sums of defense contractor waste and fraud. Astonishingly, the Department of Defense pulled its inspector general out of Iraq last fall. Yet the Defense Department has not been asked to examine its $450 billion annual budget.

All of the savings, all of the deficit reduction is supposed to come from the safety net for working families—people who work with their hands or at their desks—and from essential domestic investments that have been dangerously—dangerously, dangerously—foolishly neglected for too long. The sacrifice, too often, is being asked of working families, while others remain blissfully exempt.

The budget reconciliation process at this point in the year and under these circumstances is ill-conceived. We are missing an opportunity to ferret out real waste in the Federal budget and to reform programs that could yield real budgetary savings. And worse, we are opening the door to a dangerous process.

Yesterday, the House Ways and Means Committee—I believe it was yesterday—included in its reconciliation package language that would repeal the Continued Dumping and Subsidy Offset Act. This is a critically important law. It allows Customs to distribute to American companies and

their workers the duties that it collects on unfairly traded, meaning ''dumped,'' imports. Yes. I am the daddy of that. Yes. I am the daddy of that child. It is called the Byrd Rule. There are several things that are called the Byrd Rule, but that is the one we are talking about.

It allows Customs to distribute to American companies and their workers the duties that it collects on unfairly traded, meaning ''dumped,'' imports. The funds go only to those—now listen; the funds—I say the fines for these violations go only to those who have been injured by foreign producers who violate our trade laws.

The funds go to crawfish producers in Louisiana. Hear me now. They go to shrimp producers throughout the Gulf States. Hear me. They go to our lumber industry. That is a big industry. They go to raspberry growers. They go to honey producers and beekeepers. They go to garlic growers in California, to makers of pasta, to makers of steel, to makers of steel bearings and other products manufactured all across our Nation.

Companies in nearly every State of the Union receive funds under this law, and the funds are essential. They enable our industries to invest in their facilities and in their workers, to upgrade their equipment and technology. What could be wrong with that? That is a good law. The World Trade Organization doesn't like this law, but the WTO is wrong. The WTO doesn't like this law, but the WTO is wrong, wrong, wrong, I say to the four corners, the four winds of the Earth—wrong. The WTO ruling in this case was created out of whole cloth. Nothing in the WTO agreements prohibits us from reimbursing U.S. industry with duties collected—how and from what—on unfairly traded imports. If the trading partners didn't violate the law, they wouldn't have to pay these fines. They violate the law, yes.

The administration was directed by Congress in both the fiscal year 2004 and 2005 Omnibus Appropriations Acts to negotiate a solution to this WTO dispute in ongoing trade talks. The Appropriations Acts explicitly—plainly, clearly—state that U.S. negotiations shall be conducted within the World Trade Organization to recognize the right of WTO members to distribute moneys collected from antidumping and countervailing duties as they deem appropriate. The WTO cannot infringe on the sovereign right of the Congress to legislate. They can't do that. The United States needs to keep this important trade law on the books. Keep it on the books.

I have talked to the President. I have talked with the administration about that. I have talked with our Trade Representative. Keep it on the books. They first said they would fight for it. After Katrina, we send a terrible message by continuing with this flawed reconciliation process. You watch how it works. I helped to write that law. The reconciliation process was never intended by those of us on both sides of the aisle—we are about all gone now, who created that process—to be used as it is being used. We send a terrible message when the American people call for deficit reduction and instead we lead them erroneously into more debt.

I hope the Congress will take the time to reconsider the flawed assumptions underlying this reconciliation process. It needs to do so before the process gets even further out of hand.

I thank all Senators. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MARTINEZ). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HARRIET MIERS

Mr. BYRD. Mr. President, as the administration searches for a new nominee for the Supreme Court, I hope the White House will not retreat to a political corner and choose a nominee who will only serve to divide the Nation and divide this Senate. I urge the President—hear me now—to select a nominee cut from the same cloth as the new Chief Justice of the United States—moderate in approach, steeped in thought and experience, and committed to the protection of the U.S. Constitution, which I hold in my hand. In partnership, the President and the Senate must do all that they can to avoid rancor and extreme partisanship. That begins with real consultation and a nominee who can bridge the gap between political philosophies.

I found it noteworthy—I did—that questions about Harriet Miers' nomination came from Senators, organizations, and individuals from diverse political philosophies. It does not matter who is asking the questions about a nomination; these questions serve the long-term interest of the Nation, those people out there, the American people who are watching us through those lenses.

Unfortunately, in this age of partisan politics dominating all else, questions too often are labeled as obstructionism. You remember that? Obstructionism. If you ask questions, you are an obstructionist. Get that, I say to these fine young pages. Nothing could be further from the truth. No.

Republican Senators—yes, the Senators who sit over on that side of the aisle—and Democratic Senators, who sit over here, had serious questions concerning the judicial philosophy of this nominee. Asking questions and insisting upon answers from judicial nominees helps to make certain that the American people have faith in their courts. Asking questions is not something to be labeled as obstructionist. How many times have I said that? Rather, it is patriotic to ask questions. Asking questions is part of my duty, part of your duty, Mr. President, part of each Senator's duty as citizens.

I think now would be a good time for the Senate to consider a proposal first put forward by Senator SPECTER in which I joined in the 105th Congress. We introduced legislation to establish a formal advisory mechanism for the Senate in the selection of Supreme Court Justices. Under that proposal, the Senate Judiciary Committee would establish a pool of possible Supreme Court nominees for the President to consider based on suggestions from Federal and State judges, distinguished lawyers, law professors, and others with a similar level of insight into the suitability of individuals for appointment to the Supreme Court. The President would, of course, be free to ignore the pool if he chose to do so, but the advice required by the Constitution would be formally available and the President would know that the individuals in the pool had received a bipartisan nod from the Senate committee required to do the vetting.

Senator SPECTER and I have talked about reintroducing this legislation in the coming days in an effort to guarantee that a broad spectrum of individuals are nominated for the Supreme Court and that the Senate is able, more fully, to fulfill its constitutional role. I am glad there are 14 Senators, ladies and gentlemen, Republican and Democrat, evenly divided, who joined together and who saved the Senate from a terrible blunder called the nuclear option. Some call it the constitutional option. There is nothing constitutional about it. It is unconstitutional on its face, the so-called nuclear option. What a shame that would have been. But the 14 Senators, Republican and Democrat, saved the Senate. That was a historic moment.

I say the President was right when he called Senators, when he sought the advice of Senators, when he sent Judge Roberts' name up here. Yes, for once he called me and asked what I thought. I complimented him on calling Senators, seeking their advice. The phrase is advice and consent, not just the word ''consent.'' It also has the word ''advice.'' So I said, and the 14 said, we want to be in on the takeoff as well as on the landing. So seek our advice. Yes.

Mr. President, seek our advice. Say to us, Lend me your ears, and I will lend you mine. He did that. The President did that. I complimented him on it. I hope he will do that now. I hope he will not send up a lightning rod, somebody who will just polarize the country and attract bows and arrows.

Mr. President, listen to the advice and consent clause in this hallowed document, the Constitution of the United States. Read it. It says ''advice.'' Hear me, Mr. President. Call Senators again. Don't send up someone who will divide the Senate, who will cause a filibuster, and then some would seek to cut off the freedom of Senators to speak. Be careful. Mr. President,

please call. Please call me. If you don't call me, call somebody else. Call Senators. Ask them what they think. You can discard our viewpoint if you wish. You don't have to accept our advice. I don't have anybody particularly in mind, but call me. Will you do it, Mr. President? I hope you will.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE AUTHORIZATION

Mr. FEINGOLD. Mr. President, I certainly appreciate the words of the Senator from West Virginia. In that light, let me point out that last night the Senate adopted a unanimous consent agreement to resume consideration of the Department of Defense authorization bill. Under the agreement, each side would be allowed to offer 12 amendments to the bill, all of which must relate to the bill or the jurisdiction of the Armed Services Committee.

Let me start by congratulating the Democratic leader for working tirelessly to bring this bill back before the Senate. Senator REID recognizes that Congress has a responsibility to the American people and to our brave men and women in uniform to debate and pass a responsible Department of Defense authorization bill. I thank him for his efforts.

Congress has an additional responsibility, and that is to put our Iraq policy right and return the focus of our country to our top national security goals. That policy, and particularly the failure of the administration to offer a reasonable, flexible timetable for bringing home our troops, is making us weaker. It is making us less safe, and it is making our enemies stronger. The perception of a massive, indefinite American troop presence in Iraq is feeding the very insurgency that we are trying to defeat. That is why I now call upon the majority and minority leaders to agree that they will allow the Senate to debate and vote upon an amendment calling for a flexible timetable for returning our troops home. This doesn't have to be exactly the resolution I introduced in June, or it doesn't have to include the December 31, 2006, target date for completion of the primary military mission that I proposed back in August.

There are plenty of Members deeply concerned about Iraq whose leadership has been and will continue to be crucial, people such as Senators LEVIN, KERRY, and DODD. Senators BYRD and KENNEDY have also been vocal about their concerns. There are plenty of Members on the other side, also, with whom I have spoken and shared some of my concerns about our Iraq policy. I welcome the opportunity to work with my colleagues on both sides of the aisle to come up with a reasonable amendment that will finally start the process of getting our Iraq policy and our broader national security strategy on track.

Obviously, I do not have to remind anyone here that the United States suffered its 2,000th casualty in Iraq this week, and there have been more since then. Every one of our servicemembers in Iraq and their families deserve clarity about the mission they are serving and the timeframe for that mission. And the American people and the Iraqi people, too, need to know that we have a plan to complete our military mission and draw down our troops in Iraq.

Mr. President, the Senate needs to do its job. When the Senate finally resumes consideration of the Defense authorization bill, and I hope that will be very soon, we need to finally address and put our Iraq policy right. The Senate will consider up to 24 amendments at that time. Clearly, this should be one of them. I hope my colleagues agree with me and that we can work together to ensure that we live up to our responsibilities.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO 2279, AS MODIFIED

Mr. FEINGOLD. Mr. President, I rise today with my colleague from Maine, Senator COLLINS, to offer an amendment to fund the Automatic Defibrillation in Adam's Memory, the ADAM Act. But first I would like to thank the Senator from Pennsylvania and the Senator from Iowa and their staffs for the hard work that obviously went into drafting this bill in the face of tight budget restraints.

Mr. President, in 2001, I learned about Adam Lemel, a 17-year-old high school student and a star athlete in southeastern Wisconsin. Tragically, during a timeout while playing basketball at a neighboring Milwaukee high school, Adam suffered sudden cardiac arrest and died before the paramedics were able to arrive.

After his death, his friend, David Ellis, joined forces with the Children's Hospital of Wisconsin to initiate Project ADAM to bring CPR training and public access defibrillation into schools, to educate communities about preventing sudden cardiac deaths, and to save lives. The ADAM Act called for the establishment of a national Project ADAM clearinghouse. Such a clearinghouse would provide schools with the ''how to'' and technical advice to set up public access defibrillation programs. This clearinghouse responds to a growing number of schools that have the desire to set up such a defibrillation program but often do not know where to start.

The ADAM Act was signed into law in 2003—and we are very pleased with that—but it has yet to be funded. The amendment Senator COLLINS and I offered would simply fund the ADAM Act clearinghouse with $800,000 for fiscal year 2006.

Mr. President, at this time, I would like to call up my amendment and ask that it be modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2279), as modified, is as follows:

At the appropriate place in title II, insert the following:

SEC. ____. In addition to amounts appropriated under this Act, out of any money in the Treasury not otherwise appropriated an additional $800,000 to carry out section 312 of the Public Health Service Act (42 U.S.C. 244). The amounts on page 137, line 9 shall be further reduced by $800,000.

Mr. FEINGOLD. I understand that the amendment will be accepted, and I want to thank the managers in advance for that as well.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. OBAMA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

AMENDMENT NO. 2283

Mr. OBAMA. Mr. President, I rise first to commend Senators SPECTER and HARKIN for their diligence and hard work on what is an enormous bill, particularly given the tight budget they had to work with. I also personally thank Senators SPECTER and HARKIN for adopting an amendment into the managers' bill relating to scholarships for low-income and minority students and for expansion of positive behavioral interventions and support within schools to encourage better discipline. I thank them and their staffs for working with us on this amendment.

In addition, it is my understanding that there has been a meeting of the minds between the two sides of the aisle around what may end up being the most significant aspect of the Labor H appropriations bill.

Yesterday, I joined Senators HARKIN, KENNEDY, and a number of my colleagues in introducing an avian flu amendment. I know we had been able to attach an amendment to the DOD appropriations bill that made significant headway in funding the work that needs to be done to prepare this nation for pandemic flu. Obviously, this Labor H bill was the more appropriate vehicle to fund preparedness activities. The fact that Senator SPECTER and Senator HARKIN have agreed to work something out on this issue is extremely important.

I will mention a couple of things that I believe make this avian flu amendment so significant. A number of Senators have talked on the Senate floor very eloquently about the threat of avian flu and the lack of preparedness and relative inactivity in the United States compared to our European and Asian allies. In the United States, we do not have a national preparedness plan for a pandemic. We do not have a stockpile of antivirals. Our public health system is weak, and the vaccine infrastructure is fragile. All of these areas desperately need attention, and the amendment that I hope will be adopted unanimously will provide the funding to do just that.

I am not going to rehash what was discussed earlier, but instead I wanted to spend a few minutes on the nonhealth aspects of avian flu, because it is important to fully understand the scope of the potential problems that a pandemic might cause. Obviously, the health concerns should be our immediate focus, and the Harkin amendment and the avian flu bill I introduced back in April do just that. However, we cannot ignore the economic and social implications of the pandemic flu. They deserve our urgent attention.

As Dr. Michael Osterholm has warned us, the arrival of a pandemic flu would trigger a reaction that would change the world overnight. We know that a vaccine would not be available for at least 6 months after the pandemic started. We also know that we only have enough antivirals in our stockpile to treat 1 percent of the Nation's population. As such, if an avian flu pandemic hits, foreign trade and travel would be reduced or even suspended in a desperate but fruitless attempt to stop the virus from entering new countries. This is not speculation. Some will recall that Hong Kong's Secretary for Health, Welfare and Food has already threatened to close the border with the Chinese mainland if the H5N1 strain of avian influenza moves into the human population.

Domestically, transportation would also be significantly curtailed as States or communities seek to keep the disease contained, and unaffected areas try to keep infection out. Such efforts at self-protection would have a devastating effect on the world economy, which relies on the speedy distribution of products. There would be major shortages of food, medicines, light bulbs, gasoline, and spare parts for military equipment. Potentially, we would have shutdowns in the production of microchips that fuel so much of our technology.

To use just one example, currently, two U.S.-based companies supply most of the protective face masks for health care workers around the world. Neither company would be able to meet increased demand during a pandemic, in part because the companies depend on multiple suppliers in multiple countries for the parts to make the masks.

Businesses today rely on the world's real time economy, and have not established alternative supply chains nor emergency plans for production and distribution. In a time of pandemic, the labor source could be severely affected as well, compounding the supply chain problem.

Our Government officials also have not yet addressed the social implications of a pandemic. We had a taste of that in what tragically happened with Hurricane Katrina. We witnessed desperation and confusion as people scrambled to survive and to find their loved ones. We are going to have to develop protocols and plans now so we can prepare the public for whatever public health measures may be needed, including possible quarantine or isolation.

The closest the world has come to this scenario in modern times was the SARS epidemic in 2003. Over a period of 5 months, about 8,000 people were infected and about 10 percent of those infected died. Once SARS emerged in China, it spread to 5 countries within 24 hours, and to 30 countries on 6 continents within several months. The economic consequences of SARS were staggering. The 6-month epidemic costs to the Asian-Pacific region alone were estimated at over $40 billion.

As avian flu is significantly more contagious and more deadly, you can only imagine the potential scope of economic devastation that we might face. Senator HARKIN has mentioned that the warning bell is ringing and we need to heed its urgent call to action. Time is running out and this administration must act now if it is to prevent the severe economic, security, and health consequences from pandemic flu.

Let me close with one last comment. I heard some colleagues in discussions, both in the media and on the floor of the Senate, suggest that we should not succumb to panic. I know at one point an analogy was drawn between what we are calling for with respect to investments in pandemic flu preparedness and Y2K.

Let me just make two points. No. 1, we are absolutely certain that some form of pandemic will occur in our lifetime. We do not know if it will be caused by a H5N1 virus that mutates and spreads by human-to-human contact, similar to the 1918 pandemic. But unless history has completely taught us the wrong lessons, we can expect some form of pandemic that has severe consequences, and right now, we do not have the infrastructure to deal with it.

What that means is whatever investment we make now—for example, in developing a cell-based technology rather than an egg-based technology to develop vaccines—that is a sound investment even if we are lucky and this H5N1 virus does not end up mutating in such a way that it can cause a pandemic, because we will now be prepared for whatever pandemic occurs. We will have the infrastructure to rapidly produce the sort of vaccines that are necessary. This is a smart investment for us to make on the front end. The second point is one that, again, I think has been highlighted by what happened in New Orleans and the gulf coast. Sometimes the costs of doing nothing are so high that in the same way that you or I buy catastrophic health insurance hoping that we never have to use it, this is one of those situations where we have to devote the dollars to prepare and develop a plan, hoping that we never have to use it.

I am extraordinarily grateful that Senator HARKIN, Senator SPECTER, and other leaders on this committee have been able to come to an agreement that should allow us to finally fund the preparedness and readiness activities that are going to be necessary for us to meet the challenge of avian flu.

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. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2218, AS MODIFIED

Mr. BINGAMAN. Mr. President, I send to the desk a modification of amendment 2218, and ask unanimous consent that it be so modified.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 2218), as modified, is as follows:

AMENDMENT NO. 2218, AS MODIFIED

(Purpose: To increase funding for advanced placement programs)

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

SEC. ____. (a) In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional $7,000,000 to carry out part G of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6531 et seq.).

(b) On page 183, line 15, strike ''$1,057,385,000'' and insert ''$1,050,385,000'' and on line 21 strike ''$417,924,000'' and insert ''$410,924,000''.

Mr. BINGAMAN. Mr. President, this is an amendment that the Senator from Texas, Mrs. HUTCHISON, and myself are offering to add an additional $7 million to the funding for advanced placement instruction in our schools. This is an issue she and I have pursued for many years.

It is my strong belief one of the clearest ways we can improve the quality of education in our school system is to encourage more students to take advanced placement courses, to encourage more teachers to get the training necessary to teach those advanced placement courses. Those are courses the college board has identified as specified standards nationwide.

It is clear to anybody who is involved in secondary education in this country that a student is advantaged in their later education and in their career if

they have the opportunity and take advantage of the opportunity to take these advanced placement courses in high school. There are many high schools in my State of New Mexico that do not offer advanced placement courses to their students. I think that is a shame in this day and time. I think it is very unfortunate we do not make this opportunity available nationwide to more students and encourage it.

A recent report which the Presiding Officer and I have requested from the National Academy of Sciences talks very extensively about the importance of developing the scientific and technical building blocks we need for this country to strengthen our economy. They recommend in that National Academy of Sciences report that we can do a variety of things to improve the quality of education from kindergarten through the 12th grade, in addition to doing various things at the university level and, of course, doing a variety of things with research and development as well.

One of their recommendations is directly applicable to this amendment which we sent to the desk. The recommendation is that we set out to quadruple the number of students in advanced placement math and science courses by the year 2010. There are approximately 1.2 million students who take those courses today. The suggestion is that in the next 4 or 5 years we should increase that to 4.5 million students. That is an enormous undertaking. That is an easy thing to say but a very hard thing to do.

The recommendation in the appendix attached to the National Academy of Sciences report indicates that the estimate they have would cost something in the range of an additional $350 million per year for us to be able to achieve this kind of improvement. We are not asking for that $350 million in this amendment. We are asking for $7 million. We are asking to get closer to what the President requested in the budget he sent to the Congress earlier this year. We are asking to go up to $40 million for advanced placement instruction.

That is a very modest request, but we are informed it is all that is possible, given the budgetary constraints under which this bill is operating.

I think it is an extremely good amendment. It is a very important focus for us to have as we try to begin to focus on an agenda that will make this country more competitive in world markets. I know the Presiding Officer feels this needs to be a very high priority for this country. I certainly do, as well as the Senator from Texas.

I hope our colleagues will support this amendment.

I yield the floor so Senator HUTCHISON can explain her views on the issue.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank my colleague, Senator BINGAMAN. We have been working on increasing the amount put in the advanced placement program for years. Together, we actually started the Federal funding for this program. It has been a phenomenal success.

In fact, in a recent study on the lack of emphasis in science in our country in high schools and colleges, one of the recommendations made by the commission, which I think the Presiding Officer of the Senate sitting in the chair today is familiar with, * * *

One of the recommendations is increasing the Advanced Placement Program. That is exactly what we are doing with this amendment.

The Advanced Placement Program allows students to pursue college-level studies while still in high school. It is celebrating its 50th anniversary and it is now in 15,000 schools around the world, including 60 percent of high schools in America. Through these programs, students experience a rigorous college level curriculum and have the chance to earn college credit, advanced placement, or both.

According to a U.S. Department of Education study, participation in advanced placement courses is a stronger predictor of success in college than test scores or grade point averages. A 2002 study by the University of Texas at Austin showed that among students with the same SAT scores and class rank, advanced placement students scoring three or higher on the exams performed better in advanced college courses than students who participated in concurrent enrollment or who did not skip any college courses at all.

Research has also shown that 61 percent of students who take two or more advanced placement exams graduate from college on time. By contrast, only 29 percent of other college students earn a degree within 4 years.

When you consider the average total charges at a 4-year public institution in the 2005 school year were more than $12,000 per year and $29,000 per year for private colleges, graduating within 4 years becomes a very important objective.

While much growth has occurred in advanced placement participation, a vast gap still exists between the 57 percent of the class of 2004 who embarked on higher education last fall and the 13 percent of the class of 2004 who were prepared to succeed in college by having mastered an AP course in high school. Currently, 40 percent of students entering 4-year colleges and universities are requiring some remedial education while 63 percent of students at 2-year institutions do. This is a significant concern. One or more remedial courses, particularly in math or reading, negatively influence the likelihood that a student will obtain that bachelor's degree.

Last year, a fellow Texan and current Assistant Secretary of Education, Tom Luce, wrote a book entitled ''Do What Works: How Proven Practices Can Improve America's Public Schools.'' Among other programs, the book highlighted the importance of advanced placement courses in educating today's students. In his book, Secretary Luce states:

> Advanced Placement courses are increasingly viewed as a key to driving higher educational achievement by all students, particularly economically disadvantaged and minority students.

Secretary Luce dedicated his book to Edith and Peter O'Donnell, two great Americans who know and understand the importance of educating our youngsters. Peter O'Donnell recently sat on the Commission of National Academies which published a report entitled ''Rising Above The Gathering Storm: Energizing and Employing America for a Brighter Economic Future.''

The report outlined a number of recommendations to strengthen America's competitiveness with the ultimate goal of creating new, high-quality jobs. One of the recommendations was to train additional advanced placement instructors to teach advanced courses in mathematics and science. Some ways we can do this are by subsidizing test fees for low-income students who are enrolled in AP classes and plan to take an AP test, and by expanding teacher training and participation in online courses.

President Bush requested $51 million in his budget for this program. That would be an increase of $22 million from last year.

This amendment I am cosponsoring with Senator BINGAMAN would accomplish the President's funding goal by adding an additional $7 million. It is very important we do this. It does have offsets.

I particularly thank Senator SPECTER and Senator HARKIN and their staffs for helping find the offsets, realizing the importance of this program.

My friend Peter O'Donnell was certainly on the mark when he suggested advanced placement would start our students in a higher echelon of academic programs to better prepare them for college. These programs will also help them get through college within a 4-year period, which is becoming more and more of an issue in public and private universities around our country.

I thank Senator BINGAMAN for being a partner with me on this. Since 1998 we have worked on this together. If we can continue to increase the program and, therefore, increase the number of participants, we will see the college students who perform better having more opportunities for science and math careers, which is very important for the future of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague very much for her strong advocacy for this amendment and this program. I also say a word of commendation about Peter O'Donnell and the work he has done in this area.

He was very generous in giving of his time to brief me and my staff on progress that has been made in the State of Texas in expanding advanced placement through the private foundation he has established there. It is a very impressive model the whole country needs to emulate. This modest amendment will be a step toward helping more to happen around the country.

I ask unanimous consent Senator REID of Nevada, Senator BOXER, and Senator FEINSTEIN be added as original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. As I understand it, we are ready for a vote on this amendment at this time unless the managers would like to postpone it.

Mrs. HUTCHISON. A voice vote would be fine with us.

The PRESIDING OFFICER. If there is no debate, the question is on agreeing to the amendment.

The amendment (No. 2218) was agreed to.

Mr. HARKIN. I move to reconsider the vote.

Mr. BINGAMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mrs. HUTCHISON. I ask unanimous consent at 3 o'clock today the Senate proceed to executive session and to consecutive votes on the following nominations: No. 386, John Smoak, to be United States District Judge for the Northern District of Florida; and No. 384, Susan Neilson, to be United States Circuit Judge for the Sixth Circuit.

I further ask unanimous consent there be 2 minutes of debate equally divided prior to each vote; further, that following those votes the President be immediately notified of the Senate's action and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

AMENDMENT NO. 2244 WITHDRAWN

Mr. HARKIN. Mr. President, I ask consent to withdraw amendment numbered 2244.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2262

Mr. BINGAMAN. Mr. President, last evening I called up for consideration amendment 2262 and then had it laid aside. I call it up again.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, this is an amendment that is very important. I hope we can get a vote before the afternoon is over. The amendment would invest an additional $60 million in our Nation's future by strengthening 8 programs: the Migrant Education Program, the English Language Acquisition Program, the High School Equivalency Program, the College Assistance Migrant Program, the Dropout Prevention Program, the English as a Second Language Program, the local family information centers, and also the Hispanic-serving institutions.

The funding additions this amendment calls for add up to the total $60 million. This is an amendment that is strongly supported by the Congressional Hispanic Caucus, by the National PTA, and by the Hispanic Education Coalition, which is an ad hoc coalition of national organizations dedicated to improving educational opportunities for the more than 40 million Hispanics who live in this country today.

The Migrant Education Program is the first item. The title I Migrant Education Program was established to provide a compensatory education program designed to deal with the difficulties encountered by children of migrant families. Some of the children attend three or four schools in a single school year.

They have a great need for coordination of educational services among the States and local districts where they live, often for short periods of time. The MEP builds the support structures for migrant students so that they can achieve high levels of success both in and outside of school.

The U.S. Department of Education reports that more than 750,000 students were identified as eligible for the program in Fiscal Year 2001. Additional funds are necessary to ensure that these children are able to meet the challenges mandated by the No Child Left Behind Act. This amendment will provide an additional $9.6 million in needed funding.

This amendment would also increase funding to States and local school districts in order to ensure that as many of the 5.5 million children with limited English skills as possible learn English, develop high levels of academic attainment, and meet the same challenging State academic standards as all children.

Title III is a formula grant program that distributes funding to all 50 States based on the number of limited English proficient LEP and recent immigrant students. The funds are used for developing effective language acquisition programs; training for bilingual/ESL teachers and regular teachers and educational personnel; parent involvement; and providing services for recently arrived immigrant students. This amendment requests an additional $10.3 million for Language Acquisition Grants, which restores the program's funding to its Fiscal Year 2003 level.

This amendment would provide modest increases for the High School Equivalency Program HEP and the College Assistance Migrant Program CAMP. The HEP helps migrant students who have dropped out of high school earn a GED. The CAMP assists migrant students in their first year of college with both counseling and stipends. These programs provide farmworker migrant students with education opportunities and support that will help them to become productive members of society.

Migrant students are among the most disadvantaged youth in this Nation. Current estimates place the dropout rate for migrant youth at between 50 and 60 percent. Before CAMP, there was no record of a child of migrant farm workers ever having attended college. Both programs have been very successful in helping migrant students become productive members of society.

According to the Department of Education, in 2003–2004, almost 10,000 students were served by HEP CAMP, and 63 percent of the HEP participants received a GED, and 84 percent of CAMP students completed their first year of college in good standing. This amendment provides an additional $5.7 million for these programs.

The Dropout Prevention program help States and school districts to implement research-based, sustainable, and coordinated school dropout prevention and re-entry programs in order to raise student achievement. At a time when schools are focused on narrowing achievement gaps between differing subgroups of students, it seems that Congress would want to retain Dropout Prevention, a program specifically aimed at providing schools with the tools to help students achieve a high school degree.

Support for dropout prevention is even more significant when considering that the primary source of Federal funding for public schools, authorized through the No Child Left Behind Act NCLB, focuses mainly on elementary schools. More than 90 percent of title I funds—the principal NCLB program—are directed to elementary schools. Such an emphasis on elementary education is necessary and appropriate, but equally important is continuing an investment of resources throughout the education continum in order to meet the needs of middle level and high school students.

The Dropout Prevention Program is the only Federal program actively working to reduce the Nation's dropout rates, and, as recent headlines tell us, it is a problem that is far more severe than previous data indicated.

A report by the Urban Institute finds that only 68 percent of all students in the public high school class of 2001 graduated. Furthermore, it states that only 5 of all black students and 50 percent of all Hispanic students grate. Nearly half of all black and Hispanic students do not graduate from high school. This is a problem that has reached enormous proportions. The Dropout Prevention Program was eliminated in this legislation. This amendment restores $5 million to this program.

The Local Family Information Centers Program was authorized under the No Child Left Behind Act to provide parents of title I students, including

English language learners, with information about their children's schools so that they can help their children to meet the high standards we have set under NCLB.

The Local Family Information Centers also help parents to hold their local and State school officials accountable and become more involved in their children's education. This amendment would increase funding for these centers by $13 million.

The need for increased funding for English as a Second Language ESL is evident by the growing demand for services and the lack of resources to meet that need.

Enrollment in Adult ESL has increased 105 percent over the past 10 years, yet there is a lack of programs and funding to ensure that all who desire to learn English have access to appropriate services.

Currently, community-based organizations must piece programs together with volunteer labor and facilities. The need for more targeted services is overwhelming. Demand for English-language instruction far outweighs supply, waiting lists for classes typically range from several months to years, and many States do not have the capacity to meet the demand.

The current $70 million in funding is insufficient to meet the enormous demand for ESL services. As the labor market continues to require English-proficient labor, investing in ESL programs will strengthen the labor pool and return a more versatile productive workforce. This amendment provides an additional $6.5 million for ESL programs.

Currently, 35 percent of Hispanics are under the age of 18. The Educational Testing Service has projected the U.S. higher education system will grow by 3.5 million additional students by 2015 and that nearly 40 percent of these new students will be Hispanic. HSIs serve the largest concentrations of the Nation's youngest and largest ethnic population.

The impending emergence of more than 100 new HSIs mostly in CA, TX, FL, NM, IL, in the next few years and the rapid growth of the Hispanic college-age population underscore urgency for immediate, major, and sustained increases in title V funding.

At a time when the current labor force is reaching retirement age in substantial numbers, Hispanics already represent one of every three new workers joining the U.S. labor force, according to the U.S. Bureau of Labor Statistics. By 2025, the Bureau projects that one of two new workers joining the U.S. labor force will be Hispanic. This amendment would provide an additional $9.9 million in assistance to these great institutions.

We must do everything possible to provide every child with the best education we can. This amendment would provide small but much-needed increases to programs that can make a difference in the lives of millions of children. I urge my fellow Senators to support these greatly needed programs by providing them with the proper resources.

This is a very worthwhile amendment. It puts resources to use where they are most needed—not just in my State but throughout this country.

The fastest growing minority population in our country is the Hispanic community. We need to ensure these young people growing up are well educated, are prepared for the challenges for the 21st century. This legislation helps greatly with that effort.

AMENDMENT NO. 2259

Mr. BINGAMAN. Mr. President, let me briefly describe one other amendment at this point. I called this amendment up yesterday, as well, amendment 2259, dealing with the Drug Assistance Program, an amendment Senator SMITH and I have worked together on to add additional funding for the AIDS Drug Assistance Program, or ADAP.

We had an amendment voted on last night by Senator COBURN to shift funding to this function by taking funding from the Centers for Disease Control. Our amendment does not do that. Our amendment provides $74 million in much-needed funding. It would be emergency funding for the AIDS Drug Assistance Program.

This is a very meritorious amendment. It is an amendment I hope all colleagues will support. Some Members of this body voted against the amendment of the Senator from Oklahoma in anticipation of supporting this very important amendment I am talking about now.

The AIDS Drug Assistance Program provide life-saving assistance to over 136,000 uninsured or underinsured HIV-infected individuals each year. As the number of people living with HIV/AIDS has increased, largely due to advances in HIV treatment, the importance of and demand for ADAP has grown so that, as of September 2005, a total of 2,187 individuals were on ADAP waiting lists in nine States.

As the National ADAP Monitoring Project says:

> When an individual is on a waiting list, they may not have access to HIV-related medications.

We are talking about life-extending and life-saving medications. In fact, it has been reported that patients on ADAP waiting lists in West Virginia and Kentucky have passed away.

Furthermore, as of March 2005, due to funding shortfalls, 21 States have some sort of cost containment measures in place, including waiting lists, that often impede access to care. This includes increased cost-sharing, reductions in eligibility income limits, and limitations on covered treatments.

We as a Nation, are rightfully committed to providing billions of dollars of support for HIV/AIDS care and treatment services to those living with HIV in nations across the world and we should be. However, here at home, it is unforgivable that there are Americans with HIV dying because they are on waiting lists for life-saving drugs or having life-saving medications rationed to them in various forms.

A story entitled ''Dying for AIDS Drugs'' documents some of the stories of those who have lost ADAP coverage or are on waiting lists. As the story reads:

> Margaret Nicholson, a Springfield, Oregon, homecare attendant who survives with her mother and husband on less than $20,000 a year, lost her ADAP coverage because she couldn't afford the new co-pays; she has now gone 4 months without seeing a doctor and is scraping by on pill samples. In North Carolina, HIV doctor Aimee Wilkin says some of her waiting list patients, forced to seek medicines through drug company charity programs, have faced multiple treatment interruptions, the result of bureaucratic delays, exposing them to the risk of HIV drug resistance. In Kentucky, caseworkers are so desperate they're asking churches to pass the hat to sponsor someone's pills for a few weeks at a time.

In our great Nation, this is unacceptable and should end. This amendment, sponsored by Senator SMITH and myself, would go a long way to address the ADAP shortfall and I urge its passage.

I hope we can also have a rollcall vote on this amendment.

I ask for the yeas and nays on Senate amendment 2262 at this time.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BINGAMAN. Mr. President, I also ask for a rollcall vote on Senate amendment 2259.

The PRESIDING OFFICER. Without objection, it is in order to request that at this time.

Mr. BINGAMAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BINGAMAN. I yield the floor.

EXECUTIVE SESSION

NOMINATION OF JOHN RICHARD SMOAK TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF FLORIDA

The PRESIDING OFFICER. Under the previous order, the hour of 3 o'clock having arrived, the Senate will go into executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of John Richard Smoak, of Florida, to be United States District Judge for the Northern District of Florida.

The PRESIDING OFFICER. Who yields time?

The Senator from Florida.

Mr. MARTINEZ. Mr. President, I ask unanimous consent to be recognized for 2 minutes to speak on behalf of the nominee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARTINEZ. Mr. President, I rise to speak on behalf of Richard Smoak,

who has been nominated by President Bush to fill a vacancy in the Northern District of Florida as a Federal district court judge.

I would like to have the record reflect Mr. Smoak is a man of great integrity, a person who will distinguish himself on the bench, as he has in every other aspect of his life.

He is from Panama City, FL, where he has practiced law in a very distinguished fashion for quite a number of years. He is one of those people who folks speak about in superlative terms. And one can understand why.

Mr. Smoak graduated from the University of Florida in 1972, with a law degree; after having gone to the U.S. Military Academy at West Point, graduating in 1965. From 1965 to 1970, Mr. Smoak was an infantry officer, serving extensively in Vietnam, where he distinguished himself by receiving a Silver Star medal and a Bronze Star medal, among other military awards he received for his distinguished service to his Nation.

Mr. President, better than I, I think I should quote from among those who have known him and have practiced law with him, and those who have been in the community with him.

I will quote from Mr. Paul Anderson of Panama City, who speaks of Mr. Smoak in this fashion:

> Dick Smoak is simply one of the finest lawyers and finest men I have ever had the privilege of knowing. Describing Dick requires the use of words such as integrity, character and professionalism. As a legal practitioner, Dick knows the law and applies it logically to each case he handles.

Mr. President, in addition to that, one of those things I believe I like about Mr. Smoak that speaks so highly of him is that Mr. Anderson speaks about the fact that he does not compromise his principles.

With that, Mr. President, I urge my colleagues to vote favorably on this nomination of Mr. Richard Smoak to serve as a Federal district court judge for the Northern District of Florida.

Mr. NELSON of Florida. Mr. President, I urge my colleagues to vote in favor of John Richard Smoak for appointment to the United States District Court for the Northern District of Florida. Mr. Smoak has long served his Nation, from his highly decorated service in Vietnam to his efforts to improve the judiciary system in Florida.

He has resided and has practiced civil law for over the last 30 years in Panama City, FL. During that time, he represented a wide variety of clients from doctors to small business owners to truckdrivers to national corporations in many areas of the law. This broad experience will serve him well as a Federal judge.

Mr. Smoak is a well-regarded and highly qualified attorney. I, along with Senator MARTINEZ, believe he will make a great addition to the Federal bench and urge our colleagues to vote in support of his nomination.

The PRESIDING OFFICER (Mr. COLEMAN). Is all time yielded back?

Mr. MARTINEZ. Mr. President, I yield back the remainder of my time.

Mr. FRIST. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of John Richard Smoak, of Florida, to be United States District Judge for the Northern District of Florida? The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. INOUYE), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 276 Leg.]

YEAS—97

Akaka	Dole	McCain
Alexander	Domenici	McConnell
Allard	Dorgan	Mikulski
Allen	Durbin	Murkowski
Baucus	Ensign	Murray
Bayh	Enzi	Nelson (FL)
Bennett	Feingold	Nelson (NE)
Biden	Feinstein	Obama
Bingaman	Frist	Pryor
Bond	Graham	Reed
Boxer	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Salazar
Burns	Harkin	Santorum
Burr	Hatch	Sarbanes
Byrd	Hutchison	Schumer
Cantwell	Inhofe	Sessions
Carper	Isakson	Shelby
Chafee	Jeffords	Smith
Chambliss	Johnson	Snowe
Clinton	Kennedy	Specter
Coburn	Kerry	Stabenow
Cochran	Kohl	Stevens
Coleman	Kyl	Sununu
Collins	Landrieu	Talent
Conrad	Lautenberg	Thomas
Cornyn	Leahy	Thune
Craig	Levin	Vitter
Crapo	Lieberman	Voinovich
Dayton	Lincoln	Warner
DeMint	Lott	Wyden
DeWine	Lugar	
Dodd	Martinez	

NOT VOTING—3

Corzine	Inouye	Rockefeller

The nomination was confirmed.

NOMINATION OF SUSAN BIEKE NEILSON TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Susan Bieke Neilson, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Mr. SPECTER. Mr. President, I ask unanimous consent that this vote be 10 minutes, with a 5-minute extra.

The PRESIDING OFFICER. The yeas and nays have not yet been ordered.

Mr. SPECTER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LOTT. Mr. President, I ask unanimous consent that this next vote be taken on a voice vote.

Mr. REID. Mr. President, reserving the right to object, Senator LEAHY is not on the floor; therefore, we would have to object.

Mr. LOTT. I thank the Chair.

The PRESIDING OFFICER. Is time yielded back? If so, the question is, Will the Senate advise and consent to the nomination of Susan Bieke Neilson to be United States Circuit Judge for the Sixth Circuit? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. INOUYE), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 277 Ex.]

YEAS—97

Akaka	Dole	McCain
Alexander	Domenici	McConnell
Allard	Dorgan	Mikulski
Allen	Durbin	Murkowski
Baucus	Ensign	Murray
Bayh	Enzi	Nelson (FL)
Bennett	Feingold	Nelson (NE)
Biden	Feinstein	Obama
Bingaman	Frist	Pryor
Bond	Graham	Reed
Boxer	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Salazar
Burns	Harkin	Santorum
Burr	Hatch	Sarbanes
Byrd	Hutchison	Schumer
Cantwell	Inhofe	Sessions
Carper	Isakson	Shelby
Chafee	Jeffords	Smith
Chambliss	Johnson	Snowe
Clinton	Kennedy	Specter
Coburn	Kerry	Stabenow
Cochran	Kohl	Stevens
Coleman	Kyl	Sununu
Collins	Landrieu	Talent
Conrad	Lautenberg	Thomas
Cornyn	Leahy	Thune
Craig	Levin	Vitter
Crapo	Lieberman	Voinovich
Dayton	Lincoln	Warner
DeMint	Lott	Wyden
DeWine	Lugar	
Dodd	Martinez	

NOT VOTING—3

Corzine	Inouye	Rockefeller

The nomination was confirmed.

The PRESIDING OFFICER. The President is notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate returns to legislative session.

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

AMENDMENT NO. 2283, AS FURTHER MODIFIED

Mr. HARKIN. Mr. President, I ask unanimous consent to call up amendment No. 2283.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent to send to the desk a modification of that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. I ask that the amendment be so modified.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment (No. 2283), as further modified, is as follows:

On page 169, line 18, strike ''$183,589,000: *Provided*, That $120,000,000 of amounts available for influenza preparedness'' and replace with ''$8,158,589,000: *Provided*, That these funds shall be distributed at the discretion of the President, after consultation with the Chairmen and Ranking Members of the House and Senate Committees on Appropriations, the Chairmen and Ranking Members of the House and Senate Subcommittees on Labor, Health and Human Services, and Education Appropriations, the Chairmen and Ranking Member of the Senate Health, Education, Labor, and Pensions Committee, and the Senate Majority and Minority Leaders. *Provided further*, That $8,095,000,000 of amounts available for influenza and other potential pandemics preparedness is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006 and''

Mr. HARKIN. Mr. President, I also would ask that Senator SPECTER be made a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, this is the amendment that a lot of us talked about earlier that provides funding for a possible avian flu pandemic. We have worked a lot on both sides of the aisle. I especially thank our chairman, Senator SPECTER, for his guidance and leadership on this amendment, for working this out and, again, ensuring that we can move ahead to make sure this country is ready with the funds we need to provide for better global surveillance, to provide for stockpiling of antivirals and vaccines, for money that is going to be needed for building flu vaccine manufacturing plants and for making sure our public health infrastructure is adequate and that we have the surge capacity in hospitals. That is all in this amendment.

Again, I thank Senator SPECTER for his leadership on this amendment in working it out so that we can move to a voice vote on this amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, very briefly, Senator HARKIN is due great credit for this very important amendment, having taken the lead in establishing the fund. We have structured it, after consultation with a number of our colleagues, so that funds will be expended at the discretion of the President, after consultation with certain named Members of both the House and the Senate. This is in anticipation of the administration sending over a proposal in which we should have ample time to give due consideration before the conference.

This is a very significant step forward so that we do not face a crisis where the administration wants something done, but only the Congress, under the Constitution, has the authority to appropriate the funds.

I salute my colleague, Senator HARKIN, and all those who worked on the amendment.

We jointly urge its adoption.

AMENDMENT NO. 2283, AS FURTHER MODIFIED

Mr. LIEBERMAN. Mr. President, I would like to take this opportunity to congratulate Senator SPECTER and Senator HARKIN and their staff on moving the avian influenza amendment forward in a bipartisan manner. They have done a tremendous job on coming to an agreement.

Senator HARKIN and Senator SPECTER's amendment includes my proposal for funding for migratory wild bird surveillance which I would like to take a moment to outline more thoroughly.

As we all know, the potential for an influenza pandemic is increasing as the H5N1 virus has now moved swiftly across Asia, Russia, Turkey and now the EU, killing millions of domesticated poultry and over 60 humans to date. History and science tell us that wild birds are the ones that spread deadly avian influenza viruses. It happened before during the 1918 influenza epidemic that killed an estimated 40 million people worldwide. We must act now to ensure that this does not happen again. We have the tools. We just need to increase and strengthen them.

My proposal seeks to provide funds supporting an early warning system for global influenza that starts with wild birds. This is a major gap in our flu tracking system. The proposed warning system would track and monitor avian viruses and their mutations carried by wild birds by expanding the Centers of Disease Control's wild bird surveillance efforts which are currently not extensive. The CDC's efforts must be tied together with the network of global organizations, including nongovernmental organizations that have the capacity to expand and comprehensively collect and disseminate these tracking data from around the world.

Just as we track hurricanes as they begin as a tropical storm, we must track wild birds and the viral storms they carry over oceans and continents and share that data with the world.

The purposes of my proposal are to support efforts: to more rapidly and efficiently detect, verify, and report on the presence of H5N1 and other highly pathogenic avian influenzas and infectious diseases in migratory wild birds and waterfowl; to use information on viral strains found in wild birds to better delineate any mutations in the virus; to use information on when and where highly pathogenic avian influenza viruses and other infectious diseases are identified in migratory birds to better guide preparedness in the U.S. and around the world, to carry out a comprehensive migratory bird surveillance program that will provide early warning to specific areas to enhance poultry biosecurity and surveillance, and other human protective measures as necessary; to create an open access database where information on highly pathogenic avian influenza viruses and other infectious diseases identified in migratory birds are shared in as close to real time as possible; to protect the health and safety of U.S. citizens and officials traveling and living abroad; and to protect the economic interests of the U.S. and its partners from threats to health, agriculture, and natural resources.

It is the intent of my proposal that within 90 days of the appropriation, the Centers for Disease Control's influenza branch enter into a contract with one or more nongovernmental organizations chartered in the U.S. with extensive global wildlife health experience in tracking disease in wild birds, including free-ranging, captive, and wild bird species, with a proven ability in identifying avian influenza in birds, and with accredited zoological facilities in the U.S.

The influenza branch and the contracting nongovernmental organization(s) will collaborate with appropriate Federal and State agency partners, including the Department of Agriculture acting through the Agricultural Research Service and the Animal and Plant Health Inspection Service, the U.S. Geological Survey, and the U.S. Fish and Wildlife Service; various U.S. State wildlife agencies, multilateral agency partners, including the Food and Agriculture Organization, the World Health Organization, the Office International des Epizooties, and the World Conservation Union; conservation organizations with expertise in international and domestic bird monitoring surveillance; accredited colleges of veterinary medicine; and other national and international partners, as necessary.

The contracting nongovernmental organization, in coordination with the influenza branch of the CDC, shall manage an international surveillance program in which all partners named above are encouraged: to monitor and test for the presence or arrival of avian influenza and other significant avian pathogens at important bird areas around the world and in marketplaces with intense trade in wild birds; to use trained professionals to collect samples and other data and send samples to appropriate diagnostic centers; to use the international surveillance network to conduct disease surveillance activities on migratory birds worldwide, domestic and international field investigations on migratory birds, training and

capacity-building activities related to the relationships between human health, domestic and animal health, and wildlife health, and research on methods and approaches for the detection and enhanced surveillance of highly pathogenic avian influenza and other infectious diseases in migratory birds; and to send samples for avian influenza testing to certified laboratories that meet internationally established methods standards. These certified laboratories are located at the influenza branch of the CDC, the Office International des Epizooties, the Food and Agriculture Organization, the National Veterinary Services Laboratory of the Department of Agriculture, and the Agricultural Research Service. These findings should be reported back to the contracting nongovernmental organization and the international surveillance network partners.

The CDC's influenza branch and the eligible organization, in coordination with the partners of the international surveillance network, will use surveillance reports and other formal and informal sources of information to identify and investigate local disease outbreaks of avian influenza; will develop a long-term baseline of regional data related to highly pathogenic avian influenza and pathogens in migratory birds for analysis between and across sites to create a system to identify when and where outbreaks might occur and paths of dispersal; will provide technical assistance for disease prevention and control programs based on a scientific understanding of the relationships between wildlife health, animal health, and human health; will provide analytic disease findings regularly to the influenza branch of the CDC and other international network surveillance partners to prevent and combat diseases; and will conduct other activities as necessary to support the international network and its partners. The surveillance network will be coordinated from the headquarters of the contracting nongovernmental organization.

The CDC's influenza branch and the contracting nongovernmental organization, manage, map, and make available an online database containing all the results and information gathered through the international surveillance network. The database shall provide geographic data on wild bird populations and the movements of the populations. The laboratory test results will be available for viewing by any Federal agency, foreign country, multilateral institution, organization, or individual.

The CDC's influenza branch and the contracting nongovernmental organization, will request accredited colleges of veterinary medicine and other partners of the international surveillance network to monitor important bird areas around the world and to test for the presence or arrival of avian influenza and other significant avian pathogens of zoonotic concern.

Expanding the CDC's efforts by supporting an international surveillance network, allows us to focus limited resources and prepare communities in the infected wild birds' flight path. If we have this information, our menu of interventions can include: providing available antivirals or vaccines to those at-risk, protecting poultry farms, preparing hospitals to take on thousands of patients, and even keeping people indoors. By tracking wild birds we may even be able to produce an avian flu vaccine faster by understanding which influenza virus is the killer. The current H5N1 virus is not the one that could cause widespread devastation to humans because it hasn't led to sustained human to human transfer, yet.

This amendment provides $10,000,000 in 2006 to the CDC to work with U.S. and international partners to strengthen a global wild bird surveillance system. Ten million dollars is a small sum in comparison to the tens of billions of dollars for vaccine research and antiviral stockpiling. Vaccines and stockpiling are our current focus and we should be thinking about them, but it is equally important to think about being prepared for outbreaks and trying to keep a pandemic from ever hitting. This funding would enable the CDC's influenza branch to contract with one or more expert organizations with the capacity to quickly put into place the tracking and analytical systems we need.

As we speak, some countries and organizations have started to collect information in the U.S. and the world. But while we are collecting data, they are not being stored in any kind of organized manner to make it available for easy study and response.

To summarize, we have a major gap now in avian flu preparedness. We are not adequately tracking the wild birds that will be the flu transfer agents. We need to have a stronger and much better tracking system right now. Second, we have to do a much better job collecting and analyzing the information we have and will get so we can prepare our communities.

I thank Senators HARKIN and SPECTER and their staff for their work preparing our Nation for a possible pandemic. My proposal, which they have incorporated into their amendment, is relatively small but addresses a big gap that no one is thinking about. It's the big bird in the room.

Mrs. CLINTON. Mr. President, today I rise to discuss an important flu amendment that Senator HARKIN and I and several of our colleagues are offering to increase the amount of funding for the Centers for Disease Control and Prevention and their efforts to help our Nation prepare for both pandemic and seasonal influenza.

Since December 2004, 77 cases of avian influenza have been confirmed in Indonesia, Vietnam, Thailand and Cambodia, and 30 of these cases have been fatal. In countries across Asia and Europe, farmers have been culling their poultry stocks because of fears of infection.

We need to prepare for the moment when—not if, but when—avian influenza hits our shores.

What is particularly worrisome to me, when thinking about our Nation's ability to face the threat posed by pandemic or avian influenza, is the fact that we aren't even prepared to deal with the seasonal influenza epidemic that we face every year. Our efforts to prepare for pandemic influenza should be linked to efforts to reform and rebuild our Nation's seasonal flu vaccine infrastructure.

Approximately 36,000 Americans die of the flu each year, with another 200,000 people requiring hospitalization because of the flu. These deaths are largely preventable. We could stop them if we had a secure vaccine market, if we could improve our communications between the Government and our State and local public health partners, if we could better distribute and track vaccines, and if we made sure that everyone understood the importance of getting their annual flu shot.

Since 2000, our Nation has had three shortages of flu vaccine, which resulted in senior citizens lining up for hours to obtain flu vaccine, unscrupulous distributors attempting to sell scarce vaccine to the highest bidder, and millions of Americans delaying or deferring necessary flu shots.

In order to address these issues, we need to increase the resources that we are committing to our public health infrastructure.

The amendment Senator HARKIN is proposing will provide nearly $8 billion to the CDC, allowing us to respond to the threat posed by avian influenza and our seasonal flu outbreaks.

It will increase funding for stockpiling of vaccine and antivirals, and improve our domestic production capacity to produce these items.

It will allow us to upgrade our public health infrastructure with additional funding for hospital surge capacity and grants enabling State and local health departments to prepare for public health emergencies like vaccine shortages and pandemic outbreaks.

And it will provide funding so that we can increase our global and domestic surveillance around pandemic and seasonal flu, including improvements to our health information technology infrastructure.

Yet while this amendment provides the CDC with much needed resources for our public health infrastructure, it does not diminish the need for legislation to reform our Nation's vaccine production and delivery infrastructure.

In response to the delays in distribution of this year's vaccine, CDC director Julie Gerberding has indicated that the agency is unable to obtain real-time data on vaccine shipments and delivery, citing concerns over disclosure of proprietary information.

Having an adequate supply of vaccine does us no good if it can't get to the

people who need it. In last season's epidemic, we had problems matching existing stocks of vaccine to the high priority populations, like senior citizens, who were in need of vaccine. It took weeks before we could determine how much vaccine was actually in communities, and where it was needed. We wasted lots of time and resources, valuable public health resources, in trying to track this vaccine.

Earlier this month, Senator ROBERTS and I introduced the Influenza Vaccine Security Act, legislation that contains many of the provisions that would be funded through the Harkin amendment.

Complementing this amendment, the Influenza Vaccine Security Act would further give the Department of Health and Human Services the authority to track vaccine distribution in a manner that addresses concerns about the protection of proprietary information, allowing providers to vaccinate patients without the current uncertainties over supply.

While there is no vaccine shortage expected this year, delays in production have resulted in diminished supplies for many providers, who are unable to carry out full vaccination of their high priority populations, let alone any other patients who are in the habit of seeking an annual flu shot.

Because we have no tracking system, we can't tell the providers and patients who are looking for flu shots when vaccines might be available in their local area.

So it is clear that we need not only increased funding, provided through this amendment, for our public health infrastructure, but increased authority for our public health officials to ensure that our system of vaccine outreach, delivery and distribution for both pandemics and seasonal flu can operate as smoothly as possible.

There is a clear need to implement legislation like the Influenza Vaccine Security Act that will allow our Government to plan for flu outbreaks, instead of scrambling to address shortages and epidemics once they have already occurred. We have done too much of that already, in the three shortages we have faced since 2000.

I would urge my colleagues to not only pass the Harkin amendment today, but to work to bring legislation on seasonal and pandemic flu to the floor as quickly as possible, so that we can make needed reforms before our next vaccine shortage.

Ms. MIKULSKI. Mr. President, I rise today in support of the pandemic flu preparedness amendment that my colleague from Iowa, Mr. HARKIN, has offered to the fiscal year 2006 Labor/Health and Human Services/Education appropriation bill.

I thank Senator HARKIN for taking the lead in addressing the important issue of pandemic flu on the floor of the Senate. Over the past few months, we have heard from leading public health experts such as Dr. Anthony Fauci, Director of the National Institute of Allergy and Infectious Diseases, at the National Institutes of Health, and Dr. Julie Gerberding, Director of the Centers for Disease Control and Prevention that it is no longer a question of if a pandemic flu will occur, but instead when the threat does occur will we be prepared as a nation. Public health experts have warned that an avian influenza outbreak could ignite a worldwide pandemic that would threaten the lives of millions of Americans. The consequences of a pandemic could be far reaching, impacting every sector of our society and our economy.

Past influenza pandemics have led to high levels of illness, death, social disruption, and devastating economic losses; the 1918 ''Spanish Flu'', took the lives of more than 500,000 Americans, the 1957 ''Asian Flu'' caused more than 70,000 American deaths and the 1968 ''Hong Kong Flu'' is attributed to more than 34,000 American deaths.

Our Nation is facing a major health threat. Experts have told us that the next pandemic has the potential to be every bit as devastating as what the world witnessed over 100 years ago. With the rapid travel around the globe compared to 1918, and the interdependence of our economic markets compared to 1918, the potential human and economic costs of the next pandemic are unimaginable.

We must take the necessary steps to adequately prepare for a potential pandemic. We must heed the warning we have been given. That is why I support Senator HARKIN's pandemic flu amendment. Senator HARKIN's amendment provides necessary funding that would be used to expand and strengthen efforts at the Centers for Disease Control and Prevention, as well as at the State and local level related to pandemic flu and public health preparedness. The amendment would provide additional funding to expand CDC's global disease surveillance capabilities, provide additional support for State and local public health facilities, increase hospital surge capacity and scale up vaccine manufacturing to make sure the American people are protected against pandemic threats.

First, the amendment provides additional funding to expand and support the strategic national stockpile to ensure antivirals, as well as necessary drugs, vaccines and other supplies are secured to respond to a pandemic flu and/or other pandemic threats.

Second, this amendment provides additional funding to build up and support one of the most important components to public health and threat assessments, which is global disease surveillance. One of the best first defenses to limiting the scope and consequences of any outbreak within a short turn around is to rapidly detect and contain the spread of a new influenza strain.

Third, this amendment funds research efforts to discover new vaccine treatments to deal with pandemic flu infections. Currently, there is no vaccine available to protect humans against a pandemic influenza. There is some vaccine development underway, but these efforts need to be strengthened, sustained, and tested to protect our Nation against pandemic flu.

Lastly, this amendment provides additional funding for State and local public health preparedness initiatives. If a pandemic were to spread in the United States, State and local health departments would be on the front lines. However, State and local entities are woefully unprepared. Additional funds are needed for terrorism response planning, training, strengthening epidemiology, and surveillance, upgrading lab capacity and communications systems and other related activities. They must be given adequate resources. We must take the lessons learned from Hurricanes Katrina and Rita. It was evident that our country's public health infrastructure was not adequately prepared to address the needs of the people affected by Hurricanes Katrina and Rita. We cannot let that happen again. We can do better, and we must do better.

Our Nation's public health experts have done their jobs—they have told us what needs to be done. We must heed their warning. Again, I thank Senator HARKIN for his work on this important issue, and I support the amendment as a cosponsor.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2283, as further modified.

The amendment (No. 2283), as further modified, was agreed to.

Mr. SPECTER. I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPECTER. Mr. President, we are now in a position to move to a number of amendments on which there is agreement. As we review the bidding here, there are prospects for several more rollcall votes. It is, as usual, impossible to tell whether we will need the rollcall votes. We are calling the Senators rather than identifying them on the floor—identifying them on the floor is the next step—but Senators know who they are, where they are on the prospect of rollcall votes, and they ought to come to the Chamber because we have had many inquiries as to when we are going to conclude this bill. We are getting very close.

AMENDMENT NO. 2324

Mr. SPECTER. Mr. President, I call up amendment No. 2324 on behalf of Senators Warner and Allen. This amendment expresses the sense of the Senate that the Administrator of the Centers for Medicare and Medicaid Services work with the Commonwealth of Virginia to resolve their Medicaid issues.

I urge adoption of the amendment. It has been cleared with Senator HARKIN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. ALLEN, for himself, and Mr. WARNER, proposes an amendment numbered 2324.

The amendment is as follows:

(Purpose: To express the Sense of the Senate concerning the treatment of physician costs in the calculation of the Medicaid disproportionate share hospital uncompensated cost limit by the State of Virginia)

On page 178, after line 25, add the following:

SEC. 222. (a) FINDINGS.—The Senate makes the following findings:

(1) Hospitals cannot provide patient care without physicians.

(2) It is particularly difficult for hospitals to provide patient care to uninsured patients.

(3) Medicaid disproportionate share hospital (DSH) payments provide payments to hospitals to provide care to uninsured patients.

(4) Hospitals that provide a large volume of care to uninsured patients incur significant costs.

(5) Since there is no other source of reimbursement for hospitals related to these costs, some States have permitted reimbursement of these physician costs through Medicaid DSH.

(6) The State of Virginia has approved the inclusion of physician services costs as hospital costs for Medicaid DSH purposes.

(7) Fifty percent of all indigent care in the State of Virginia is provided by its 2 academic medical centers.

(8) The financial viability of these academic medical centers is threatened if these costs cannot be included in Medicaid DSH reimbursement.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate is aware of an issue regarding the definition of ''hospital costs'' incurred by the State of Virginia for purposes of Medicaid reimbursement to that State and urges the Administrator of the Centers for Medicare & Medicaid Services to work with the State to resolve the pending issue.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2324.

The amendment (No. 2324) was agreed to.

AMENDMENT NO. 2279, AS MODIFIED

Mr. SPECTER. Mr. President, I now call up Senator FEINGOLD's amendment No. 2279, as modified.

The PRESIDING OFFICER. The amendment is pending.

The question is on agreeing to amendment No. 2279, as modified.

The amendment (No. 2279), as modified, was agreed to.

AMENDMENT NO. 2299

Mr. SPECTER. Mr. President, I now call up amendment No. 2299, proposed by Senator COCHRAN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. COCHRAN, proposes an amendment numbered 2299.

The amendment is as follows:

(Purpose: To provide additional public health funding)

At the end of title II (before the short title), add the following:

SEC. ___. ADDITIONAL PUBLIC HEALTH FUNDING.

(a) MINORITY PUBLIC HEALTH.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, $10,000,000 for the Office of Minority Health.

(b) SICKLE CELL DISEASE.—From amounts appropriated under the title for the Office of the Secretary of Health and Human Services, such Secretary shall make available and amount not to exceed $2,000,000 of such amounts to provide funding for grants under paragraph (1) of section 712(c) of Public Law 108-357 (42 U.S.C. 300b-1 note).

(c) OFFSET.—Notwithstanding any other provision of this Act, amounts made available under this Act under the heading Program Management for the Centers for Medicare and Medicaid Services shall be reduced, on a pro rata basis, by an additional $12,000,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 2299.

The amendment (No. 2299) was agreed to.

AMENDMENT NO. 2301

Mr. SPECTER. Mr. President, I now call up amendment No. 2301, proposed by Senator OBAMA, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Obama, for himself, Mr. DURBIN, Mr. KERRY, Mrs. CLINTON, Mr. DODD, and Mr. CORZINE, proposes an amendment numbered 2301.

The amendment is as follows:

(Purpose: To increase funds to the Thurgood Marshall Legal Educational Opportunity Program and the Office of Special Education Programs of the Department of Education for the purpose of expanding positive behavioral interventions and supports)

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

SEC. _____. THURGOOD MARSHALL LEGAL EDUCATIONAL OPPORTUNITY PROGRAM AND POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS.

(a) INCREASES.—In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional $3,500,000 for subpart 3 of part A of title VII of the Higher Education Act of 1965 (20 U.S.C. 1136 et seq.), and an additional $1,000,000 to the Office of Special Education Programs of the Department of Education for the expansion of positive behavioral interventions and supports.

(b) OFFSET FROM CONSULTING EXPENSES.—

(1) Notwithstanding any other provision of this Act, each amount provided by this Act for consulting expenses for the Department of Health and Human Services shall be reduced by the pro rata percentage required to reduce the total amount provided by this Act for such expenses by $4,500,000.

(2) Not later than 30 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a listing of the amounts by account of the reductions made pursuant to paragraph (1).

(c) REPORT ON THURGOOD MARSHALL LEGAL EDUCATIONAL OPPORTUNITY PROGRAM.—Not later than September 30, 2006, the Secretary of Education shall prepare and submit to Congress a report on the evaluation data regarding the educational and professional performance of individuals who have participated, during fiscal year 2006 or any preceding year, in the program under subpart 3 of part A of title VII of the Higher Education Act of 1965 (20 U.S.C. 1136 et seq.).

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 2301.

The amendment (No. 2301) was agreed to.

AMENDMENT NO. 2327

Mr. SPECTER. Mr. President, I now call up amendment No. 2327, proposed by the distinguished Senator from Minnesota, Mr. COLEMAN, and the distinguished Senator from New Mexico, Mr. BINGAMAN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. COLEMAN, for himself, and Mr. BINGAMAN, proposes an amendment numbered 2327.

The amendment is as follows:

(Purpose: To develop a strategic plan for increasing the number of foreign students attending institutions of higher education in the United States)

On page 191, line 2, strike ''may be used'' and all that follows through ''dissemination activities:'' on line 4 of such page and insert ''may be used for program evaluation, national outreach, and information dissemination activities, and shall be used by the Secretary of Education to develop, through consultation with the Secretaries of State, Commerce, Homeland Security, and Energy, institutions of higher education in the United States, organizations that participate in international exchange programs, and other appropriate groups, a strategic plan for enhancing the access of foreign students, scholars, scientists, and exchange visitors to institutions of higher education of the United States for study and exchange activities: *Provided further*, That the strategic plan described in the preceding proviso shall make use of the Internet and other media resources, establish a clear division of responsibility and a mechanism of institutionalized cooperation between the Departments of Education, State, Commerce, Homeland Security, and Energy, and include streamlined procedures to facilitate international exchanges of foreign students, scholars, scientists, and exchange visitors:''.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 2327.

The amendment (No. 2327) was agreed to.

AMENDMENT NO. 2248, AS MODIFIED

Mr. SPECTER. Mr. President, I now call up amendment No. 2248, as modified, for Senator LANDRIEU.

The PRESIDING OFFICER. The amendment is pending.

The question is on agreeing to amendment No. 2248, as modified.

The amendment (No. 2248), as modified, was agreed to, as follows:

(Purpose: To increase appropriations for the Federal TRIO programs)

At the end of title III (before the short title), add the following:

(a) In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury

not otherwise appropriated, $5,000,000 to carry out the Federal TRIO programs under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.).

(b) On page 190, line 3 strike ''$2,104,508,000'' and insert ''$2,099,508,000''.

AMENDMENT NO. 2250, AS MODIFIED

Mr. SPECTER. Mr. President, I now call up amendment No. 2250, as modified, proposed by Senator LANDRIEU.

The PRESIDING OFFICER. The amendment is pending.

The question is on agreeing to amendment No. 2250, as modified.

The amendment (No. 2250), as modified, was agreed to, as follows:

(Purpose: To provide funding to carry out the Mosquito Abatement for Safety and Health Act)

At the end of title II (before the short title), add the following:

SEC. ___. MOSQUITO ABATEMENT FOR SAFETY AND HEALTH ACT.

From amounts appropriated under this Act for the Centers for Disease Control and Prevention for infectious diseases-West Nile Virus, there shall be transferred $5,000,000 to carry out section 317S of the Public Health Service Act (relating to mosquito abatement for safety and health).

AMENDMENT NO. 2215, AS FURTHER MODIFIED

Mr. SPECTER. Mr. President, I call up amendment No. 2215, as further modified, proposed by Senator SUNUNU.

The PRESIDING OFFICER. Without objection, amendment No. 2215, as further modified, is agreed to.

The amendment (No. 2215), as further modified, was agreed to, as follows:

(Purpose: To increase funding for community health centers)

At the appropriate place in title II, insert the following:

SEC. ____. Amounts appropriated in this title for community health center programs under section 330 of the Public Health Service Act (42 U.S.C. 254b) shall be increased by $50,000,000. The amount appropriated for Facilities Construction funded by the Health Resources and Services Administration is further reduced by $50,000,000.

AMENDMENT NO. 2276, AS MODIFIED

Mr. SPECTER. Mr. President, I now call up amendment No. 2276, as modified, proposed by Senator DOMENICI.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. DOMENICI, proposes an amendment numbered 2276, as modified.

The amendment is as follows:

(Purpose: To provide appropriations for the National Youth Sports Program, a private, nonprofit organization to provide recreational activities for low-income youth, primarily in the summer months, which employs college and university athletic facilities)

On page 165, strike line 2 and insert the following:

for a study of the system's effectiveness: *Provided further*, That the total amount made available under this heading shall be increased by $10,000,000, which shall be for carrying out the National Youth Sports Program under the Community Services Block Grant Act.

On page 137, line 9, both of the amounts are further reduced by $10,000,000.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, if my colleagues will withhold for just a second, I do not seem to have that amendment in front of me.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. I do not have any objection to this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 2276, as modified.

The amendment (No. 2276), as modified, was agreed to.

AMENDMENT NO. 2262, AS MODIFIED

Mr. SPECTER. Mr. President, I now call up amendment No. 2262, as modified, proposed by Senator BINGAMAN.

The PRESIDING OFFICER. The amendment is pending.

The yeas and nays have been ordered on this amendment, so it cannot be adopted by a voice vote.

Mr. HARKIN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Is that on amendment No. 2262?

The PRESIDING OFFICER. Yes.

Mr. HARKIN. I believe in my conversations with both Senator BINGAMAN and Senator HUTCHISON that they agreed to a voice vote on this amendment. So I ask unanimous consent to vitiate the yeas and nays on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I rise to lend my support to amendment No. 2262 to the Labor, Health and Human Services and Education Appropriations Act for fiscal year 2006. I am proud to be cosponsor of this amendment, which was introduced by Senator BINGAMAN. The amendment adds $60 million to key education programs that are critical to improving Hispanic educational opportunities. If approved, the money will be put to good use by State and local entities to invest in our country's most precious resource: Our youth.

The Hispanic community is an integral component of our American workforce. By ensuring that the 8.7 million Hispanic youth enrolled in our Nation's schools succeed in education, we make a down payment on our Nation's future economic security.

I note that the Hispanic Education Coalition, a group of diverse national education, civil rights, and Hispanic organizations, supports amendment No. 2262.

The amendment will restore $5 million in funding to the School Dropout Prevention Program that was authorized by the No Child Left Behind Act, and long championed by my colleague Senator BINGAMAN. It increases funding for civics and English as a Second Language, ESL, programs by $6.5 million for parents, workers and citizens who want to learn more about our country's history and enhance their language skills in English, the language of opportunity in America and throughout the world.

In addition, funding for two small but incredibly effective programs, the High School Equivalency Program, HEP, and the College Assistance Migrant Program, CAMP, would be reinstated to their Fiscal Year 2004 levels. As a product of rural America, I have known and met many migrant worker families. They work hard to provide the wonderful grains, vegetables, and fruits we eat at our dinner table. In Colorado and other parts of the country, HEP–CAMP works to keep migrant students in high school through graduation, with the ultimate goal of sending them off to college.

This amendment also provides an additional $13 million in funding for Parent Assistance and Local Family Information Centers. The Colorado Parent Information and Resource Center in Denver uses this funding to help low income parents understand and navigate the school system and encourages their involvement in the school community. Parental involvement is critical to children's success and I strongly support efforts that engage parents in their children's education.

Finally, there are modest increases for our Nation's Hispanic-Serving Institutions and for bilingual and migrant education.

I urge the Senate's support of amendment No. 2262 because I believe we will all reap the benefits of increasing Hispanic educational achievement.

Mr. OBAMA. Mr. President, I rise today to support an amendment introduced by Senator BINGAMAN to increase funding for education programs for Hispanic students. This important group of Americans has long been underserved by our public schools, and the actions proposed in this amendment are an important remedy.

In America, the promise of a good education for all makes it possible for any child to rise above the barriers of race or class or background and achieve his or her potential. We live in a world where the most valuable skill you can sell is knowledge. Yet we are denying this skill to too many of our children.

This denial has grave consequences, with those consequences falling inequitably on children of color. Of every 100 white kindergartners, 93 graduate from high school, and 33 earn at least a bachelor's degree. But for every 100 Hispanic kindergartners, only 63 graduate from high school, and only 11 obtain that college degree. The school age population of Hispanic students is growing five times faster than the student population at large. If we fail to do better in educating deserving Hispanic youth, this failure will have grave consequences for us all, not just with increased unemployment but in missed opportunities for innovation and competitiveness.

This failure of our education system is not easy to address. There is no single, simple solution. This amendment recognizes this fact by proposing a variety of programs to help Hispanic students. Among these programs, Support

for Hispanic Serving Institutions will help those colleges that now grant diplomas to over 50 percent of all Hispanic graduates. Language Acquisition Grants address those students who struggle to learn because they do not yet have full fluency in English, a number which includes nearly half of the Hispanic students in our public schools. The School Dropout Prevention Program addresses one of the most significant problems for children of color. In Illinois, only 53 percent of Hispanics graduate from high school, compared with 83 percent of whites.

We must do better. We must not lower our standards. Instead, we must increase our support for those students who are eager to succeed. In many situations, it is clear that children of color, when provided appropriate support and effective teachers, can rise to meet our expectations and fulfill their hopes and the dreams of their families. I am proud to support Senator BINGAMAN in this effort.

The question is on agreeing to amendment No. 2262, as modified.

The amendment (No. 2262), as modified, was agreed to, as follows:

(Purpose: To increase funding for education programs serving Hispanic students)

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

SEC. ___. INCREASED FUNDING FOR EDUCATION PROGRAMS SERVING HISPANIC STUDENTS.

(a) MIGRANT EDUCATION.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, an additional $4,800,000 for the education of migratory children under part C of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6391 et seq.).

(b) ENGLISH LANGUAGE ACQUISITION.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, an additional $7,650,000 for English language acquisition programs under part A of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6811 et seq.).

(c) HEP/CAMP.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, an additional $2,850,000 for the High School Equivalency Program and the College Assistance Migrant Program under section 418A of the Higher Education Act of 1965 (20 U.S.C. 1070d–2).

(d) ESL/CIVICS PROGRAMS.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, an additional $3,250,000 for English as a second language programs and civics education programs under the Adult Education Act (20 U.S.C. 9201 et seq.).

(e) PARENT ASSISTANCE AND LOCAL FAMILY INFORMATION CENTERS.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, an additional $6,500,000 for the Parent Assistance and Local Family Information Centers under subpart 16 of part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7273 et seq.).

(f) HISPANIC-SERVING INSTITUTIONS.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, $4,950,000 for Hispanic-serving institutions under title V of the Higher Education Act of 1965 (20 U.S.C. 1101 et seq.).

(g) OFFSET.—The first amount on page 123, line 15 and the amount on line 21 are further reduced by $30,000,000.

AMENDMENT NO. 2259

Mr. HARKIN. Mr. President, I ask unanimous consent to bring up amendment No. 2259.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, amendment No. 2259 is an amendment that was offered by Senator BINGAMAN and Senator SMITH. This amendment funds money for the AIDS Drug Assistance Program. It was mentioned earlier. I know that Senator BINGAMAN and others wanted a rollcall vote on amendment No. 2259. I believe all debate has transpired. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this amendment provides for an additional $75 million from the AIDS Drug Assistance Program. The bill currently contains $797,521,000. It has an increase of $10 million over last year. As is the case with so many of the items, it is a very good program. We would like to have more money, but we simply do not have an offset.

If the sponsors of the amendment have some offset and want to talk about priorities, we will be glad to listen, but on this state of the record, we are constrained to oppose the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2259. The yeas and nays have been ordered. The clerk will call the roll.

Mr. SPECTER. 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. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I strongly support the amendment offered by Senator BINGAMAN to provide $60 million to strengthen programs critical to the success of Hispanic children and youth in our schools, community colleges, and universities.

The No Child Left Behind Act laid a new foundation for our commitment to a quality education for all children. That landmark legislation, enacted 3 years ago, contained the formula for success for all students: well-qualified teachers, effective instruction, especially for children with limited English skills, additional assistance for students who fall behind in school, and the accountability essential to ensure that no child is in fact left behind. But none of those reforms can succeed without the resources necessary to make them possible.

The bill before us falls far too short of delivering the educational opportunity promised to Hispanic students in the No Child Left Behind Act. We can clearly do more to enable Hispanic children to have access to the best possible education. The Bingaman amendment before us will add urgently needed funds and restore the integrity of key Hispanic programs that have been eliminated or underfunded in the bill.

Hispanic children are the Nation's fastest growing student population. The number of Hispanic students in America's classrooms has grown by 61 percent since 1990. Despite this growth, too many of these children are being denied the support they need to succeed in school. In fact, Hispanic students drop out of high school at an unacceptable rate of 52 percent.

The Bingaman amendment restores funding for the School Dropout Prevention Program, which helps States and school districts implement research-based, sustainable dropout prevention programs and re-entry programs to help students who fall behind academically. At a time when we are working to narrow achievement gaps, this important program is more essential than ever, and is geared to ensure that all children graduate with a high school diploma. By contrast, the underlying bill eliminates this program entirely and is an insult to every Hispanic child in America.

The amendment also invests an additional $10 million to restore title III and expand its services to an additional 16,000 English-language-learners throughout the Nation. This year, we are adequately serving only 1 in every 5 of these students under title III. All English language-learners deserve access to good bilingual programs, with well-qualified teachers to help them learn English and meet high academic standards.

The Bingaman amendment also provides funds for another provision in the No Child Left Behind Act, the Parent Information Resource Centers and Local Family Information Centers programs. The amendment adds $13 million for Parent Information Resource Centers, bringing total funding to $55 million. Because Local Family Information Centers can be funded only if funds for the parent centers are over $50 million, the Bingaman amendment enables the local centers to receive funding for the first time ever. The $5 million that the amendment provides for the Local Family Information Centers is an important step in involving parents in their children's education, and is especially important for parents of English-language-learners who may need more assistance in navigating the school system.

The amendment also benefits the 750,000 children of migrant farmworkers, by providing an additional $9

million for the Migrant Education Program. These children face many obstacles to their education, including dire poverty, geographic and cultural isolation, and outright bigotry. The Migrant Education Program was created in 1966 to reduce these obstacles, coordinate educational services to migrant children, and lay the foundation for them to succeed in school and in life. This amendment will provide a range of supplemental support services to migrant students, including the assurance that their school records will follow them from school to school as their families relocate to new areas of the region of the Nation.

The Bingaman amendment will also help migrant students go to college and complete college, by investing an additional $5 million in the High School Equivalency Program and the College Assistance Migrant Program. These two programs are lifelines of college opportunity for migrant students. They use proven strategies to help migrant students complete high school and graduate from college. They provide instruction and counseling for those who have dropped out of school to get back on track, and they provide valuable guidance to migrant high school graduates in their first year of college.

By contrast, the bill before us freezes funding for these two programs at this year's levels of $18.7 million for the high school program and $15.5 million for the freshman college program. It carries forward a cut of $4.4 million from last year, which resulted in the elimination of five parts of the high school program. We need to do more, not less, to help migrant students succeed in school and college. Reductions in these valuable programs should be unacceptable to us all.

Finally, the Bingaman amendment provides an additional $9.9 million to support the nearly 250 colleges and universities across the country designated as Hispanic Serving Institutions. Over half of all Hispanic students enrolled in higher education are served by these colleges and universities. They enable tens of thousands of Hispanic students every year to continue their education and obtain a college degree.

Investing in the education of Hispanic children is a vital part of assuring the future strength and well-being of our Nation. I strongly urge the Senate to support the Bingaman amendment.

Mr. KOHL. Mr. President, I rise today in strong support of the Bingaman amendment. This amendment provides $74 million in much needed additional support for the AIDS Drug Assistance Program.

Yesterday, the Senate overwhelmingly defeated an amendment by Senator COBURN that would have increased ADAP funding at the expense of the Centers for Disease Control construction and renovations account. CDC buildings and labs haven't been updated in years, and in some cases decades. Today, we are asking CDC to do more to protect public health than ever before, especially in light of important priorities like avian flu preparedness and combating bioterrorism. It doesn't make sense to cut the funds that would help them build the facilities to do it, which is why I could not support the Coburn amendment.

The Bingaman amendment will help provide additional funding for life-saving medications to nearly 150,000 low-income, uninsured or underinsured people in the United States. And it does not cut other important public health programs to do it. The CDC estimates that over 212,000 people in the U.S. who have been diagnosed with HIV are not receiving treatment, making this additional ADAP funding a critical priority. I urge my colleagues to help those not receiving treatment by supporting this important amendment.

Mr. SMITH. Mr. President, I would like to talk briefly about the importance of the AIDS Drug Assistance Program, or ADAP. ADAP is a vital resource for low-income individuals who are living with HIV/AIDS. It helps get medications to those who most need them so that they can stay healthy and avoid more costly health care treatments that are required if their condition worsens. To date, ADAP has been a successful partnership between Federal and State governments, but it is rapidly buckling under the strain of budget shortfalls and rising demand for services.

Currently, there are over one million individuals living with HIV in the United States, many of whom rely upon expensive medications to stay alive. While we have made significant strides in stabilizing the spread of HIV in recent years, it is the most vulnerable individuals who are unable to afford medications to treat their condition. These are the people that ADAP helps. They are not eligible for Medicaid—as most State programs only cover those individuals who have been disabled by full-blown AIDS. They are individuals who simply cannot afford to purchase all the medications required to keep them healthy and active members of the community and the workforce.

Each year, ADAP caseloads increase by 7,000 to 8,000 people. Yet funding has not kept pace with that growth. It has been estimated that ADAP would need an additional $100 million each year to keep pace with increased demand. While increases in drug rebates or State funding could contribute to part of that need, they will by no means cover the entire amount. The Federal Government must also step up its financial commitment to ensure that all individuals, including those new to the program, get the care they need.

Unfortunately, we have not met the new demand. In the budget we are debating today, ADAP has only received a $10 million increase over amounts appropriated in 2005, the same amoun recommended by the House. In 2004, funding for ADAP only increased by $34 million. Year after year, ADAP goes underfunded, which means more and more low-income individuals are unable to access medications that may keep them alive. In my opinion, that is simply wrong.

In response to funding shortfalls, many states, struggling with their own budgetary difficulties, have been forced to create waiting lists, implement additional cost sharing requirements or create restrictive formularies that create barriers for many individuals to access treatment. Other states with lower than average eligibility guidelines have been unable to extend coverage to individuals who live in poverty because they do not meet restrictive income and asset tests.

The State of Oregon has done its best to keep ADAP service levels constant, with the support of organizations like Cascade AIDS. But it is becoming increasingly more difficult to meet the rowing need for assistance. Oregon's ADAP has been forced to implement priority service ran kings and may have to consider additional cost-sharing requirements next year. Our income eligibility guidelines have also been lowered, a change which means more individuals are going to go without the medications they need. Oregon is not alone.

Currently, 2,185 low-income individuals are on waiting lists for ADAP nationwide. Some of these individuals have been fortunate enough to receive temporary assistance through an emergency initiative launched last year by the President. However, that program expired in September and will be entirely phased out by the end of the year. Individuals on waiting lists are sick and in most cases they only get sicker while they wait for treatment.

Sadly, individuals on waiting lists in Kentucky and West Virginia died while waiting for acceptance into their States drug assistance programs. In a nation with wealth such as ours, it is unacceptable that individuals face the threat of dying from AIDS because we do not adequately fund the programs such as ADAP. Now is the time for Congress to act so further tragedies like these do not occur again.

Apart from these unfortunate examples, others who are on waiting lists are only likely to see their conditions worsen, which means they may one day require more costly health care treatment. It is not good fiscal policy to continually fail to invest in medical treatments that could prevent HIV cases from progressing to full-blown AIDS. It is a fact that treating AIDS is much more expensive than treating HIV. The more we can do to keep individuals healthier, longer, the better, not only in terms of cost savings for the government, but in extending the chance that those living with HIV/AIDS can live to see a cure for their illness.

As a matter of fiscal and moral responsibility, Senator BINGAMAN and I

are offering an amendment today that would increase funding to ADAP programs by $74 million in the 2006 budget. That amount, combined with the new funding already in the bill, should just barely cover the costs associated with new caseload growth in the coming year. I know it will not be enough to address past funding inequities, but it is a start. We have to act now to do something to address ADAP waiting lists and support those States—like Oregon—that have fought to keep their programs whole, but often at the expense of imposing increased cost-sharing and additional access barriers.

I understand there are enormous demands on the Federal budget, but this isn't an issue of increased spending, but of priorities. ADAP has the potential to save lives and must be a priority of this Congress. For too many years, appropriations have not kept pace with new case growth, and the situation is becoming unsustainable. We must act now to better support some of our most vulnerable citizens who live with HIV and that is why I am asking you to support my amendment.

I realize I do not have an offset for my request and I respect Chairman SPECTER's position to keep the pending bill in balance. But at the same time, there are some issues that are of such great importance that they require us to commit new funding, regardless of whether it was accounted for in our original spending plan. ADAP is one of them. In a bill that appropriates almost $150 billion, I don't believe $74 million is too much to ask, especially if it could save someone's life.

Mr. SPECTER. Mr. President, I make a point of order under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the subcommittee's 302(b) allocation under the fiscal year 2005 concurrent resolution on the budget.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from North Carolina (Mr. BURR).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. INOUYE), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 46, nays 50, as follows:

[Rollcall Vote No. 278 Leg.]

YEAS—46

Akaka	Dorgan	Mikulski
Baucus	Durbin	Murray
Bayh	Feingold	Nelson (FL)
Biden	Feinstein	Obama
Bingaman	Harkin	Pryor
Boxer	Jeffords	Reed
Byrd	Johnson	Reid
Cantwell	Kennedy	Salazar
Chafee	Kerry	Sarbanes
Clinton	Kohl	Schumer
Coleman	Landrieu	Smith
Collins	Lautenberg	Stabenow
Conrad	Leahy	Talent
Dayton	Levin	Wyden
DeWine	Lieberman	
Dodd	Lincoln	

NAYS—50

Alexander	Domenici	McConnell
Allard	Ensign	Murkowski
Allen	Enzi	Nelson (NE)
Bennett	Frist	Roberts
Bond	Graham	Santorum
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burns	Hagel	Snowe
Carper	Hatch	Specter
Chambliss	Hutchison	Stevens
Coburn	Inhofe	Sununu
Cochran	Isakson	Thomas
Cornyn	Kyl	Thune
Craig	Lott	Vitter
Crapo	Lugar	Voinovich
DeMint	Martinez	Warner
Dole	McCain	

NOT VOTING—4

Burr	Inouye
Corzine	Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. SPECTER. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPECTER. Mr. President, the Senator from Massachusetts has an amendment which Senator HARKIN and I have discussed with him. I believe it is acceptable. I yield now to Senator KERRY so he can state his amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 2216

Mr. KERRY. Mr. President, I ask the pending amendment be set aside and amendment No. 2216 be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 2216.

Mr. KERRY. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a limitation on funds)

At the end of title II (before the short title), add the following:

SEC. ____. None of the funds made available in this Act may be used to implement any strategic plan under section 3 of Executive Order 13335 (regarding interoperable health information technology) that lacks a provision that requires the Department of Health and Human Services to give notice to any patient whose information maintained by the Department under the strategic plan is lost, stolen, or used for a purpose other than the purpose for which the information was collected.

Mr. KERRY. Mr. President, very quickly, this is an amendment that makes clear as we gather this gigantic database of information, medical information, that we apply the same privacy rights to that information we have applied with respect to banking information, so if indeed it were either hacked or there were a theft or loss of that information, any individual whose information is contained therein would be notified so they would be aware of it and able to take any steps necessary to protect themselves.

I thank the distinguished chairman and ranking member for being willing to accept this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2216) was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. Mr. President, again we are very close to finishing up this appropriations bill. There may be one or two other amendments. I am hopeful. Please come. I have been deceived by people saying they have a plane to catch, they have this or that. But those who have any amendments, if they haven't been over here—otherwise, I defer to my distinguished chairman.

Mr. SPECTER. Mr. President, will the Senator yield for a question?

Mr. HARKIN. I will.

Mr. SPECTER. We have an amendment by the Senator from California, Mrs. BOXER, who is on the floor and ready to go with her amendment. My suggestion would be—we have culled the list, we have called everyone, we know of no other rollcall votes—that we move to third reading when we conclude the Boxer amendment.

We have had continuous requests, multiple requests. Senators want to know when we are going to conclude. We are very close to concluding. Let us, if it is agreeable to my ranking member, take up the Boxer amendment, and then have an interlude for anybody else who has an amendment. Then we will go to third reading and final passage.

As previously announced, Senator BOXER is next. Then we have the amendment of the Senator from Nevada, Mr. ENSIGN. We will have two back-to-back rollcall votes on Senator BOXER's amendment and Senator ENSIGN's amendment. Then we will be in a position to have some additional voice votes on about half a dozen amendments. Then we are in a position to go

to final passage. Our colleagues can be informed that we are moving right along. That should conclude the bill.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank my friend from Pennsylvania and my friend from Iowa for being courteous as we tried to work something out. It appears we are going to have to vote on this amendment. I urge my colleagues to support afterschool programs.

I send a modification to amendment No. 2287 to the desk and ask for immediate consideration of the modified amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment is so modified.

The amendment (No. 2287), as modified, is as follows:

AMENDMENT NO. 2287, AS MODIFIED

(Purpose: To increase appropriations for after-school programs through 21st century community learning centers)

At the appropriate place, insert the following:

SEC. ___. 21ST CENTURY COMMUNITY LEARNING CENTERS.

(a) FUNDING INCREASE.—In addition to amounts otherwise appropriated under this Act, there is appropriated $51,900,000 for 21st century community learning centers under part B of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171 et seq.).

Mrs. BOXER. Mr. President, I will use a very short amount of time, knowing colleagues are anxious to get moving on this bill.

I feel heavy in my heart because this Senate is such a wonderful institution when we authorize afterschool programs in the United States of America. We did that, and we have had a very sad response in terms of the funding that does not match the authorization.

I think my colleagues know full well the FBI says there is no program that does more to keep our kids out of trouble than afterschool programs. That is why Senator ENSIGN and I teamed up originally to get the first of afterschool programs authorized by this Congress. But it has been very sad.

I know the Senator from Pennsylvania supports this program. I know the Senator from Iowa, who heads this important subcommittee, supports these programs. Most Senators support these programs. But right now is a moment when we have to stand up for our kids.

Look at what has happened. Despite the fact we are supposed to be going toward $2.25 billion, we are actually now funding afterschool at less than $1 billion—less than we were in 2002 because the afterschool programs have not been exempted from across-the-board cuts.

What we will do today with this amendment is add back—this is very important—$51.9 million, which will get it back to the $1 billion area. At least we will take it back to where it was in 2002.

This is a very sad day.

I want to say something to my friend from Pennsylvania, the chairman of the subcommittee and someone whom I admire greatly, Senator SPECTER. What we have here is a real sadness for our children. We have a situation where we are actually cutting the funding of afterschool programs year after year after year while our children cry out for attention after school. The FBI tells us this is the best.

The Bush administration's Drug Enforcement Agency takes taxpayer money and places ads all over America's televisions that say, It is 4 o'clock in the afternoon. Do you know where your children are? It is 3 o'clock, 5 o'clock. Make sure you know where your children are. They spend taxpayer dollars with one hand warning our families to take care of their kids after school and with the other hand we and they are complicit in cutting the afterschool programs.

We are covering 1.3 million children. There is another couple million to 3 million who need afterschool care. The least we can do is add roughly $51 million to protect this program from inflationary costs and at least get it back to where it was in 2002.

For the sake of our children, for the sake of our families—I am talking here about our poor families, our working poor families, our middle-class families, and our upper middle-class families, and, yes, frankly, even our wealthier families who also support these programs, I urge you to please vote aye on this amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, I commend the Senator from California for offering this amendment on afterschool funding. I agree with her about the importance of the program. It is a line of community support which I have recognized for several decades since I was district attorney for Philadelphia, since I saw firsthand the high incidence of crime committed during the hours between the time students leave school and the time they see their parents. Senator HARKIN and I have been very solicitous about this program and have made very substantial increases going back to 1998 when we added $39 million; in 1999, we added $160 million; in 2000, we added $253 million; in 2001, we added $392 million; in 2002, we added $154 million. We took a program which was funded at $40 million in 1998 and we brought it right up to the billion dollar mark. It is a tremendous program.

One of the grave difficulties of managing this bill is to oppose so many amendments which are good. We had to oppose Senator BYRD's $5 billion for title II, Senator KENNEDY's addition to Pell grants, Senator DODD on daycare, Senator CLINTON on special education, and so it goes. If you want to amass a terrible voting record, be chairman of the Appropriations Subcommittee on Labor, Health and Human Services and Education. It is a great place to do it.

I wish we had more of an allocation. I know how sincere the Senator from California is about this program. I very much regret being constrained to oppose it.

Mrs. BOXER. Mr. President, will the Senator yield briefly?

Mr. SPECTER. I do.

Mrs. BOXER. I know the Senator is a big supporter of the afterschool program because I remember when the President was looking to cut it in half. He and I were looking at this together, and we spoke. I think it was teaming up with Members on both sides of the aisle to help. I want to point out to my dear friend that when Senator ENSIGN and I got together and wrote the authorization part which you have been so wonderful to fund, we were very clear in our authorization—and everyone supported it—that, my God, to actually reduce the funding of this program is a big mistake.

I say to my friend, getting this program to $1 billion occurred because we all worked together on the authorization, and we were fortunate to have appropriators who agreed with us.

But in 2002, even with the best efforts of my friend, we haven't even protected this program from inflation from 2002 to today and to 2006. We actually have a cut in real dollars to the program below inflation. It is tragic that we will lose children from this program which the FBI says is so important.

I want to make one more plea to my friend. I am not asking for $1 billion, which in fact we should have if we follow the authorization. All I am asking for is enough funding—such a small sum that it is an asterisk in this budget—to please add $51.9 million. That is all. We will at least bring it back up to $1 billion, because we haven't been protected from across-the-board cuts.

I make a plea to my friend. I know everything around here is precedent setting, to do this or that or the other. These are real kids. There is real stuff going on out there, and they need these afterschool programs.

I yield the floor and thank my friend very much for yielding to me.

Mr. SPECTER. We will keep a sharp eye on this program in conference. If there is any way to increase the funding to any extent, Senator HARKIN and I will be very sympathetic.

Mr. HARKIN. Mr. President, I thank the Senator from California for offering this amendment and for being, if she doesn't mind my term, the watchdog. We all get wrapped up in a lot of things here. But I can't think of anything more important than what Senator BOXER is talking about right now. We know what is happening in this country. We know more and more people are being squeezed by the fact that we can't raise the minimum wage. They are being squeezed by the lack of adequate housing. They are being squeezed by entry-level jobs that they cannot get. There are all kinds of pressures on families.

We passed a law 10 years ago, Welfare to Work, to get people off of welfare to

go to work. We always knew that the one big component we never answered was, what do you do with the kids? It is both daycare and afterschool funding because these parents get home right away—usually single parents. We need the funding for the afterschool programs. If we want to cut down on teen crime and teen drugs, teen pregnancies, this is the way to do it. Senator BOXER is absolutely right. It is a shame we do not have the money for it. We should have.

I thank the Senator for offering this amendment. I hope, with the concurrence of our chairman, we can somehow find the money for this. I don't know where. It is tight. I know we have a tight situation. I cannot think of anything more worthy than this program.

I thank the Senator from California.

Mr. SPECTER. Mr. President, with reluctance, I have to raise a point of order. This will push us over the brink. Under section 302(f) of the Budget Act, this amendment would create a situation where the authority and outlays would be in excess of the subcommittee 302(b) allocation for the fiscal year 2006. I expect the Senator from California to move to waive.

Mrs. BOXER. Mr. President, I appreciate that my friend is reluctant to raise this. I look forward to the conference, where perhaps we can find enough money to protect some of these kids.

Pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of the act for purposes of the pending amendment.

I ask again for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, we will now proceed to the amendment of the Senator from Nevada. It is the anticipation of the managers following that amendment that we will have two rollcall votes.

I ask unanimous consent that after the yeas and nays have been ordered, the first rollcall vote be 15 minutes plus 5 and the second a 10-minute rollcall vote, 10 minutes plus 5.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

The Senator from Nevada.

AMENDMENT NO. 2300

Mr. ENSIGN. Mr. President, I call up amendment No. 2300.

The PRESIDING OFFICER. The amendment is pending.

Mr. ENSIGN. Mr. President, before I speak on my amendment, briefly I will comment about Senator BOXER's amendment.

Senator BOXER and I have worked long and hard on afterschool programs, something in which I passionately believe. We worked to try to have this program increased without adding to the deficit, so we had an offset. It was unfortunate the offset was not accepted. I will continue to work with Senator BOXER because it is a program in which I believe. However, I also believe in staying within the budget. So reluctantly, I will have to vote against Senator BOXER's amendment. I say reluctantly. It pains me to do so. To be consistent with my voting record this year, I have voted consistently to stay within the budget. I will reluctantly oppose that amendment.

Getting to my amendment, this is a very simple amendment, and I will not speak long because I know everyone needs to get home. I will keep it as simple as possible.

My amendment will stop the Department of Education from competing against private companies in the United States that are developing software to teach Chinese students to speak the English language.

Normally, one would think that would be a good thing, for the Department of Education to be able to help the Chinese students learn English—English is an international language—that would be a good thing, and we all applaud those efforts. The problem is, there are at least five companies in the United States and probably many more that already have invested their research dollars and created jobs in the United States to produce this very same software. This software exists today and these companies in the United States would like to sell to the Chinese market.

I don't think our Government should be in the business of competing with the private sector. We are all worried about jobs in the United States, and here we have the Department of Education contracting to develop software that they can give to the Chinese so they can teach their kids English.

There are very effective programs out there that have been developed. We have letter after letter after letter from these companies opposing what the Department of Education is doing. They have asked for help.

What this amendment is about is protecting jobs in the United States, protecting those software engineers, those high-value, high-quality jobs in the United States, and to help them be able to sell to other countries—in this case, especially to the Chinese.

The Council for Citizens Against Government Waste is supporting my amendment and is going to consider this vote in their ratings. If you believe in fiscally conservative principles, we hope you vote for the Ensign amendment.

I don't want to take up more time other than to reemphasize this point: Protect jobs in America. We have all voted on trade issues here. With trade issues, the premise behind those is we open markets in both places. We all know that the Chinese and low-cost labor have brought a lot of products into the United States. Here we have products that have been developed in the United States that could be sold in China. That is how trade is supposed to work. While we are doing free-trade agreements, we should not cut off the very jobs created in America to sell to the people in China.

I urge passage of our amendment and encourage all of my colleagues to protect jobs in America and vote for this valuable amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I appreciate what the Senator from Nevada is seeking to do, but let me see if I can put his amendment in a broader perspective.

I agree, as a general rule, we ought to prevent the Government from directly competing with the private sector for a variety of reasons, but the E-Language Learning System is a unique case, and we ought to treat it as such. There are three reasons.

This is not just some program somebody cooked up and put in the budget; this is a program that was initiated directly by President Bush as a result of a summit meeting with President Jiang Zemin in China in October of 2001. This was a President Bush and Jiang Zemin summit proposal from 2001.

The President announced the intent of our Government to implement this program at the APEC summit in Shanghai after meeting with President Jiang. Secretary Powell reiterated the importance of the program at the APEC summit 1 year later.

We do a lot of talking around here about the importance of public diplomacy, how do we do a better job getting the American image, the American voice, the American culture and values seen around the world. This is an important part of our public diplomacy since it will help Chinese children learn English and learn more about the United States of America.

Of all of the foreign ''aid'' we have ever promoted since World War II, the most effective has been in education where their students study here or our students study there. This can be utilized to help American children learn Chinese and other critical foreign languages in the future, something that is important to our national security, according to the Hart-Rudman Report and the 9/11 Commission Report.

This is the first and most important point, this agreement between the President of the United States, George W. Bush, and the President of China. It is in our national interests.

The other two points, quickly. There has been some argument that the contract awarded to implement this program that was agreed upon by the Presidents of our two nations is somehow unfair. It is important for my colleagues to know that this contract was openly competed and conforms to the research and development requirement of the STAR schools legislation following the same rules followed on similar programs for the last 17 years. It

was awarded in open competition to Northrop Grumman and subcontracted to a company called Little Planet, a company in Nashville, TN. That is how I happened to know about it.

Some of the unhappy companies, I am told, met with the Department of Education to talk about how to cooperate with the program and are now complaining. Mr. President, $2.5 million of the taxpayers' dollars have already been spent in this program, more than one-third of the total contract. So we will be pulling the plug and wasting $2.5 million of taxpayers' dollars a third of the way through a program that was agreed to by the President of the United States and President Jiang Zemin of China and flushing the money right down the drain.

Finally, this fairly awarded contract was the result of the agreement between the leaders of our country and China and is being managed so it will help, not hurt, the private sector. In an effort to prevent unfair competition with the private sector, the Department of Education tells me it has agreed to share the results of its research to promote further development of the language software. In fact, the Department hopes the private sector will ''adopt [the program's] unique and advanced feature that [the Department is] researching and carefully testing, including authentic voice recognition, gaming, and research-based learning environments delivered through low-cost web-based technology.'' So the goal is, in the long run, to help the private sector.

In conclusion, while the amendment is well-intentioned, and I understand the Senator's point, it is the wrong approach. It is wrong because it stops a program agreed to by the leaders of two countries, a commitment that is in our national security interest, a commitment that is part of our public diplomacy. It was arrived at fairly. It was competed. A third of the money has already been spent. And the Department of Education has agreed to share the results of its research with the private sector.

I hope my colleagues will oppose this amendment and support it because it is in the national security interest of our country.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Very briefly, I will clarify a couple of points.

One, that this was a bid process.

To use an example, say, for instance, that the Government, the Department of Education, wanted to give away printers to China, so they sent out several bids. They had an open bidding process and selected one company. Even though it was fairly bid, would we want the Federal Government using taxpayer dollars to buy from one company so they could give that product to the Chinese? I think not because that would be a disadvantage for other companies in the United States who should be able to compete to sell their products in China.

On the second point the Senator from Tennessee raised, he said the Department of Education is willing to share research on some of the innovations that are trying to develop. Looking through the details of what the Department of Education has asked for the software companies to develop, there are at least five software companies that already meet those specifications. They already have developed the features the Department of Education is attempting to develop.

Once again, I urge agreement of the amendment.

Mr. ALEXANDER. China is a pretty big country. There are several hundred million children there who might have an opportunity to learn English.

If our President, George W. Bush, in a meeting with the leader of China, thinks it is a good idea to bid out a $9 million contract to improve the ways we help Chinese children learn English, if he believes that is in our national security, I don't think we ought to pull the plug on it a third of the way through it. There is plenty of opportunity for the private sector in the United States to help hundreds of millions of Chinese children learn English, and I hope they will do that.

I hope my colleagues will vote against this amendment.

Mr. SPECTER. Mr. President, at the request of Senator ENSIGN, I ask unanimous consent that his name be taken off as a cosponsor of the Boxer amendment because there was a change in the modification.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, my comments will be very limited as to the pending amendment.

Last year, in the conference report, there was a direction that the Department not fund any grant that will compete directly with the private sector, and further that the Department report to the Committees on Appropriation of the House and the Senate on the activities undertaken on this project. It is my understanding that no funds were used on this project last year.

It is a little hard to evaluate the factual basis as I listen to the arguments of the Senator from Tennessee and the Senator from Nevada. However, my own judgment in looking at the record is that it is unlikely any funds are going to be spent which would—we will include the same kind of conference language next year, this year, that we had, which should maintain and should respond to the concerns about any grant which will compete with the private sector, and it leaves the Department of Education at their discretion to use this system if they conclude it will help Chinese students of any age to learn English.

On the basis of a very limited record, my vote will be cast with the Senator from Tennessee.

In the absence of further debate, can we proceed to two amendments?

Mr. ENSIGN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the plan at this point, under the unanimous consent agreement already reached, is to have a 15-minute plus 5 rollcall vote on the Boxer amendment, a 10-minute rollcall vote plus 5 on the Ensign amendment, and then we will be very close to final passage.

The concern has been to submit the colloquies and have a few voice votes now, but I want to be sure when our colleagues come to vote on these two amendments we know the lay of the land, in case anybody has not been notified and wants to have a further consideration. But it would be the anticipation of the managers, following these two votes, there would be a very brief period of time, and then we would go to final passage and conclude the bill.

I yield the floor.

VOTE ON AMENDMENT NO. 2287, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act with respect to the Boxer amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. INOUYE), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 41, nays 56, as follows:

[Rollcall Vote No. 279 Leg.]

YEAS—41

Akaka	Durbin	Lincoln
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Jeffords	Obama
Boxer	Johnson	Pryor
Byrd	Kennedy	Reed
Cantwell	Kerry	Reid
Carper	Kohl	Salazar
Clinton	Landrieu	Sarbanes
Conrad	Lautenberg	Schumer
Dayton	Leahy	Stabenow
Dodd	Levin	Wyden
Dorgan	Lieberman	

NAYS—56

Alexander	Crapo	Lott
Allard	DeMint	Lugar
Allen	DeWine	Martinez
Bennett	Dole	McCain
Bond	Domenici	McConnell
Brownback	Ensign	Murkowski
Bunning	Enzi	Nelson (NE)
Burns	Frist	Roberts
Burr	Graham	Santorum
Chafee	Grassley	Sessions
Chambliss	Gregg	Shelby
Coburn	Hagel	Smith
Cochran	Hatch	Snowe
Coleman	Hutchison	Specter
Collins	Inhofe	Stevens
Cornyn	Isakson	Sununu
Craig	Kyl	

Talent	Thune	Voinovich
Thomas	Vitter	Warner

NOT VOTING—3

Corzine	Inouye	Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 41, the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. SPECTER. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

AMENDMENT NO. 2299

Mr. TALENT. Mr. President, I rise in strong support of an amendment that the Senate has agreed to, the amendment offered by Senator COCHRAN adding $12 million for health care for historically underserved communities, including $2 million to help fund the Sickle Cell Treatment Act that was passed last year.

I thank Senator COCHRAN for his concern and sensitivity on the issue of funding the Sickle Cell Treatment Act. I thank Senators Specter and Harkin for similarly showing sensitivity to the importance of funding this bill and funding health care in historically underserved areas. With this additional $2 million, we will be able to get the program off the ground, begin designating sickle cell disease outreach centers, and provide additional grants for medical treatment, education, and other health care services for sickle cell patients.

I can't emphasize enough how much the leadership of these Senators means to the community of people who are affected by this disease, not just the 70,000 Americans who have it, not just the 2.5 million Americans who have the trait, but their families and friends who struggle every day with this disease. I thank the bill managers for accepting the amendment and thank Senator COCHRAN for offering it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 2300

Mr. SPECTER. Mr. President, I ask unanimous consent to move to the vote on the Ensign amendment.

The PRESIDING OFFICER. The pending business is the Ensign amendment No. 2300.

The question is on agreeing to amendment No. 2300.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (MR. INOUYE), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 56, as follows:

The result was announced—yeas 41, nays 56, as follows:

[Rollcall Vote No. 280 Leg.]

YEAS—41

Allard	Ensign	Roberts
Allen	Enzi	Santorum
Bayh	Graham	Schumer
Bennett	Grassley	Sessions
Brownback	Gregg	Shelby
Burr	Hatch	Smith
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Sununu
Cornyn	Isakson	Talent
Craig	Kohl	Thune
Crapo	Kyl	Vitter
DeMint	Lott	Warner
Dole	Martinez	Wyden
Dorgan	Nelson (NE)	

NAYS—56

Akaka	DeWine	Lugar
Alexander	Dodd	McCain
Baucus	Domenici	McConnell
Biden	Durbin	Mikulski
Bingaman	Feingold	Murkowski
Bond	Feinstein	Murray
Boxer	Frist	Nelson (FL)
Bunning	Hagel	Obama
Burns	Harkin	Pryor
Byrd	Jeffords	Reed
Cantwell	Johnson	Reid
Carper	Kennedy	Salazar
Chafee	Kerry	Sarbanes
Clinton	Landrieu	Specter
Cochran	Lautenberg	Stabenow
Coleman	Leahy	Stevens
Collins	Levin	Thomas
Conrad	Lieberman	Voinovich
Dayton	Lincoln	

NOT VOTING—3

Corzine	Inouye	Rockefeller

The amendment (No. 2300) was rejected.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my colleagues. That last 15-minute vote was 14 minutes. We now have a very brief period for colloquies and some agreed-to amendments. Senator HARKIN and I wanted to be sure that we hadn't missed anybody, so we did not do this in advance of the last two votes, but we will take only a few minutes and I anticipate that we will start this vote before 6 o'clock, which is not too bad for Labor-HHS on a Thursday afternoon.

AMENDMENT NOS. 2322, 2285, 2277, AND 2233, WITHDRAWN

Mr. SPECTER. Mr. President, I ask unanimous consent that amendment Nos. 2322, 2285, 2277, and 2233 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2230, AS MODIFIED

Mr. SPECTER. Mr. President, I urge adoption of the Coburn amendment No. 2230, as modified.

The PRESIDING OFFICER. Will the Senator send the modification to the desk?

Without objection, the amendment is modified.

The amendment, as modified, is as follows:

At the appropriate place insert the following:

SEC.____ LIMITATION ON TRAVEL AND CONFERENCES.

The appropriations for travel, conference programs and related expenses for the Department of Health and Human Services are reduced by $15,000,000.

The PRESIDING OFFICER. Without objection, the amendment, as modified, is agreed to.

AMENDMENT NO. 2282

Mr. SPECTER. Mr. President, Senator LEVIN's amendment No. 2282 provides for the Secretary to undertake a family unification effort. No funding is involved. It is language only. It has been cleared by Senator HARKIN.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. LEVIN, proposes an amendment numbered 2282.

The amendment is as follows:

(Purpose: To create a national family reunification initiative)

On Page 165, before the period on line 5, insert the following:

: *Provided*, That the Secretary shall undertake a family reunification effort in concert with national non-profit organizations engaged in similar efforts.

Mr. LEVIN. Mr. President, the Promoting Safe and Stable Families program has successfully carried out activities and services that support family reunification, family preservation, community-based family support, and other services for children in need.

My amendment builds upon the success of this program, through an enhanced, coordinated effort to reunite children with their families, by directing the Secretary to undertake a family reunification initiative in concert with national non-profit organizations engaged in similar efforts. The goal is to ensure that the most effective methods are utilized to achieve family reunification expeditiously. This can be achieved by collecting, tracking and coordinating information maintained by national non-profit organizations that are also engaged in family reunification efforts.

It is quite evident why such a coordinated effort is needed. Over the past several months, we learned a lot about displacement. After nearly 2 months have passed since Hurricane Katrina, thousands are still seeking family members. Of the 2,000 foster children who fled New Orleans due to Hurricane Katrina, 37 are still unaccounted for.

Overall, there have been 4,878 reports of missing children and over 1,600 not yet resolved. There have been 12,754 adults reported as missing. Of these cases, 6,562 remain unresolved. We have all witnessed rescues from the rooftops in New Orleans. It was the norm rather than the exception in many instances for intact families to be separately rescued and subsequently sent to many different places, all across the country.

Some have miraculously reconnected with one another. Far too few. We cannot depend on miracles; we need a coordinated system that will help unite family members who seek one another. It is for the social good to bring families together, when possible. Family

matters. The strength of the family is greater than its parts. The stress of losing your home, your job, your community, does not compare to losing your family.

I am pleased that the managers of the bill have agreed to support this amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. HARKIN. Parliamentary inquiry. The amendment is No. 2282 or No. 2280?

The PRESIDING OFFICER. Amendment No. 2282.

Is there further debate? If not, the question is on agreeing to amendment No. 2282.

The amendment (No. 2282) was agreed to.

AMENDMENT NO. 2289, AS MODIFIED

Mr. SPECTER. Mr. President, I call up amendment No. 2289, as modified, proposed by Senator DAYTON.

The PRESIDING OFFICER. The amendment is pending.

Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 178, after line 25, insert the following:

SEC. _____. (a) In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, $15,121,000 for activities authorized by the Help America Vote Act of 2002, of which $13,500,000 shall be for payments to States to promote access for voters with disabilities, and of which $8,621,000 shall be for payments to States for protection and advocacy systems for voters with disabilities.

On page 137, line 9, both amounts should be further reduced by $7,000,000.

Mr. DODD. Mr. President, I Support Senator DAYTON's amendment to increase the funding for disability access grants mandated under the Help America Vote Act of 2002 (HAVA).

Senator DAYTON's amendment to H.R. 3010, the fiscal year 06 Labor-HHS Appropriation bill, provides a $7 million dollar increase to the HHS provisions. Specifically, Senator DAYTON's amendment would increase the HHS appropriations by $7 million for disability access grants and protection and advocacy services for voting purposes and ensuring full participation in the elections process by individuals with disabilities.

I support the outstanding work of Senator DAYTON. Congress has failed to fully fund HAVA disability grants. To date, with respect to the disability access grants, Congress authorized a total of $100 million but has appropriated only $33 million, roughly a third of the funding required to ensure our Americans with disabilities have equal access to the franchise for voting purposes in the upcoming Federal elections in 2006, a few months away. With respect to the protection and Advocacy grants, Congress authorized a total of $40 million but has appropriated only $12 million, roughly a fourth of the funding required to ensure our Americans with disability have equal access to voter registration and polling places in the 2006 Federal elections. As a result, the disability grant programs have a combined total HAVA funding shortfall of $95 million in Federal funds for election administration requirements.

Senator DAYTON's amendment for $7 million is offset by administrative expenses under ''other services'' which received a $599 million increase over the fiscal year 05 level.

January 1, 2006 is the effective date for two of the most important Federal requirements mandated by HAVA: The voluntary voting system standards and the state-wide computerized voter registration list. Both requirements are designed to ensure that individuals with disabilities can exercise their right to an accessible ballot.

In light of the above, it is essential that Congress does not fail to honor our commitment to the disability communities. If we fail to provide adequate funding, we may jeopardize the opportunity of States to implement the most historic election reforms in America and the opportunity to voters, including the disability communities, to fully exercise their franchise in the upcoming 2006 Federal elections. It is time to fulfill our promise to the disabilities communities.

I thank Senator DAYTON for his leadership on this HAVA issue and I commend the Chairman, Senator SPECTER, and the ranking member, Senator HARKIN, for accommodating this increase.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 2289, as modified.

The amendment (No. 2289), as modified, was agreed to.

AMENDMENT NO. 2295, AS MODIFIED

Mr. SPECTER. Mr. President, I call up Senator ENZI's amendment No. 2295, as modified.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. ENZI, proposes an amendment numbered 2295, as modified.

The amendment is as follows:

On page 115, strike lines 15 and 16, and insert the following:

under title I of the Workforce Investment Act of 1998, or to modify, through regulatory or administrative action, the procedure for redesignation of local areas as specified in subtitle B of title I of that Act (including applying the standards specified in section 116(a)(3)(B) of that Act, but notwithstanding the time limits specified in section 116(a)(3)(B) of that Act), until such time as legislation reauthorizing the Act is enacted. Nothing in the preceding sentence shall permit or require the Secretary of Labor to withdraw approval for such redesignation from a State that received the approval not later than October 12, 2005 or to revise action taken or modify the redesignation procedure being used by the Secretary in order to complete such redesignation for a State that initiated the process of such redesignation by submitting any request for such redesignation not later than October 26, 2005.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 2295, as modified.

The amendment (No. 2295), as modified, was agreed to.

AMENDMENT NO. 2234, AS MODIFIED

Mr. SPECTER. Mr. President, I call up Senator COBURN's amendment No. 2234, as modified.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. COBURN, proposes an amendment numbered 2234, as modified.

The amendment is as follows:

On page 222, between lines 5 and 6, insert the following:

SEC. ____. DEPARTMENT OF HEALTH AND HUMAN SERVICES AND DEPARTMENT OF EDUCATION RISK ASSESSMENT.

(a) ESTIMATE.—The Secretary of Health and Human Services and the Secretary of Education shall estimate improper payments pursuant to section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note, Public Law 107-300) under—

(1) in the case of the Secretary of Health and Human Services, the Temporary Assistance for Needy Families Program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), the Foster Care and Adoption Assistance Program under part E of title IV of such Act (42 U.S.C. 670 et seq.), the Medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.), the State Children's Health Insurance Program under title XXI of such Act (42 U.S.C. 1397aa et seq.), and the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.); and

(2) in the case of the Secretary of Education, title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services, in the case of the programs specified in subsection (a)(1), and the Secretary of Education, in the case of the program specified in subsection (a)(2), shall report to Congress on the specific actions taken under each such program to comply with section 2 of the Improper Payments Information Act of 2002, including a schedule for full compliance with such Act within fiscal year 2006.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 2234, as modified.

The amendment (No. 2234), as modified, was agreed to.

AMENDMENT NO. 2280, AS MODIFIED

Mr. SPECTER. Mr. President, I call up Senator HARKIN's amendment No. 2280.

Mr. HARKIN. Mr. President, I have a modification to 2280, which I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 2280, as modified.

The amendment is as follows:

On page 178, after line 25, insert the following:

SEC. 222. (a) Section 1310.12(a) of the Code of Federal Regulations shall not apply before

June 30, 2006, to any agency or its designee that provides transportation services for children enrolled in a Head Start program or an Early Head Start program if such agency or designee places such children in child restraint systems (as defined in section 571.213 of the Code of Federal Regulations).

(b) Section 640(i) of the Head Start Act (42 U.S.C. 9835(i)) is amended—

(1) by striking ''(i) The'' and inserting the following:

''(i) TRANSPORTATION SAFETY.—

''(1) REGULATIONS.—The''; and

(2) by adding at the end the following:

''(2) WAIVER AUTHORITY.—

''(A) IN GENERAL.—The Secretary may waive, for a period of up to one year, the requirements of regulations promulgated under paragraph (1) of this subsection and section 1310.12(a) of the Code of Federal Regulations for one or more vehicles used by the agency or its designee in transporting children enrolled in a Head Start program or an Early Head Start program if—

''(i) such requirements pertain to child restraint systems and bus monitors;

''(ii) the agency demonstrates that compliance with such requirements will result in a significant disruption to the Head Start program or the Early Head Start program; and

''(iii) the waiver is in the best interest of the child.

''(B) RENEWAL.—The Secretary may renew a waiver under subparagraph (A).''.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 2280, as modified.

The amendment (No. 2280), as modified, was agreed to.

AMENDMENT NO. 2272

Mr. SPECTER. Mr. President, I call up amendment No. 2272, proposed by Senator NELSON of Nebraska.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. NELSON of Nebraska, proposes an amendment numbered 2272.

The amendment is as follows:

(Purpose: To express the sense of the Senate that the Secretary of the Treasury should ensure that existing Federal employment preferences for disabled veterans and Federal policies promoting opportunities for other disabled persons are carried forward as a part of any tax collection contract program)

On page 222, between lines 5 and 6, insert the following:

SEC. _____. (a) Congress makes the following findings:

(1) The American Jobs Creation Act of 2004 permitted the outsourcing or privatization by the Internal Revenue Service of collection of unpaid and past due federal income taxes.

(2) The Internal Revenue Service is about to issue to private-sector debt collection companies tax collection contracts that will create up to 4,000 well paying private-sector jobs.

(3) If the same tax collection activities were conducted by Federal employees, Federal law would give preferences in employment to disabled veterans in filling those federal jobs.

(4) By enacting legislation to improve the Internal Revenue Service's tax collection efforts and outsourcing or privatizing those efforts, Congress did not intend to curtail the Nation's long-standing commitment to creating meaningful job opportunities for disabled veterans and other persons with severe disabilities.

(5) The contracts the Internal Revenue Service will execute with private-sector debt collection companies provide a unique opportunity for the Federal government to stimulate the creation of well paying jobs for disabled veterans and other persons with disabilities.

(b) It is the sense of the Senate that—

(1) the Secretary of the Treasury should, to the maximum extent practicable, ensure that existing Federal employment preferences for disabled veterans and Federal policies promoting opportunities for other disabled persons are carried forward as a part of any tax collection contract program carried out under section 6306 of the Internal Revenue Code of 1986, as added by the American Jobs Creation Act of 2004, and

(2) the criteria applied by the Internal Revenue Service in awarding contracts to private-sector tax collection companies under such program should incorporate a preference for companies hiring disabled veterans and other disabled persons.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 2272.

The amendment (No. 2272) was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors to amendment No. 2283: Senator REED, Senator CORZINE, and Senator CONRAD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, if no other Senator has any amendment to offer, we are now ready for final passage.

I yield to Senator FRIST.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I congratulate both the chairman and ranking member for a tremendous job. This next vote is on passage of the Labor-HHS appropriations bill, the very last of our series of appropriations bills that have come before the Senate. Again, congratulations to Chairman COCHRAN and Senator BYRD and again the chairman and ranking member on this bill.

We will be in session tomorrow. However, we will have no rollcall votes. On Monday, we will begin consideration of the deficit reduction bill, and we are working on a schedule of debate for that measure. I do not expect to have votes on Monday. We will not have votes on Monday, but Senators should be aware that next week will be a busy week on the deficit reduction bill.

Senator SPECTER has set a high mark with rollcall votes, and people have come to the floor on time. We are going to continue to encourage—in fact, require—that. I encourage Senators to be ready for quick rollcall votes throughout next week.

This is the last vote tonight. There are no votes tomorrow and no votes on Monday.

Mr. SPECTER. Mr. President, as a final word, Senator HARKIN and I thank our very devoted staff: Bettilou Taylor, Ellen Murray, Jim Sourwine, Mark Laisch, Sudip Parikh, Lisa Bernhardt, Candice Rogers, Rachel Jones, Erik Fatemi, and Adrienne Hallett.

I notice Senator GRASSLEY is waving his arm. He is here 6 minutes early. Let the record show it is 5:53.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, very quickly, this is a very big bill. It is very important for millions of people in this country. The management of this bill has been spectacular. Senator SPECTER and Senator HARKIN should be congratulated. They did a very good job in a short timeframe. We should all recognize the outstanding job the two of them did.

MATHEMATICS AND SCIENCE EDUCATION

Mr. VOINOVICH. I rise today to discuss and bring to my colleague's attention an issue that I believe must become one of our Nation's top education priorities. As the world's economy becomes more interconnected, our Nation's economic edge will continue to depend on our ability to innovate. We cannot remain competitive without a workforce full of educated and motivated young Americans.

We must invest in our children and enable them to fully develop their God-given talents in order to compete in a knowledge-based, global economy. This means we have to place more emphasis on careers in science, engineering and math. Right now, we are not getting the job done.

Globally, the United States ranks 17th in the proportion of the college-age population earning science and engineering degrees, down from 3rd place several decades ago.

While China graduated 600,000 engineers and India graduated 350,000 last year, only 70,000 students earned degrees in engineering here in the United States.

In fact, the percentage of 24-year-olds with science or engineering degrees is now higher in many industrialized nations. Countries including England, South Korea, Germany, Australia, Singapore, Japan and Canada all produce a higher percentage of science and engineering graduates than the United States.

Is the chairman aware of these startling statistics?

Mr. SPECTER. I say to my colleague that I am aware of these examples and I share his concern.

Mr. VOINOVICH. I thank the chairman for his attention to the issue and the opportunity to briefly discuss the importance of science and math education today. I know there are other Senators, especially Senators ALEXANDER and BINGAMAN, who care a great deal about this issue. In fact, as many of my colleagues know, Senator ALEXANDER and BINGAMAN asked the National Academy of Science to compile a report on the top 10 actions the Federal Government can take to enhance our ability to compete in our global economy. And while the academy provided

a variety of recommendations, from the crucial need for energy independence and investment in research infrastructure—which are in their own right extremely important—a great deal of their recommendations focus on the need to improve our Nation's math and science coursework and establish a workforce of qualified teachers who will prepare our students for futures in highly innovative careers.

Has the chairman seen this report?

Mr. SPECTER. I have. And I say to the Senator that the bill before us provides funding for a number of programs that are consistent with the academy's report. One such program I know my colleague is familiar with is the Mathematics and Science Partnership, MSP, program that provides grants to improve basic student performance in math and science through a variety of programs and activities. Many of the program's allowable activities, like summer institutes for teacher training, are specific activities the National Academy recommends we pursue in order to enhance our children's development in science and math. The committee has provided a total of $178.5 million for mathematics and science programs in fiscal year 2006. The House-passed bill includes $190 million for this program.

We are, of course, working under a tight budget with this bill, but I want my colleague to know that as we move to conference, I will work to ensure this program, and other similar math and science programs receive the highest possible amount of funding.

Mr. VOINOVICH. I thank the chairman. I have heard from my State's superintendent that MSP grants have gone a long way in Ohio to support programs the Ohio Science Institute, which is a statewide professional development opportunity for science teachers of grades 3–10, and the Ohio Mathematics Academy Program, which is a statewide professional development opportunity for mathematics teachers in similar grades.

As the chairman and many of my colleagues are aware, I am a fiscal conservative and understand the deficit and funding constraints we face.

Yet, in light of the National Academy's report and other studies that point to our Nation's declining rank in science and math students, I don't know of too many other programs that deserve our focus and investment more than those that will prepare our children to compete in the global marketplace.

I thank the chairman for his commitment to science and math education programs as we move to conference on this appropriations bill. I hope his commitment to quality science and math education will extend even further down the road, as we prepare our budgets for the next fiscal year.

CDC'S ARTHRITIS PROGRAM

Mr. ISAKSON. Mr. President, I want to thank the chairman and Senator HARKIN for all of their work on this bill. Mr. President, as you know, arthritis is the Nation's leading cause of disability, and it impacts the lives of 44 million Americans including 300,000 children. Very few people know, however, that people with rheumatoid arthritis die 5 to 10 years earlier than those without arthritis. In 2003, arthritis claimed the lives of 9,500 Americans.

In response to this national epidemic, the CDC, and over 90 national organizations developed the Nation's first ever public health blueprint to fight arthritis—the National Arthritis Action Plan. Following release of the plan in 1998, the committee, under your leadership, established an arthritis program at the CDC and supported a cooperative relationship between the agency and its partners. This partnership has supported several significant elements of the NAAP and continues to play an instrumental part in reducing the pain and disability of arthritis for millions of Americans. It is my understanding that the committee has included sufficient funds in the fiscal year 2006 appropriation for the CDC to sustain this collaboration with its partners at the same level.

Mr. SPECTER. I thank my good friend from Georgia for his remarks. I am very proud of the role the committee has played in establishing and expanding the arthritis program at CDC. I believe deeply in the vital role of the CDC and its partners in this important battle and, yes, the committee has provided funds to sustain this cooperative relationship.

Mr. HARKIN. I want to thank my friends, the distinguished Senator from Georgia and the chairman, for their words and just take a moment to add my endorsement for this important program I am very proud of the role this subcommittee has played in the reduction of the arthritic pain and suffering experienced by so many Americans.

Mr. ISAKSON. I thank the chairman.

COMMUNITY-BASED JOB TRAINING GRANTS

Mrs. DOLE. Mr. President, I first want to thank Chairman SPECTER and Ranking Member HARKIN for their diligent work on the Labor-HHS Appropriations bill. Budgets are very tight these days and I appreciate how well the chairman and the ranking member were able to address so many of the important issues in this bill. With all of this in mind, I want to enter into a colloquy to clarify a key issue concerning this measure.

Our Nation's community colleges are critical to our economy. So many men and women across our country have lost their jobs, and our traditional manufacturing industries have been hit especially hard. In the midst of this economic transition, community colleges have been a real beacon of hope. In North Carolina, for example, workforce development programs at Piedmont Tech and Forsyth Community College, are training former tobacco and textile workers for new, well-paying jobs in health care and biotechnology. Community colleges are leading the way training workers for the high growth, high demand jobs of the 21st century.

I am so grateful, as I know the community colleges across the Nation are as well, for Chairman SPECTER's efforts to fully fund the President's request for Community-Based Job Training Grants in last year's appropriations process. Unfortunately, having reviewed the provisions contained in the House-passed Labor-HHS Appropriations bill, the Department of Labor and I are very concerned about the future of this program.

The House bill designates $125 million in funding for fiscal year 2006 while at the same time rescinding $125 million of fiscal year 2005 funding for the program. This cuts the program in half for both fiscal years and dramatically reduces the number of dislocated workers our community colleges can train. Achieving the greatest possible funding amount for this program must be a top priority. I know that Senator CORNYN is strongly supporting increased funding for this program and I thank him for his efforts to help community colleges.

The Community-Based Job Training Grant Program is providing much-needed funding for community colleges across our country and in my home State of North Carolina. Just last week, the Labor Department announced grants for 70 community colleges in 40 States, exhausting the $125 million pot of available money allocated for this program. Nationwide, 388 colleges applied for this funding, and in North Carolina, just one of the 16 applicants, Haywood Community College, was selected to receive this funding. We all know that grant programs are very competitive; still, this funding is clearly not coming close to meeting the needs of our community colleges. They are on the front lines, training workers and helping grow our economy, and we can and should do better to assist them in this endeavor.

Can the chairman assure me of his commitment to the funding of this program for fiscal year 2006?

Mr. SPECTER. I thank the senior Senator from North Carolina for her continued interest in this critical program. I want to assure her that the Senate Appropriations Committee strongly opposes the House rescission to the Community-Based Job Training Grants, and we are committed to funding the program at the highest level possible within the existing budgetary constraints. I thank the senior Senator from North Carolina.

Mrs. DOLE. I thank the chairman for his work on this critical issue.

OFFICE OF MEN'S HEALTH

Mr. CRAPO. I want to express my appreciation for the chairman's efforts, and those of the subcommittee ranking member, Senator HARKIN, in working to ensure the health and well-being of Americans everywhere. As you know, a

silent health crisis is currently affecting America's men. On average, American men live shorter and less healthy lives than American women. Men lead in each of the 15 major of death in America except Alzheimer's and have a life span of almost 6 years shorter than their female counterparts. While this health crisis is of particular concern to men, it is also a concern for women whose fathers, husbands, sons and brothers feel the physical, financial and emotional effects of poor health. Men's health is also a concern for employers who pay the costs of medical care, and lose productive employees. In addition Federal, State and local governments must often absorb the enormous costs of premature death and disability, including the costs of caring for dependents left behind.

There are a number of ailments of particular concern to men. Prostate cancer is the most frequently diagnosed cancer in the United States among men, accounting for 33 percent of all cancer cases. An estimated 230,000 men will be newly diagnosed with prostate cancer this year alone, and approximately 30,000 will die. Prostate cancer, unfortunately, is not the only health threat facing men. Over 8,000 men, ages 15 to 40, will be diagnosed this year with testicular cancer, and 390 of these men will die of this disease in 2005.

Fortunately, many of these conditions are treatable if detected early enough. I was diagnosed with prostate cancer in 2001 and thanks to early detection and treatment was able to beat the disease. I had prostate specific antigen, PSA, tests and other recommended tests every 3 to 6 months after my surgery. Last year, my doctors detected a slight rise in PSA, and I underwent successful radiation treatment. Because I caught and treated the onset of this disease early on, I was able to beat it, again. Appropriate use of tests such as PSA exams and blood pressure, blood sugar, and cholesterol screens, in conjunction with clinical exams and self-testing, can result in the early detection of many problems and in increased survival rates.

Unfortunately, many men are not taking the steps necessary to protect themselves and their families from these devastating conditions. Statistically, women visit the doctor far more often than men. Too often, men fail to get routine checkups or health counseling, and they often ignore symptoms or delay seeking medical attention when sick or in pain. In addition, when men do seek care, embarrassment can often prevent them from openly discussing health concerns with their physicians.

To increase men's health awareness I have introduced legislation to establish an Office of Men's Health under the Department of Health and Human Services. This office would be based on the Office of Women's Health, currently operating within HHS, which has done a fantastic job of assisting women in identifying and battling many conditions common to women. Educating men, their families, and health care providers about the importance of early detection of male health problems can result in reducing rates of mortality for male-specific diseases, as well as improve the health of America's men and its overall economic well-being. While an Office of Men's Health is not a cure-all, it will assist men to focus on many health problems that can be treated successfully if diagnosed early. Prevention and early detection can only happen with increased public awareness, something the proposed office hopes to provide. I yield to the distinguished chairman to elaborate on this point.

Mr. SPECTER. I, too, recognize the importance of correct information, prevention, and early detection in health care. Clearly, efforts must be made to encourage men to address their health problems in a confident, timely, and meaningful manner. I encourage the administration to work with my distinguished colleague to establish an Office of Men's Health within the Department of Health and Human Services.

Mr. CRAPO. I thank the Senator.

Mr. INHOFE. I have filed an amendment at the desk which I had hoped the Senate would vote on prior to passage of this bill. Unfortunately given the current parliamentary situation, the only way for a vote to occur on the important issue of fiscal responsibility is by suspending the rules. My amendment would not be in order at this time and therefore my option is to move to suspend rules XVI and XXII. Although clearly that motion is within my rights as an individual Senator, I do not believe that is the best way for this body to proceed. Our rules and precedents govern how we operate on these appropriations, bills and I think that we should work within that framework. Therefore, I am not going to make that motion because it is not an appropriate way for the Senate to address this amendment. I will say, however, that the Senate will vote on this issue. I will be back on this floor at the first opportunity available to this Senator and the Senate will work its will on this language.

Mr. FRIST. I greatly appreciate the Senator's commitment to this issue. It is imperative that this Congress exercise fiscal discipline and I concur that an important step must be to control spending, while securing our Nation's defense. Next week, the Senate will do just that as we act on the first deficit reduction package in a decade. I am certain that the Senator from Oklahoma will continue to pursue his efforts. There will be ample opportunities, including the deficit reduction bill, for him to exercise his rights to do so, in a manner that does not violate the spirit of the Senate rules. I look forward to him bringing this important issue before the Senate in the future.

RADIATION EXPOSURE COMPENSATION ACT

Mr. CRAPO. Mr. President, I rise today to discuss with the distinguished subcommittee chairman the need to amend the Radiation Exposure Compensation Act, RECA.

Mr. SPECTER. I yield to the Senator.

Mr. CRAPO. As my colleagues are aware, the National Academy of Sciences, NAS, released a report on April 28 of this year calling on Congress to establish new scientific criteria for decisions about awarding Federal compensation to people who have developed specific diseases, including certain cancers, as a result of exposure to radioactive fallout from U.S. nuclear weapons tests. I wholeheartedly agree with them.

When Congress passed RECA 15 years ago, an important first step was taken to provide compassionate assistance to those directly affected by nuclear testing conducted by the United States. However, it soon became clear that a legislative remedy which was bound by geographic restrictions, and not scientific evidence, was not sufficient to fully rectify the problem at hand. This was confirmed in 1999, when Senator HATCH introduced his amendments to expand RECA and include affected counties in Arizona.

Today, the NAS has determined that residents in counties and States far from the original Nevada Test Site were not only exposed to radiation, but may even have been exposed to much higher levels than those in currently eligible areas. In fact, there are areas in my native Idaho that have demonstrably higher incidence of thyroid dosage of radiation than any other county currently covered by RECA. It seems unconscionable to me that people living in these areas are not currently eligible for compensation.

Those affected are not asking for special treatment, they are simply asking for fairness. As R. Julian Preston, director of the Environmental Protection Agency's Environmental Carcinogenesis Division, stated, ''To be equitable, any compensation program needs to be based on scientific criteria and similar cases must be treated alike. The current geographic limitations are not based on the latest science.''

To rectify this inequity, I think it is of utmost importance that Congress take up my legislation, S. 998 to include the State of Idaho as an affected area under the Radiation Exposure Compensation Act.

Additionally, it is incumbent upon Congress to address the long-term challenges faced by the RECA program. The NAS report makes several specific recommendations, chief among them that Congress should establish a new process for reviewing individual claims, based on probability of causation, or ''assigned share,'' a method which is used in the courts and other radiation compensation programs. It also recommends that the RECA program be expanded to include workers involved in uranium milling and ore transportation. I urge you to join me in implementing these suggestions of the NAS into legislation.

Mr. SPECTER. I appreciate the Senator's interest in this issue and recognize that he has legislation pending in Congress to address the needs of affected Idahoans. I say to my friend and colleague that I will work with him to identify necessary improvements and to respond to findings contained in the NAS report. I also urge the administration to work diligently to help those still in need.

Mr. CRAPO. I thank the distinguished chairman.

THIMEROSAL

Mr. LIEBERMAN. Addressing my distinguished colleagues from Pennsylvania and Iowa, the subcommittee Chairman and ranking member, I wanted to talk with you about the need to study further the issue of thimerosal in vaccines and whether there is any association with autism and other autism spectrum disorders. As you know, autism is a neuro-developmental disorder characterized by severe impairments in language development and socialization. The American Academy of Pediatrics, AAP, says that currently 1 in 166 children has autism or an autism spectrum disorder. Some in the autism community attribute this rise to changes in the vaccine schedule which began in 1990. Three of the four vaccines between 1990 and 2000 given to American children at the 2,4, and 6 month doctor visit contained thimerosal which is a vaccine preservative that is 50 percent mercury by weight. Mercury of course is a known neurotoxin.

Mr. HARKIN. I am aware of this issue.

Mr. SPECTER. I am aware of this issue too. I note that thimerosal has been out of childhood vaccines since 2001. I understand that the AAP doesn't think there is a link between thimerosal and autism and that an Institute of Medicine, IOM, report indicated that the committee didn't believe thimerosal caused autism. Of course, this does not mean there isn't an association. We should recognize that few diseases have direct causes attributed to them.

Mr. LIEBERMAN. I believe that we must at least consider an association between thimerosal exposure and autism. I understand the rate of autism has risen perhaps 800 percent since 1990 and although there could be a number of reasons including better diagnostics, this coincided with an increased exposure to thimerosal in vaccines, which again is 50 percent mercury by weight.

I have talked to Director Gerberding at the Centers for Disease Control and Prevention, CDC, which is our Nation's premier public health organization. She said that there is room for further study. I note that thimerosal is still in our influenza vaccine. And we want people to get that vaccine.

Mr. HARKIN. What does the Senator propose?

Mr. LIEBERMAN. Under the Senator's distinguished leadership, the committee has increased the NIH budget to 29.4 billion dollars, an increase of over $1 billion from last year. I applaud those efforts. Accordingly, under his leadership the budget of the National Institute of Environmental Health Sciences, NIEHS, has increased from $644 to $667 million.

I would ask that the NIEHS lend its expertise in heavy metal toxicity and to work in cooperation with the CDC to study, using respected expert independent researchers, whether there is any association between thimerosal and autism.

I note that we now have a Vaccine Safety Datalink, VSD, a computerized CDC database that has followed 7 million vaccinated children in 7 managed care organizations throughout the United States from 1990 on to see if they develop diseases of any type, including neuro-developmental disorders. Some experts suggest this database could provide answers regarding the thimerosal-autism link. The Institute of Medicine, IOM, regards the VSD as a unique data base with which the public should become familiar. I would expect that the VSD would be used in further studies.

My staff and I have talked with two former NIEHS directors. They support additional effort to study the association between thimerosal and autism. They assure me that NIEHS would be able to administer a grant for carefully selected expert independent researchers to join in the study of the VSD with the CDC. And because transparency of research has been an issue in this debate, NIEHS cooperating with CDC would be able to put together a panel of toxicologists, doctors, expert representatives from the autism community, and public health advocates to advise the study. They did this with the NIEHS' Breast Cancer Research Centers Program. That is, they involved the affected community.

Mr. SPECTER. I agree we should make an additional effort to resolve this issue.

Mr. HARKIN. Yes, I also agree we need to make progress through a study on this issue. It certainly is not going away.

Mr. LIEBERMAN. If this issue is resolved it will be because all sides are comfortable with the science and epidemiology of thimerosal and autism. The science and epidemiology of thimerosal and autism is not clear up to this point.

Can I have assurance that the chairman and ranking member will work to insert report language in conference that urges NIEHS to fund collaborative studies on the VSD between outside researchers and the CDC?

Mr. SPECTER. I will work hard to make this happen.

Mr. HARKIN. I too will work hard to make this happen since this is an issue important to the Senator and the Nation.

Mr. LIEBERMAN. I thank the Senators.

Mr. FEINGOLD. Mr. President, I will vote in favor of final passage of the Senate version of the fiscal year 2006 Labor, Health and Human Services, and Education appropriations bill. This legislation is an improvement over the House-passed bill and over the President's request in many areas. However, it still vastly underfunds a number of crucial programs. I commend the chairman and the ranking member of the subcommittee for their work to produce this bill under tight fiscal constraints. However, we can and should do better for the many Americans who depend on the programs that are funded by this important appropriations bill.

I am pleased that the Senate adopted two amendments I worked on. One was an amendment I cosponsored that the Senator from Maine, Ms. COLLINS, offered, to provide much-needed funding to improve access to dental health in rural and underserved areas, and the other was an amendment I offered to increase public access to automatic external defibrillators in schools. I have worked with my colleague from Maine, Ms. COLLINS, for a number of years to secure funding for these important programs, and I hope to see these provisions carry through to the conference report.

I regret that the Senate missed a number of opportunities to improve this bill, including by rejecting amendments that would have increased funding for a number of elementary and secondary education programs, including title I, after-school programs, and special education. Year after year, Congress and the President fail to provide the promised funding for these and other education programs as local school districts continue to struggle to make ends meet under shrinking State and local education budgets. The President's budget requests for each of the fiscal years since the No Child Left Behind Act was enacted have fallen far short of what was authorized by this law. And while Congress has improved upon these budget requests and provided funding for a number of the programs that the President proposed to cut, NCLB programs are still funded at far less than their authorized levels.

Yet despite our broken promises to these school districts, we still require them to comply with a variety of Federal mandates. And during this school year, the stakes have been raised even further because the 2005–2006 school year is the first under which schools are required to implement the NCLB mandate to test students in grades three through eight in reading and math. It is past time that we hold up our end of the equation and give States and school districts the resources they need to ensure that every child has the opportunity to succeed.

With regard to higher education, I was proud to support the amendment offered by Senator KENNEDY from Massachusetts that would have increased the Pell Grant maximum by $200 to $4,250 per year. This would have been a good down payment on the ultimate

goal of increasing the maximum to $9,000 by the 2010–2011 school year, as I proposed with Senator COLLINS earlier this year. While Senator KENNEDY's amendment was not successful, I will continue to work toward this goal of increasing grant aid and reducing the burden of debt to keep the doors of higher education open to as many Americans as possible.

While funding for other higher education programs were not as generous as I would have hoped, I was encouraged that the Appropriations Committee rejected the harmful cuts proposed in the President's budget. The President had proposed eliminating or cutting important programs that prepare disadvantaged students for college, support their successful completion of college, and provide financial assistance to help them afford higher education, such as the Leveraging Educational Assistance Partnership, LEAP, program; TRIO programs; the Gaining Early Awareness and Readiness for Undergraduate Programs, GEAR UP; the Carl D. Perkins Career and Technical Education program; and Perkins loans. I consistently opposed these reductions during both the budget and appropriations processes, and I am pleased that this bill preserves funding for all of these programs.

Another reservation I have about this bill is its failure to adequately provide a much needed increase in funding for the Low Income Home Energy Assistance Program, LIHEAP—an increase that would simply bring the funding level up to the fully authorized amount. Despite predictions that home energy costs this winter will increase between 30 and almost 70 percent, for the third time in a month, the Senate failed to help working families and seniors afford skyrocketing home energy costs when it defeated Senator REED's efforts to increase LIHEAP funding. The lack of higher LIHEAP funding is greatly troubling and I will continue pursuing opportunities to help people in Wisconsin and across the country receive the assistance they need to stay safe and warm this winter.

While this bill is far from perfect, I will support it, and I very much hope that the final version of this bill will provide adequate funding for the many important programs contained in it.

Mr. COBURN. Mr. President, today the Senate accepted two modified amendments that I authored.

Amendment 2230, as modified, will reduce the amount appropriated for travel, conference programs and related expenses at the Department of Health and Human Services, HHS, by $15 million. Currently $68 million is available for these activities.

The $15 million saved by this revised amendment would ensure sufficient funding for travel and conference expenses that may be necessary while recognizing that the current amount spent on these activities by HHS is excessive and can be reduced.

In 2005 alone, HHS spent $68.5 million on conferences. This is a 50 percent increase in conference spending during a 5-year period. At a time when our Nation is fighting a global war against terrorism, recovering from the most expensive natural disaster in our history, and facing an ever growing debt that now surpasses $8 trillion, we must be more frugal with the taxpayers' dollars we have been entrusted and prioritize how they are spent.

This amendment ensures that a greater amount of Federal health dollars will actually be spent on health care, which should be the goal of HHS.

In the context of the $2.5 trillion Federal budget, $15 million may not seem like much until you put it into a real world perspective.

According to the American Institute of Preventative Medicine, the average doctor visit costs $55. The $15 million saved by this amendment could be made available to pay for nearly 273,000 doctors visits in the next year.

The 2004 Census Bureau report on Income, Poverty, and Health Insurance in the United States shows that 45 million Americans are without health insurance.

The annual premium that a health insurer charges an employer for a health plan covering a family of four averaged $9,950 in 2004. For single coverage is $3,695 annual average premium.

The $15 million saved by this amendment could provide 1,500 American families of four or 4,060 single Americans with health insurance for a year.

HHS spends significantly more on conferences than any other Federal department. In fact, the total spent on conferences by HHS in 2005 is comparable to the amount spent by the Energy Department, Education Department, Environmental Protection Agency, Department of Housing and Urban Development, Labor Department and Transportation Department combined.

In 2002, HHS spent $3.6 million on a single conference, the International AIDS Conference, held in Barcelona, Spain, to which 236 HHS employees traveled to attend. Then-Secretary Tommy Thompson was among the HHS employees who traveled across the globe for this conference and was scheduled to speak. Yet he was prevented from doing so by activists that turned what was intended to be a scientific gathering into a political statement.

Members of Congress rightfully were outraged that the Secretary was treated so rudely at a conference that cost the U.S. taxpayer millions of dollars.

In a May, 2003, letter to members of Congress, Secretary Thompson reassured that HHS ''will work to further reduce our costs associated with that event, while continuing to assure essential scientific personnel can attend this meeting.'' He went on to note that ''the Department is currently revising the HHS travel manual, which will formalize international and domestic travel policies to ensure frugal use of taxpayer money. My staff is taking unprecedented steps to ensure American taxpayers will no longer be asked to foot the bill for wasteful HHS spending, including in the area of travel. . . . Every trip proposal is . . . evaluated on an individual basis by a member of my staff to guarantee that taxpayer money is not wasted.''

Despite this pledge, HHS has continued to spend more and more on conferences and to send hundreds of employees to participate in the same conferences.

In 2004, HHS sent 100 or more employees to at least 59 conferences, including 1,036 to a conference in Orlando, Florida.

Just this past August, HHS was listed as a primary sponsor of the 2005 conference of the Harm Reduction Project, an organization that supports tacit legalization of drugs. Among the sessions at this federally supported conference was ''We Don't Need a 'War' on Methamphetamine'' and the discussion groups include ''Tweaking Tips for Party Boys.'' ''Tweaking'' is the most dangerous stage of meth abuse. A tweaker is a meth addict who probably has not slept in days, or weeks, and is irritable and paranoid.

HHS officials later denied ''sponsoring'' the conference, although the Department provided taxpayer dollars for it and sent six employees to participate.

As a practicing physician, I believe that Federal funds expended to support this conference would have been far better spent providing treatment to those suffering from addiction.

This is just one example of taxpayer dollars that have been misspent on conferences.

The bottom line remains that at a time when important health care programs are faced with financial difficulties, we do not have the luxury for excessive spending on conferences. While Congress is trying to control the growth of spending on important health programs like Medicaid and Medicare, we should first impose restraints on nonessential spending at HHS including conferences.

Conferences may provide interesting opportunities for bureaucrats and others to network and exchange information in person, but they do not make people well or provide life saving health care.

Furthermore, in the modern telecommunications era, it is unnecessary to spend time and resources to finance so many conferences. Teleconferences and video conferencing, for example, can save money while allowing the same type of interaction and information sharing at a mere fraction of the cost.

The second amendment, No. 2336 as modified, directs the Secretary of HHS and the Secretary of Education to estimate improper payments as required by the Improper Payments Information Act of 2002 and report to Congress on specific actions taken to estimate improper payments within 60 days of this bill being signed into law.

The Improper Payment Information Act was enacted in November 2002 for the purpose of finding and eliminating payments that should not have been made, or were made for incorrect amounts, by government agencies.

This law requires that all agencies, at the very least, perform a risk assessment of all programs and activities to determine whether or not a program is at risk of making ''significant'' improper payments.

''Significant'' as defined by the Office of Management and Budget means at least 2.5 percent of all payments made are improper, and the absolute dollar figure associated with that 2.5 percent or more, totals at least $10 million.

Federal programs and activities deemed to be at ''significant'' risk of making improper payments their respective agencies are required under the Improper Payments Information Act to first, develop a statistically valid estimate of improper payments; and second, develop a corrective action plan for all programs where the improper payment estimate exceeds $10 million annually. This corrective action plan must also contain annual targets for reducing improper payment levels.

At the end of each fiscal year, agencies are to report the results of the Improper Payments Information Act activities in their Performance and Accountability Report PAR; and submit them to Congress. The Improper Payments Information Act exempts no agency from compliance.

Improper payments—which include inadvertent, fraudulent, and irresponsible payments—are costing the taxpayers at the very least, over $45 billion each year. Even worse, this $45 billion represents only 17 of 70 agencies that are currently reporting improper payment information as required under law.

The Medicare program, which is already reporting, makes up nearly half—$21.7 billion—of the government's $45.4 billion reported improper payments for fiscal year 2004.

The magnitude of the Government's improper payment problem is not yet known because some of the largest programs are not reporting, as required by law.

Medicaid, with outlays that exceed $175 billion annually, is one of the programs that is not reporting. The Medicaid program has been required to report improper payments under the Office of Management and Budgets, OMB, A-11 Circular requirements since 2001; and under the Improper Payments Information Act since 2002, yet it still has made no estimate of its improper payments.

In its November 2002 Performance and Accountability Report, Centers for Medicare and Medicaid Services reported that it would be able to report improper payments for the Medicaid program by 2006; however, they have pushed that date back to 2008—six years after the date by which they were to have begun reporting improper payments.

Similarly, the Temporary Assistance for Needy Families, TANF, program has not even been able to estimate when it will be able to report improper payments for a law that has existed since 2002.

TANF spent over $17 billion in fiscal year 2005 ($18.6 in outlays).

Foster Care spent $6.4 billion in fiscal year 2005.

State Children's Insurance Program spent $5.129 billion in fiscal year 2005.

Child Care Development Fund spent $4.9 billion in fiscal year 2005.

Title I, within the Department of Education, spent $22.916 billion in fiscal year 2005, fiscal year 2005 outlays: $21.18 billion.

This amendment does not debate the merits of any of these programs, it simply demands compliance with transparency and accountability measurements for expenditures already in existing law.

After all, eliminating improper payments ensures more funds actually reach those who are intended to benefit from these programs while protecting the taxpayer. However, we must first understand the magnitude and source of the problem to correct it. We can only do this if all agencies are monitoring and reporting their improper payment information.

Together these amendments make small, yet important steps, towards making federal agencies more fiscally responsible and accountable.

I thank Chairman SPECTER for accepting these amendments and his commitment to fight for inclusion of these provisions in conference with the House of Representatives.

Mr. GRASSLEY. Mr. President, I rise today to express my extreme disappointment at the acceptance of amendment 2315 to the Labor and HHS Appropriation yesterday. My disappointment stems from the fact that I objected to considering amendment 2315 both verbally and by letter. And my objection was ignored.

Senator SPECTER, the manager of the bill, acknowledged the mistake and promised to respect the Finance Committee's jurisdiction. However, a Member on the other side refused to allow the mistake to be rectified, an unfortunate and unfair action.

For the past several Congresses, I attempted to work with the appropriators and other Senators to ensure that they do not encroach upon the jurisdiction of the Finance committee.

Unfortunately, the practice continues as it did yesterday.

These provisions are not without consequence. They are often written without clear knowledge of all the relevant facts. As a result, problems often occur as they are implemented.

I really appreciate the fact that Senator SPECTER is willing to work with me on this issue and I fully expect that the provision will be taken out during conference.

Ms. SNOWE. Mr. President, yesterday, a majority of Senators, 54 in fact, voted for an increase in funding for the Low Income Home Energy Assistance Program, or LIHEAP, to bring the funding to the authorized level of $5.1 billion we approved in the 2005 Energy bill. But because it was a procedural vote requiring 60 votes, this very important amendment failed.

I want to thank my colleagues who voted with me as the days are relentlessly marching toward winter . . . the clock is ticking as the thermometer edges ever downward . . . snow and cold have already come to my State or Maine, raising the stakes for those who may have to choose between heating their homes and the other necessities of life. It would be unconscionable for Congress to adjourn for the year without providing critical, additional assistance for LIHEAP at a time of skyrocketing fuel because of the disruption of a vast amount of our energy infrastructure caused by disastrous hurricanes in the Gulf. I will continue to work with the White House to secure funding in the next supplemental appropriations bill.

There should be no mistake—this is an emergency and a crisis we know is coming, and it would be an abrogation of our responsibility to stand by and allow it to occur. It does not take a crystal ball to predict the dire consequences when home heating oil in Maine is $2.52 per gallon, up 59 cents from a year ago . . . and kerosene prices average $2.95 a gallon, 75 cents higher than this time last year. Some projections have a gallon of heating oil reaching $3.00! And we are now informed that even rolling blackouts on very cold days this winter may be a possibility because of a high demand for electricity.

So, understandably, we are already hearing the mounting concern—''how will I pay for home heating oil when it's 30 percent more than last year, and I struggled to make ends meet then?'' ''How will I afford to pay half again as much for natural gas?'' People need to know now that they can count on us for assistance.

This is a necessity of life—so much so that 73 percent of households in a recent survey reported they would cut back on, and even go without, other necessities such as food, prescription drugs, and mortgage and rent payments. Churches, food pantries, local service organizations—they are all hearing the cry, and the leaves have barely fallen from the trees. The fact is, countless Americans, many on fixed incomes, don't have room in their budget for this sudden surge in home heating oil and natural gas prices but, surely, in looking at our national priorities, we can find room in our budget to help Americans stay warm this winter.

Because of the supply disruptions caused by the hurricanes at a time when prices were already spiraling up, prices have been driven even higher

and are directly affecting low income Mainers and how they will be able to pay for their home heating oil, natural gas, propane and kerosene this winter. A recent Wall Street Journal quoted Jo-Ann Choate, who heads up Maine's LIHEAP program. Ms. Choate said, ''This year we've got a very good chance of running out.''

Mr. President, 84 percent of the applicants for the LIHEAP program in my State use oil heat. Over 46,000 applied for and received State LIHEAP funds last winter. Each household received $480, which covered the cost of 275 gallons of heating oil. The problem this winter is that the same $480 will buy only 172 gallons, which a household will use up in the first 3 to 4 weeks. What will these people do to stay warm for the 4 or 5 months left of winter? The water pipes will freeze and then break, damaging homes. People will start using their stoves to get heat. The Mortgage Bankers Association elects that the steep energy costs could increase the number of missed payments and lost homes beginning later this winter. My State is expecting at least 48,000 applicants this winter season, so there will be less money distributed to each household unless we can obtain higher funding for the LIHEAP program.

Ms. Choate says that Maine plans to focus on the elderly, disabled, and families with small children, and is studying how to move others to heated shelters. This is why our efforts are so very important. And it isn't just Maine, it is going to happen in all of the Nation's cold weather States. Quite simply, without increased funding, we are forcing the managers of State LIHEAP programs to make a Solomon's choice.

The Federal Department of Energy has predicted that homeowners who use oil for heat and propane will spend 30 percent more this year than last, and natural gas users will spend 48 percent more. According to the National Energy Assistance Directors Association, heating costs for the average family using heating oil are projected to hit $1,666 for the upcoming winter. This represents an increase of $403 over last winter's prices and $714 over the winter heating season of 2003–2004.

For families using natural gas, prices are projected to hit $1,568, which is an increase of $611 over last year's price and $643 over 2003–2004. This is the largest increase in home heating prices in over 30 years. This is why passing our amendment was so very important.

Congress recently passed an Energy bill which is now law. In that bill, we authorized $5.1 billion for the LIHEAP program. My goal is to see that this is totally funded. We simply have to show that we meant what we asked for—and totally fund the LIHEAP program.

The facts are that LIHEAP is projected to help 5 million households nationwide this winter. But that's only about one-sixth of households across the country that qualify for the assistance. So this is a perennial fight we wage even when prices aren't as high as today. And now, that battle becomes all the more pivotal. The cold weather won't wait—and neither should we when it comes to helping citizens survive through the winter.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the Labor, Health and Human Services, and Education Appropriations bill is the last of the regular fiscal year 2006 appropriations bills to come before the Senate for consideration.

Last year, seven of the regular appropriations bills, including the Labor, Health and Human Services bill, were not debated individually by this body but rather they were inserted into one large, unamendable omnibus package. As I have said on many occasions, the processing of regular appropriations bills in such a manner is not the way the Senate is supposed to operate. I am always very disappointed when the Senate resorts to appropriating by omnibus bills. We are the Senate. This is the Senate. A deliberative body it is supposed to be.

Last year, the Labor, HHS, and Education Appropriations bill was included in the omnibus package. This is a different year now. This year, the Labor, Health and Human Services, and Education Appropriations bill was fully debated here on the floor and amended as a stand-alone bill. What a difference.

This bill has been on the floor all week, and Senators have enjoyed their right to debate and amend such important language.

I thank the distinguished manager of the bill, and the distinguished Senator who acts on this side of the aisle to help manage this bill, Senator SPECTER and the distinguished Senator from Iowa, Senator HARKIN.

This is such a comprehensive bill. It covers a lot of programs and activities of the Government—three Departments, and the Social Security Administration. When you include mandatory spending, this bill funds nearly 25 percent of the Federal budget. This bill impacts every citizen in this country in one way or another. Just think about it: labor issues, health issues, human services issues that provides basic humanitarian services for the neediest of our citizens, as well as education issues.

As we complete our debate on the Labor, HHS, and Education Appropriations bill, I want to extend my appreciation to the subcommittee chairman, Senator SPECTER, and the ranking member, Senator HARKIN. They are a good team on this bill. They have been working together on this subcommittee for so long that they seem to sometimes complete each other's sentences. They hold numerous hearings throughout the year. They gather knowledge from a wide array of experts throughout the country. That is what they do. This subcommittee pours over the testimony, over the reports, the studies, and other related data throughout the year, and its recommendations are reflective of that careful and thorough review.

I have never seen a chairman of a committee more fair than Senator SPECTER has been. Every Senator who wanted to call up an amendment had an opportunity to do so. Senator SPECTER did not seek to cut off any amendments. No. He was very fair, very considerate, very courteous. And look what a wonderful job he and Senator HARKIN have done on this committee. My thanks, my congratulations to both of them.

I also extend my thanks to their fine staff. Those staffers worked hard. I appreciate their dedicated service to the Appropriations Committee and to the Senate.

I will take 1 minute, or maybe a little longer, to comment briefly about the upcoming supplemental request which I understand the White House will be transmitting to the Congress tomorrow. This will be the third disaster relief supplemental related to Hurricanes Katrina and Rita. This request is expected to include $17 billion for various programs and agencies on top of the $62 billion Congress has already approved.

In the immediate aftermath of Hurricane Katrina, the Congress approved both of the President's supplemental requests. In each case, Congress approved the bill within 1 day of receiving the request, with no debate and no amendment. Of course, disastrous emergency situations such as that which occurred in the gulf coast region require immediate action by the Congress. However, the White House has waited 7 weeks to send up its third request. The White House should not assume that the Congress will simply rubberstamp their request.

I hope the Senate leadership will commit to the Senate that we will have an opportunity to debate and amend the third disaster relief supplemental bill. A $17 billion supplemental should not simply be shoved into an unamendable conference report. There should be an opportunity to debate such issues as whether low-income energy assistance should be provided to all States impacted by increased fuel prices, prices that continue to grow as a result of Hurricane Katrina. The Senate should also have an opportunity to debate how the Katrina supplemental will be paid for. I hope Senators will be afforded this opportunity.

I thank the chairman of the Appropriations Committee, my very good friend from the State of Mississippi, THAD COCHRAN. What a decent man, what a decent chairman he is. What a good job he has done this year processing these appropriations bills. All 11 of the fiscal year 2006 appropriations bills have been debated individually and separately by the Senate. Why is this? This is due in large part to the steadfast determination of the chairman, Senator COCHRAN. He is a very determined man. He did not give up. He

did not give in. He kept on pushing ahead.

That reminds me of two frogs that fell over the rim of the crock in which there was milk. The milk was in the crock. Two frogs fell off into that. One immediately kicked a couple of times, turned over on his back with his belly up, gave up, that was all. That frog was gone. But the other, what did it do? It began kicking, kicking, and he kicked and kicked and kicked until there was a little ball of butter. And he kicked a little more, and the ball grew bigger, larger. So the frog then climbed upon the ball of butter and jumped out. It jumped out.

That goes to show that if you keep on kicking, you will churn the butter. How about that?

Chairman COCHRAN didn't give up. He just kept on kicking, and he churned the butter. He just kept on pushing forward.

That determination of his paid off. I congratulate Senator COCHRAN for his success in getting all of the regular appropriations bills processed through to the floor, individually and separately.

So let me say it again.

What a job Chairman COCHRAN has done this year.

I also thank the joint leadership of the Senate, Senator FRIST and Senator REID, for working with Chairman COCHRAN and with me in scheduling the necessary floor time which enabled us to get on with these bills and debate them.

Chairman COCHRAN has worked with the House Appropriations Committee chairman in determining a schedule for completion of all the conferences on our regular appropriations bills by November 18. I think that is a realistic schedule. I am encouraged that we will be able to reach that goal.

While I am not pleased that the appropriations bills significantly underfund critical domestic programs for education, for homeland security, for health care, and for our crumbling infrastructure, I am pleased that the Senate at least had the opportunity to fully debate these issues.

I thank the distinguished Senator who sits in the Chair this evening, presiding over the Senate with a degree of dignity and aplomb that is so reminiscent of a day in June when the distinguished Senator's father sat in this Chamber also. I liked him. I like him, too.

So I say to the Senator from Rhode Island who presides over the Senate this evening, keep on doing good work, Excelsior, ever up. I thank the Senator. He is a good Presiding Officer. He is a good Senator. He used to be my neighbor. He is a good neighbor, too.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

Mr. CHAMBLISS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. INOUYE), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 3, as follows:

[Rollcall Vote No. 281 Leg.]

YEAS—94

Akaka	Dole	McConnell
Alexander	Domenici	Mikulski
Allard	Dorgan	Murkowski
Allen	Durbin	Murray
Baucus	Enzi	Nelson (FL)
Bayh	Feingold	Nelson (NE)
Bennett	Feinstein	Obama
Biden	Frist	Pryor
Bingaman	Graham	Reed
Bond	Grassley	Reid
Boxer	Gregg	Roberts
Brownback	Hagel	Salazar
Bunning	Harkin	Santorum
Burns	Hatch	Sarbanes
Burr	Hutchison	Schumer
Byrd	Isakson	Sessions
Cantwell	Jeffords	Shelby
Carper	Johnson	Smith
Chafee	Kennedy	Snowe
Chambliss	Kerry	Specter
Clinton	Kohl	Stabenow
Coburn	Kyl	Stevens
Cochran	Landrieu	Sununu
Coleman	Lautenberg	Talent
Collins	Leahy	Thomas
Cornyn	Levin	Thune
Craig	Lieberman	Vitter
Crapo	Lincoln	Voinovich
Dayton	Lott	Warner
DeMint	Lugar	Wyden
DeWine	Martinez	
Dodd	McCain	

NAYS—3

Conrad	Ensign	Inhofe

NOT VOTING—3

Corzine	Inouye	Rockefeller

The bill (H.R. 3010), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I know the distinguished Senator BYRD wants to speak for a while. I want to take a couple of minutes again to thank the staff, both Senator SPECTER's staff and my staff. They have worked together. I know Senator SPECTER mentioned them earlier, but I will mention them by name again because they should be mentioned: Bettilou Taylor, Jim Sourwine, Sudip Parikh, Mark Laiseh, Lisa Bernhardt, Candice Rogers, and Rachel Jones on the minority side. On the majority side: Ellen Murray, Erik Fatemi, and Adrienne Hallett.

They do a wonderful job, and they have done so this year, putting this bill together, I know staying up long nights and weekends, working this out.

Someone once remarked that Senators were a constitutional impediment to the smooth functioning of staff. Our staffs function very smoothly. They do a great job, and I hope we have not impeded them too much.

Last, I want, again, to pay my respects to our chairman, Senator SPECTER, who has done a magnificent job of putting a lot of competing interests together. This is a big bill. This covers the Department of Labor, the Department of Health and Human Services, Department of Education, and a lot of independent agencies—the Centers for Disease Control and Prevention, the National Institutes of Health.

By the way, I especially want to thank Senator SPECTER for bringing us up on the National Institutes of Health by $1 billion more than what was in the President's budget. I think we met our obligations there.

I say to my friend and my chairman, it has been an honor and privilege to work with him all these years. We go back, I think, about 15 years now, working together. I could not ask for a better chairman of this committee. I could not ask for a better working relationship. Senator SPECTER has always been open and aboveboard to make sure we all know what is going on. It has been a real pleasure, a real joy to work with Senator SPECTER. I thank him for that and look forward to many more fruitful years of working together on issues that really matter.

Someone once said the Defense Appropriations Committee is the committee that defends America. The committee that funds Health and Human Services and Education and Labor is the committee that defines America. I happen to believe that this committee does define America, defines who we are, and what we are about as a people.

Mr. BYRD. Yes. The Senator is right about that.

Mr. HARKIN. Under the able chairmanship of the Senator from Pennsylvania, we have defined, once again, that we are going to meet our obligations in those areas that make us a caring and compassionate and decent people. That is what is in this bill. Again, I thank Senator SPECTER for his great leadership.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I very much appreciate those very generous remarks by Senator HARKIN, and I appreciate even more his cooperation and leadership on this important subcommittee, working with health and education, the two major capital assets of Americans, and labor and related agencies. It is an important bill, and I think we have crafted it about as well as you can, given the limitations of the resources.

There is a lot more I could say, but Senator BYRD is waiting to speak, so I will just reference the appointment of conferees.

I ask unanimous consent that the Senate insist on its amendments to H.R. 3010, request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

There being no objection, the Presiding Officer appointed Mr. SPECTER, Mr. COCHRAN, Mr. GREGG, Mr. CRAIG, Mrs. HUTCHISON, Mr. STEVENS, Mr. DEWINE, Mr. SHELBY, Mr. DOMENICI, Mr. HARKIN, Mr. INOUYE, Mr. REID, Mr. KOHL, Mrs. MURRAY, Ms. LANDRIEU, Mr. DURBIN, and Mr. BYRD conferees on the part of the Senate.

Mr. SPECTER. I thank my distinguished colleague, and I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Does the distinguished Senator from Michigan wish to speak?

Ms. STABENOW. Mr. President, if I might ask, before my very distinguished colleague and friend from West Virginia speaks, I wonder if I might simply make a statement for just a moment about a unanimous consent request that I had intended to offer. I understand there will be an objection to it, but with my colleague's consent, I appreciate having 2 minutes to be able to make a comment.

Mr. BYRD. Mr. President, I yield to the distinguished Senator, if I may, for up to 5 minutes, if she so desires, without losing my right to the floor.

ROSA PARKS FEDERAL OFFICE BUILDING

Ms. STABENOW. Mr. President, I wish to go on record this evening with my great disappointment at not being able to bring up under unanimous consent a version of the bill that would name a Federal office building in Detroit for Rosa Parks. This had originally been offered by my colleague, Congresswoman CAROLYN C. KILPATRICK of Detroit, a longtime friend and colleague of Rosa Parks.

Originally, last evening, we passed my version of the bill along with an amendment, agreed to, of Senator WARNER. This evening it is my desire to pass the House version of that with Senator WARNER's amendment, the very same amendment that we have already passed last evening, but to place it into the House bill so we could then send it back to the House. It would be like the Senate bill that we passed.

To my understanding, there is an objection on the other side of the aisle to doing that. If not, I would proceed to do that. It is the very same thing we did last evening, but it would put it into the House bill.

My House colleague, who is the originator of the proposal on the Federal office building, would like very much to have us pass the House bill and have that be the bill that is sent on to the President. That is the bill that I was hoping we would pass here in the same form with the Warner amendment that we passed last evening.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I am not fully conversant with all of the details on the issues raised by the Senator from Michigan. I have been asked by staff to lodge an objection.

I was present yesterday when we took up that issue. I have not seen the level of confusion in this Chamber in the 25 years I have been here that was present when the Senator from Michigan asked unanimous consent, the Senator from Virginia asked to add on, and then the Senator from New Mexico ultimately spoke about holds. It was utter confusion in the midst of rollcall votes, trying to move this bill along.

I respect the standing of the Senator from Michigan to make this unanimous consent request, but I suggest she defer it until next week when the Senators are on the floor who understand what the issues are. You have jurisdiction on the Committee on Environment and Public Works, I believe, and Senator INHOFE and I were talking about it today. I do not want to stop whatever the Senator from Michigan wants to accomplish, but the proper Senators ought to be here to address the issue.

I am the last Mohican around here for Republicans, although they could have gotten the Chair, Senator CHAFEE, to raise an objection. The Presiding Officer could suggest the absence of a quorum and raise the objection. In fact, I might just refer to him to raise the objection.

However, having said what I said, I do object, and it is my hope the Senator from Michigan will give notice to the Senators who are involved and know what is going on, give them notice and a chance to hear what you have to say and then the matter can be resolved.

But I do object.

Ms. STABENOW. Mr. President, if I might just respond to my distinguished colleague, notice was given. That is how I know there is an objection. So I am not rising to make the unanimous consent request. I understand there is an objection on the other side of the aisle. I am simply standing this evening to indicate my disappointment that we have not been able to resolve this here and be able to, in fact, include Senator WARNER's amendment and be able to send it back to the House of Representatives.

Hopefully, we are going to be able to resolve it another way and be able to accomplish what we all wish to accomplish.

I support Senator WARNER's desire and the gentleman he is wishing to honor with the naming of a building. Also, certainly it is my goal and the goal of my colleague in the House to be able, in fact, to pass a bill to send to the President, giving the great civil rights champion of our country and the world, Rosa Parks, the respect and honor she deserves. It is our hope to have that done prior to her funeral.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I am somewhat troubled. Not more than 10 minutes ago, I say to my colleague, you sat right here and I sat right there. We struck an understanding that tomorrow we would rejoin on the floor to explain the situation. I said, by that time, as it was my understanding that the House would likely have acted upon the measure which was passed by the Senate last night, sponsored by the distinguished Senator from Michigan, who accepted my amendment. I am not sure why we are here at this time discussing this matter. My understanding was very clearly we would take it up tomorrow morning. Just by chance I caught the screen when I walked back to my office.

Would you kindly advise the Senator from Virginia what took place in the 10-minute interval since we left here?

Ms. STABENOW. I will be happy to. This has been a confusing situation, I say through the Chair to the distinguished Senator from Virginia. After speaking with you, I spoke with the Congresswoman who was concerned about which bill would be going to the President's desk. So I was simply rising, not to offer a motion but just to express my concern about the dilemma that we are in at the moment.

Mr. WARNER. Mr. President, but we solved, basically, the procedure. What troubles me is that the Senate took considerable time last night to resolve this issue—in favor of the Senator from Michigan and in favor of the Senator from Virginia.

Ms. STABENOW. That is correct.

Mr. WARNER. There is a perfectly adequate bill sitting on the desk at the House of Representatives. It can be passed in 5 minutes if not less.

The PRESIDING OFFICER. The time that the Senator from West Virginia has allotted has expired.

Mr. WARNER. If my distinguished colleague will kindly grant me a few more minutes?

Mr. BYRD. I yield, without losing my right to the floor.

Mr. WARNER. I repeat, there is a bill that has been acted upon unanimously by the Senate. It is at the House desk.

This morning was the first time I ever heard that the Congresswoman, in whose district this courthouse is, desires to have her bill—not your bill. Is that my understanding?

Ms. STABENOW. That is correct.

Mr. WARNER. Why can't the CONGRESSIONAL RECORD of the debate, the traditional report language that accompanies the bill, explain, give her full credit or whatever she desires? But to continually come back and forth and raise the specter that people are trying to interfere with this important legislation in this Chamber, it seems to me, is not fair.

Ms. STABENOW. Mr. President, if I might, in no way was this meant to show disrespect for the Senator from Virginia. We have worked very properly together. I was simply rising this evening to indicate that the original way to resolve this by including the Senator's amendment in the House bill is not something that is acceptable to

other colleagues. That was the desire of the Congresswoman whose idea it was to name the building in her district. She feels very strongly about this, and I was indicating that for the RECORD. I don't wish to have more confusion.

I very much appreciate the Senator from West Virginia allowing me a moment. But in no way was this meant to show disrespect for my colleague. We have worked very well together.

Mr. WARNER. This is a matter that is being followed with great interest because of the magnificent Rosa Parks, and the outpouring of empathy and sympathy, and so forth. I don't wish to have the institution of the Senate appear that it has not acted promptly. It did so last night. There is a perfectly legitimate bill at the House desk which could be passed in a matter of 5 minutes and be sent to the President for signature to honor both Mrs. Parks and Judge Bryant. In report language the Senator from Michigan and the good Congresswoman can solve it in any way they may wish as to allocate the credit.

I think to keep coming back to the Senate implying that we can't use the bill this body passed yesterday evening is, in a way, diminishing the previous action of this institution. It is my understanding that tomorrow the House of Representatives will take up and pass the Senator from Michigan's bill, as passed by the Senate, to name a federal building in Michigan for Rosa Parks and name the new courthouse annex here in Washington for Judge William Bryant.

I must tell you, I have been very patient about this matter. But I hope that we understand the agreement between the two bodies to proceed in this manner. It has been cleared by both the House and the Senate and, as such, is the appropriate course of action.

For the past three years I have been working with my colleagues, Congresswoman ELEANOR HOLMES NORTON and Senator LEAHY to name the new annex to the Prettyman Courthouse here in Washington, DC for Judge William Bryant. As I have stated numerous times before, there are rules in the Senate Environment and Public Works Committee that prohibit moving through that Committee naming bills for individuals that are still living. Prior to the current Chairman of the Committee, the rule was waived in certain instances and I certainly feel that the case of Judge Bryant warrants such discretion. The Senate spoke yesterday that both Rosa Parks and William Bryant are deserving of this great honor.

I wish to share with the Senate again the story of this distinguished jurist, Judge William Bryant.

A product of Washington, DC public schools, William B. Bryant graduated from Howard University in 1936, a classmate of Thurgood Marshall and Appellate Judge Spotswood Robinson. He graduated from Howard Law School first in his class and then, with no real opportunities for African-American attorneys in the District of Columbia, served as chief research assistant to Ralph Bunche, who later won the Nobel Prize. From 1943 to 1947, he was in the Army and rose to the rank of lieutenant colonel during World War II. He was a criminal defense attorney, Assistant U.S. Attorney, the first African American ever to be an Assistant U.S. Attorney in the Nation's Capital. I was privileged to be in the U.S. Attorney's Office during some of his tenure there and worked with him. He was a teacher to me and many others. He was appointed to the U.S. District Court in 1965. In 1977, he was appointed the first African American to be chief judge of the U.S. District Court.

Now at the age of 94, Judge Bryant is serving as a Senior Judge on the United States District Court for the District of Columbia. This man, like Rosa Parks, suffered from discriminatory practices and persevered, therefore breaking new ground for African-Americans to come. When he first began trying cases as an Assistant U.S. Attorney in 1951, the Bar Association of D.C. did not allow African-American members. William Bryant, while trying cases in District Court was unable to access the law library at the Courthouse like his white colleagues. Despite the obstacles, William Bryant succeeded.

Over the years this man has been a fixture at that courthouse, first trying cases, and for the past 40 years, hearing them as a judge. The D.C. Bar and his colleagues have unanimously endorsed the legislation I offer today as a tribute to this man's truly extraordinary life, legendary career, and service to this nation's judicial system. I wish at this point to print into the RECORD a September 2004 article from the Washington Post about Judge Bryant and our efforts to name this new annex in his honor:

A Lifetime of Faith in the Law; At 93, Senior Judge William Bryant Still Wins Plaudits for Dedication to Justice, Carol Leonnig, Washington Post Staff Writer—September 16, 2004

A few days after the new U.S. District Courthouse opened on Constitution Avenue in the fall of 1952, Bill Bryant walked in to start work as a recently hired federal prosecutor.

More than a half-century has passed, and Bryant's life remains centered on that stately granite building in the shadow of the U.S. Capitol. It's in those halls that he became a groundbreaking criminal defense attorney, a federal judge, and then the court's chief judge—the first African American in that position.

Today, at the age of 93, U.S. District Court Senior Judge William Bryant still drives himself to work at the courthouse four days a week and pushes his walker to his courtroom.

At a recent birthday party for Bryant hosted by Vernon Jordan, fellow Senior U.S. District Court Judge Louis Oberdorfer remarked that there were ''only two people in the world who really understood the Constitution'' and how it touched the lives of real people.

''That's Hugo Black and Bill Bryant,'' said Oberdorfer. He had clerked for Justice Hugo L. Black, who retired as an associate justice in 1971 after serving on the Supreme Court for 34 years.

To honor Bryant's life's work, his fellow judges this past spring unanimously recommended that a nearly completed courthouse annex be named for him. The $110 million, 351,000-square-foot addition will add nine state-of-the-art courtrooms and judges' offices to the courthouse and is designed to meet the court's expansion needs for the next 30 years. It is slated to open next spring.

In urging that the building be named for Bryant, his supporters cite his devotion to the Constitution and his belief that the law will produce a just result.

During a rare interview in his sixth-floor office in the federal courthouse, Bryant reached out for a pocket version of the Constitution covered in torn green plastic lying on the top of his desk. Holding it aloft in his right hand, he told stories of his struggling former clients and made legal phrases—''due process'' and ''equal protection''—seem like life-saving staples.

Though he needs his law clerk's arm to get up the steps to the bench, he is a fairly busy senior jurist. He handled more criminal trials than any other senior judge last year and still surprises new lawyers with his sharp retorts.

''I feel like I'm part of the woodwork,'' Bryant said. ''I have to think hard to think of a time when I wasn't in this courthouse.''

He started down his career path inspired by a Howard University law professor who believed that lawyers could make a difference in that time of racial segregation and discrimination. Bryant said he remains convinced today that lawyers can stop injustice whenever it arises.

''Without lawyers, this is just a piece of paper,'' Judge Bryant said, gesturing with the well-worn Constitution. ''If it weren't for lawyers, I'd still be three-fifths of a man. If it weren't for lawyers, we'd still have signs directing people this way and that, based on the color of their skin. If it weren't for lawyers, you still wouldn't be able to vote.

The most important professions are lawyer and teacher, in my opinion,'' he said.

Some lawyers complain that Bryant is so rooted in his criminal defense training that he shows some distrust of the prosecution. And his practice of presiding over trials, but asking other judges to sentence the people convicted, has spurred some curiosity. He won't elaborate on the reason, but his friends say he found the new federal sentencing guidelines inflexible and harsh.

A 1993 study found Bryant was reversed 17 percent of the time by appellate judges—the average reversal rate for the trial court.

Chief Judge Thomas F. Hogan presented the proposal to name the annex after Bryant to Del. Eleanor Holmes Norton and Sen. Patrick Leahy (D-Vt.) earlier this year, and they are now trying to get Congress to approve the naming this fall. One member, Sen. James M. Inhofe (R-Okla.), has tried to block it, with his staff pointing to a D.C. policy that buildings not be named after living people.

Norton said numerous courts around the country have been named in honor of living judges, and she said she looks forward to meeting with Inhofe in person to convince him of the wisdom of naming this building, designed by renowned architect Michael Graves, after a barrier-breaking judge.

''This is no ordinary naming,'' she said. ''This is a truly great African American judge whose accomplishments are singular. First African American assistant U.S. attorney. First African American chief judge.''

E. Barrett Prettyman Jr., the son of the jurist for whom the federal courthouse in

Washington is named, also applauds the proposed annex naming. He said his father ''admired Judge Bryant tremendously'' and would have endorsed it, too.

''Whenever it's discussed, people brighten right up and think it's a great idea,'' said Prettyman, himself a former president of the D.C. Bar Association. ''I'm sorry it's hit this snag. . . . If you were going to have an exception, my personal opinion is you could not have a better exception than for Judge Bryant.''

William Benson Bryant is hailed as a true product of Washington. Though he was born in a rural town in Alabama, he moved to the city soon after turning 1. His grandfather, fleeing a white lynch mob, relocated the extended family here, including Bryant's father, a railroad porter, and his mother, a housewife. They all made their first home on Benning Road, which was then a dirt path hugging the eastern shore of the Anacostia River.

Bryant attended D.C. public schools when the city's black children were taught in separate and grossly substandard facilities. Still he flourished, studying politics at the city's premier black high school, Dunbar, then going on to Howard University. While working at night as an elevator operator, he studied law and met his future wife, Astaire. They were married for 60 years, until her death in 1997.

He and his law classmates—the future civil rights movement's intellectual warriors—worked at their dreams in the basement office of their law professor, Charles Houston. Houston promised the group, which included the future Supreme Court Justice Thurgood Marshall and appellate judge Spottswood Robinson, that lawyers armed with quick minds and the Constitution could end segregated schools and unjust convictions of innocent black men.

''I kind of got fascinated by that,'' he said. ''We all did.''

But when Bryant graduated first in his class from Howard's law school, there were no jobs for a black lawyer. He became a chief research assistant to Ralph Bunche, an African American diplomat who later was awarded the Nobel Peace Prize, on a landmark study of American race relations; he then fought in World War II and was discharged from the Army as a lieutenant colonel in 1947.

His first step was to take the bar exam, then hang out a shingle as a criminal defense lawyer in 1948. His skills soon drew the attention of prosecutors in the U.S. Attorney's Office, who liked him even though they kept losing cases to him, and they recommended that their boss hire him. During a job interview, Bryant made a request of George Fay, then the U.S. attorney: ''Mr. Fay, if I cut the mustard in municipal court, can I go over to the big court like the other guys?''

No black prosecutor had ever practiced in the federal court—or ''big court,'' as it was called—but Fay agreed. Bryant signed on in 1951 and was handling grand jury indictments in the new federal courthouse the next year.

Bryant vividly recalls a case from that time involving an apartment building caretaker who was on trial on charges of raping the babysitter of one tenant's family.

''I went for him as hard as I could,'' Bryant said, squaring his shoulders. ''I didn't like him, and I didn't like what he did to that girl.''

So the young prosecutor sought the death penalty, an option then for first-degree murder and rape. He left the courtroom after closing arguments ''feeling pretty good about my case'' and awaited the jury's verdict in his third-floor court office. But when a marshal later called out, ''Bryant, jury's back,'' the judge said, ''I broke out in a sweat.''

He peeked anxiously into the court, saw the jury foreman mouth only the word ''guilty.'' Bryant learned seconds later that the jurors had spared the man's life.

''I was so relieved,'' he said. ''When you're young, you don't know anything. . . . Now I think, murder is murder, no matter who is doing it.''

He left the prosecutor's office in 1954 and returned to criminal defense with fellow classmate William Gardner in an F Street law office later bulldozed for the MCI Center. They were partners in Houston, Bryant and Gardner, a legendarily powerful African American firm. Ten judges would eventually come from its ranks.

In those days, Bryant chuckled, he didn't feel so powerful. Judges who remembered his prosecution work kept appointing him to represent defendants who had no money. That was before the 1963 Supreme Court's Gideon decision requiring that indigent defendants be represented by a lawyer—at public expense, if necessary.

The judge would say, ''Mr. So and So, you say you don't have any money to hire an attorney?'' Bryant recalled. ''Well, then, the court appoints Mr. Bryant to represent you.''

Some paid $25 or $50. Some paid nothing.

''There were weeks we paid the help and split the little bit left over for our groceries,'' he said.

Bill Schultz, Bryant's former law clerk, said Bryant took the cases ''out of this sense of obligation to the court and legal system. He was very aware of discrimination, and he always fought for the criminal defendants.''

At the time, blacks were barred from the D.C. Bar Association and its law library. Bryant went in anyway, and the black librarian let him.

One of his pro bono clients was Andrew Roosevelt Mallory, a 19-year-old who confessed to a rape after an eight-hour interrogation in a police station. Mallory was convicted and sent to death row. Defending Mallory's rights, a case Bryant took all the way to the Supreme Court in 1957, made him both nervous and famous.

He said he fretted constantly about his client facing the electric chair during the two years the case dragged on. ''You talk about worried,'' he said. ''It's something I can't forget.''

But the Supreme Court agreed with Bryant that a man accused of a crime is entitled to be taken promptly before a magistrate to hear the charges against him. The court overturned Mallory's conviction and handed down a landmark decision on defendants' rights.

U.S. District Judge Paul Friedman, a longtime fan of Bryant's, said Bryant's legal talents are on display every day in his courtroom, but lawyers are still taken aback by his factual resolve and clear logic when hearing an audiotape recording of his Supreme Court argument in the Mallory case.

''He's clearly a terrific lawyer, but he's mostly a terrific human being,'' Friedman said. ''He sees the best in people, and he really cares about what happens to people.''

Bryant remembers that when President Lyndon B. Johnson nominated him to be a judge, he felt elated, confident he had earned his opportunity. But Bryant said a different feeling came over him the day he donned the robes.

''I was sworn in in the morning that day, and Oliver Gasch was sworn in that afternoon,'' Bryant recalled. ''I told Oliver, 'You know, I've been a lawyer for many years, but putting on this robe, I don't feel so sure. This is a serious responsibility.' ''

Gasch smiled: ''Bill, I don't think it's going to be that hard for you. You know right from wrong.''

Bryant oversaw some famous cases, and he freely shared his thoughts when he thought something was wrong.

After presiding over the 1981 trial of Richard Kelly, a Republican congressman caught on videotape taking money from federal agents in a sting operation, Bryant complained that the FBI had set an ''outrageous'' trap for the Florida representative by stuffing cash in his pocket after he'd refused the bribe several times. He set aside Kelly's conviction.

''The investigation . . . has an odor to it that is absolutely repulsive,'' Bryant said then. ''It stinks.''

In handling the longest-running case in the court's history, a 25-year-old case about inhumane and filthy conditions in the D.C. jail, the judge chastised city leaders in 1995. He said he had been listening to their broken promises to fix the problems ''since the Big Dipper was a thimble.''

In weighing the case of a group of black farmers with similar discrimination complaints against the U.S. Department of Agriculture in 2000, Bryant warned a government lawyer that his argument against a class-action discrimination suit wasn't working: ''Either you're dense or I'm dense,'' he said.

Schultz said the judge simply trusted the combination of facts and the law.

''He always said, 'Don't fight the facts,' '' Schultz said. ''He thought most of the time the law would end up in the right place.''

Bryant acknowledges it's hard sometimes to see lawyers struggle to make their arguments when they have the law and the facts on their side.

''A judge has a stationary gun, and he's looking through the sights,'' he said. ''Unless the lawyer brings the case into the bull's-eye, the judge can't pull the trigger. Good lawyers bring the case into the sights.''

Bryant said he was preceded by many great lawyers, which is why the new plan to put his name on a piece of the courthouse gives him conflicting feelings.

''I was flattered, but I thought they shouldn't have done it,'' Bryant said. ''There are so many people who were really giants. I stand on their shoulders.''

I hope that henceforth there is senatorial courtesy—when we decide to proceed in a specific manner as we discussed, we would do it in the morning, I relied on that, and was about to go handle another matter when I noticed that the Senator was on the floor. I am somewhat concerned about that.

I wish to thank the Senator from Michigan for her courtesy in combining these two tributes and look forward to the action of the House tomorrow. It is truly a wonderful opportunity for the Congress to honor two American pioneers. Rosa Parks and Judge William Bryant both deserve to be recognized for their lives and contributions our nation's heritage. I have no objection to this bill moving forward as amended and look forward with great pride to both buildings being named shortly for these two pillars of the civil rights movement that brought so much to our country.

I yield the floor.

Ms. STABENOW. Mr. President, thank you for the courtesy. I am sure we will be able to move forward in a prompt way.

Mr. BYRD. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURNS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MCCONNELL. 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.

BREAST CANCER AND ENVIRONMENTAL RESEARCH ACT OF 2005

Mr. HATCH. Mr. President, I rise today in support of S. 757, the Breast Cancer and Environmental Research Act of 2005.

This month marks the 21st year of National Breast Cancer Awareness Month, a campaign that provides a special opportunity to offer education about the important association between early detection and survival. National Breast Cancer Awareness month also salutes the more than 2,000,000 breast cancer survivors in the United States and the efforts of victims, volunteers, and professionals who combat breast cancer each day.

According to the American Cancer Society, breast cancer is the leading cause of death among women between the ages of 40 and 55; and one out of every eight women who live to the age of 85 will develop breast cancer in her lifetime. But the disease is not limited by gender. In 2005, approximately 1,700 new cases of invasive breast cancer will be diagnosed among men in the United States. In my home State of Utah, as indicated by the Utah Cancer Registry, breast cancer has the highest incidence rate of the ten leading cancer types. This disease has an impact on nearly every American's life.

Breast cancer death rates have been dropping steadily since 1991; however, challenges still remain. The bottom line is that we still do not know what causes this disease, or how to prevent it. Less than 30 percent of breast cancers are explained by known risk factors. There is general belief within the scientific community that the environment plays a role in the development of breast cancer, but the extent of that role has been less-examined.

Research has investigated the effect of isolated environmental factors such as diet, pesticides, and electromagnetic fields; but, in most cases, there has been no conclusive evidence. In-depth study of these potential risks could provide invaluable information in understanding the causes of breast cancer, and could lead to new prevention strategies. Clearly, more research needs to be done to determine the impact of environmental factors on breast cancer.

Along with Senators CHAFEE, REID, CLINTON, and TALENT, I have introduced S. 757, the Breast Cancer and Environmental Research Act of 2005, to address this palpable need for research. Specifically, the bill would authorize the National Institute of Environmental Health Sciences, NIEHS, to award grants for the development and operation of up to eight centers for the purpose of conducting research on environmental factors that may be related to breast cancer. This legislation is modeled after the highly successful and promising Department of Defense Breast Cancer Research Program, DOD BCRP, which operates under a competitive, peer-reviewed grant-making process that involves consumers.

Isolated studies have been conducted to look at suspected environmental links to breast cancer; but these studies are only a small step toward the broad strategic research that is required. What is needed is a collaborative, comprehensive, nationally focused strategy to address this oversight, a strategy like the one outlined in S. 757.

As this year's National Breast Cancer Awareness Month comes to a close, I urge my colleagues to support this important bill. This Federal commitment is critical for the overall, national strategy and the long-term investments required to discover the environmental causes of breast cancer so that we can prevent it, treat it more effectively, and, ultimately, cure it.

DOMESTIC VIOLENCE AWARENESS MONTH

Mr. BIDEN. Mr. President, yesterday the Senate passed S. Res. 282, which recognizes October as Domestic Violence Awareness Month and establishes a sense of the Senate that the Congress should raise awareness of domestic violence in the United States and its impact on our Nation's families. I am thankful to the 32 co-sponsors of this resolution and to my colleagues for its unanimous passage.

We have made substantial progress in combating domestic violence since 1994 when we passed the Violence Against Women Act. Since the Act's passage, domestic violence has dropped by almost 50 percent. Incidents of rape are down by 60 percent. The number of women killed by an abusive husband or boyfriend is down by 22 percent and more than half of all rape victims are stepping forward to report the crime.

Despite this record of success, we still have so much more to do. According to the Department of Justice, more than three women are murdered by their husbands or boyfriends every day. More than 2.5 million women are victims of violence each year and nearly one in three women experiences at least one physical assault by a partner during adulthood. Reports also indicate that up to ten million children experience domestic violence in their homes each year, and nearly 8,800,000 children in the United States witness domestic violence each year.

This is unacceptable. The impact this has on our Nation's families and on the fabric of our society as a whole is clear. What is lesser known is the impact that domestic violence has on our Nation's pocketbook. The Centers for Disease Control and Prevention recently found that violence against women costs our country in excess of $5.8 billion each year; $4.1 billion of this is spent on direct medical and mental health care services. Since 1994, we have invested $15.50 per woman to implement the Violence Against Women Act, but it is estimated that this investment has saved $159 per woman, with a net overall savings of $14.8 billion. I bring this up to remind my colleagues that even in this time of budget deficits, investing in programs to halt domestic violence is not only the right thing to do, but it ultimately saves money.

It is fitting that this year's National Domestic Violence Awareness Month is the month that the Senate passed the Violence Against Women Act of 2005. This bill will reauthorize critical components of the original act, and it will establish further protections for battered immigrants and victims of human trafficking in order to additionally combat domestic violence and sexual assault. The legislation takes the critical next steps to helping victims become safe, secure, and self-sufficient. I would like to point out that this bill had 57 co-sponsors and passed unanimously. This is in stark contrast to the original Act, which took many, many years to get passed. We have changed the paradigm on this issue and we have come a long way. But, we need to do more. The Violence Against Women Act of 2005 will help do this, and I look forward to the House-Senate conference on this bill and getting the bill passed into law.

In addition to the work that we are doing in the Senate, National Domestic Violence Awareness Month gives us a chance to acknowledge the hard work of so many individuals and groups that have tackled this issue head-on. These advocates talk the talk and they walk the walk. They help ensure a better life for so many battered women and children, and they remind Congress what is at stake and what remains to be done. We all owe a debt of gratitude to the advocates, lawyers, service providers, judges, police, nurses, shelter directors, and the many others who have dedicated their lives to this cause.

Again, I thank my colleagues for acting on this important resolution, and I look forward to working with them in the coming months and years to address the problem of domestic violence in our Nation.

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 July, 17, 2004, a 32-year-old gay man left a local Austin, TX, bar with two men, and walked home. The two men, Donald Bockman and Darren Gay, returned to the victim's home later that evening where they proceed to beat him and sexually assault him. Police say the two men dragged, tied-up, beat, cut, then sexually assaulted the victim. According to police, this attack was motivated by the victim's sexual orientation.

I believe that our Government's first duty is to defend its citizens, in all circumstances, from threats to them at home. The Local Law Enforcement Enhancement Act is a major step forward in achieving that goal. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

YOUNG PEOPLE AND GUN VIOLENCE

Mr. LEVIN. Mr. President, last Thursday, in the midst of National Safe Schools Week, a student was nearly shot to death inside a Michigan high school. This tragic incident further underscores the need to do more to combat youth violence, especially gun violence.

According to published newspaper reports of the shooting, around noon last Thursday, a tenth grade student fired as many as three shots at another student in a crowded high school hallway. The 15-year-old victim was struck once in the chest by a .380 caliber bullet, which missed his heart by less than an inch. Fortunately, he is expected to live.

The suspect, who is also 15 years old, allegedly used a stolen .380 caliber pistol in the shooting and now faces life in prison after being charged as an adult. Reportedly, the suspect also has a previous conviction involving a firearm violation. The shooting last Thursday came less than a month after two other students were injured in a drive-by shooting outside the same high school. Unfortunately, youth gun violence continues to threaten communities, destroy families, and change the lives of too many young people forever.

Only a day before last Thursday's shooting, thousands of young people across the country observed a Day of National Concern About Young People and Gun Violence, which was designed to empower children and teenagers to do what they can to eliminate gun violence in their communities. In many communities, students were given the opportunity to sign a voluntary pledge against gun violence. Since the first Day of National Concern About Young People and Gun Violence in 1996, more than 7 million students have signed the pledge. Here is what the pledge says:

> I will never bring a gun to school; I will never use a gun to settle a dispute; I will use my influence with my friends to keep them from using guns to settle disputes. My individual choices and actions, when multiplied by those of young people throughout the country, will make a difference. Together, by honoring this pledge, we can reverse the violence and grow up in safety.

I applaud the organizers and students who participated in this year's Day of National Concern About Young People and Gun Violence for their efforts to reduce gun violence. The thousands of students who signed the pledge this year, and the millions before them, have promised to do what they can to prevent tragedies like last week's school shooting in Michigan. Congress should do its part by adequately funding important law enforcement programs and by passing commonsense gun safety legislation.

BREAST CANCER ENVIRONMENTAL RESEARCH ACT

Mr. WYDEN. Mr. President, October is National Breast Cancer Awareness Month and 2005 marks more than 20 years that National Breast Cancer Awareness Month has educated women about early breast cancer detection, diagnosis, and treatment.

Yet, more than three million women currently live with breast cancer and the causes of this disease are still mostly unknown. While we have made significant advances in treatment, so much more needs to be done when it comes to prevention of this often fatal disease.

The Breast Cancer Environmental Research Act, S. 757, would enhance breast cancer environmental research across the country. This bill which is modeled after the Department of Defense Breast Cancer Research Program, would over 5 years, invest $30 million through a peer-reviewed grant process to establish a multi-disciplinary approach.

At this time, four research centers study prenatal-adult environmental exposures that may cause breast cancer. And while this is a good start, we need a nationally focused, collaborative and comprehensive strategy to approach this and the Breast Cancer Environmental Research Act would do just that.

This country has great resources when it comes to medical and scientific research. I believe this bill would provide an efficient and effective strategy for developing research in the environmental causes of this tragic disease.

ADDITIONAL STATEMENTS

RECOGNIZING SIXTY-FIVE YEARS OF FACTS ON FILE

• Mr. ENZI. Mr. President, it doesn't seem all that long ago that one of our most popular television shows featured a detective with a catch phrase that soon became part of our national vocabulary. When questioning someone who was offering more opinions than observations he would often interrupt and say, ''Just the facts.'' Those few words sum up the history of a publication that has grown from an in-depth look at World War II to an incredible collection of all forms of data that covers just about everything from the beginnings of recorded history to the exploration of the furthest ranges of our universe.

Sixty-five years ago, Facts on File World News Digest was founded in 1940 by three emigrants from Hitler's Europe who knew there would be a need for a publication devoted to the issues of World War II. They had witnessed the rise of Nazism in the 1930s and recognized the need for a U.S.-based publication that focused on both world and domestic news events in the years leading up to World War II. Their first issue dealt with the presidential race between Roosevelt and Wilkie and their first bound volume of the events of the day was written, as described in the forward, as an effort to provide a clear and concise guide to help the reader navigate through a ''hopeless maze of thousands of facts.''

Nowadays, by comparison, we are deluged by tens of millions of facts and other pieces of data from around the world almost every day. Through it all, Facts on File has continued to sift the trivial from the significant and put together volume after volume of written information placing the facts about a myriad of subjects online and at our fingertips.

Facts on File World News Digest was originally conceived as a source of information for radio and news journalists. Today, it serves an ever widening group of people who need quick and easy access to the basic facts about an endless list of items. Teachers rely on the publications for their lesson plans. Students rely on the easy access their database provides them for help with their homework, background for their papers, or just to encourage a genuine curiosity about the history of the world around them and how things work.

Weekly Reader, which is now a part of the Facts on File family, took a poll of its readers recently. They discovered that almost 70 percent of today's students reported that they look for and find most of the facts they need for their homework on the Internet. Their use of the latest technology was the good news. The bad news was they often do not question the material they find or use another source to double check it. They just assume what they have found is correct.

That is why it is so vitally important that we make sure our children, students and researchers have access to online materials on the web that put a premium on facts—not opinions. For that reason and so many more, Facts

on File World News Digest will continue to be a priceless treasure trove of information, providing access to its databases and the wealth of knowledge they store with students, teachers, and government entities across the country.

As the old adage says so well, we're entitled to our own opinions, we're just not entitled to our own facts. Facts on File has been working for 65 years to make sure the record is clear so that those who use their publications as a source get it right the first time.

As the Chairman of the Senate Committee on Health, Education, Labor and Pensions, I like to say that education is our middle name. Facts on File, and the family of publications it includes, has been a very valuable component of our education system for some time. I appreciate and congratulate them on a remarkable record of success. It's good to know that a resource exists that can provide our children with the data they need to supplement their studies, a resource that does its best, like the detective I referred to earlier, to provide ''just the facts.''●

(At the request of Mr. SARBANES, the following statement was ordered to be printed in the RECORD.)

● Mr. CORZINE. Mr. President, in Greek communities around the world, Oxi Day celebrates the fateful day, October 28, 1940, when Greece said ''NO'' to Mussolini's demand for immediate free passage of Italian army troops through Greece, and thereby changed the course of World War II. When Greece refused, Mussolini invaded, expecting no serious resistance to his much larger and better-equipped army. In fact, the outnumbered Greek forces offered such stiff resistance that Mussolini was soon thrown on the defensive and the Italians retreated into Albania. The Greeks held the Axis forces at bay for months, forcing Hitler to divert to Greece, forces that had been intended for the invasion of the Soviet Union, which in turn caused a delay in the invasion. Within months, the German armies were bogged down in the harsh winter conditions from which they were never able to recover.

In the brutal campaign that Hitler's armies waged in Greece, nearly 16,000 Greeks were killed and more than 300,000 taken prisoner, but from that campaign emerged the determined and courageous Greek resistance. In World War II, Greece and the United States were partners in the struggle against fascism as today they are partners in the effort to build a free, democratic and prosperous world.

In Greek communities everywhere, Oxi Day is a time to celebrate Greece's stunning defeat of Mussolini's armies and the Greek role in assuring the Allied victory in World War II. It is also a time to reflect on the democratic spirit that inspired that victory, a spirit Greece gave to the world more than two millennia ago. Today, I join our Greek American friends in recognizing a momentous day in which we are reminded that tyranny will always be defeated by the enduring light of freedom. ●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination and two treaties which were referred to the appropriate committees.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:48 a.m., a message from the House of Representatives, delivered by Mr. Croatt, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 172. An act to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes.

The message also announced that the House has passed the following bill, with amendments:

S. 1713. An act to make amendments to the Iran Nonproliferation Act of 2000 related to International Space Station payments.

ENROLLED BILL SIGNED

At 12:08 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1409. An act to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

At 12:29 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2967. An act to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the ''Rosa Parks Federal Building''.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 276. Concurrent resolution requesting the President to return to the House of Representatives the enrollment of H.R. 3765 so that the Clerk of the House may reenroll the bill in accordance with the action of the two Houses.

At 2:40 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3945. An act to facilitate recovery from the effects of Hurricane Katrina by providing greater flexibility for, and temporary waivers of certain requirements and fees imposed on, depository institutions, credit unions, and Federal regulatory agencies, and for other purposes.

At 6:26 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

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

The message also announced that the House disagree to the amendments of the Senate to the bill H.R. 3057 making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes, and agree to the conference asked by the Senate on the disagreeing vote of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. KOLBE, Mr. KNOLLENBERG, Mr. KIRK, Mr. CRENSHAW, Mr. SHERWOOD, Mr. SWEENEY, Mr. REHBERG, Mr. CARTER, Mr. LEWIS of California, Mrs. LOWEY, Mr. JACKSON of Illinois, Ms. KILPATRICK of Michigan, Mr. ROTHMAN, Mr. FATTAH, and Mr. OBEY.

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–4433. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a monthly report on the status of the Commission's licensing activities and regulatory duties for August 2005; to the Committee on Environment and Public Works.

EC–4434. A communication from the Assistant Secretary for Fish and Wildlife and Parks, U.S. Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting: Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds'' (RIN1018–AT76) received on October 21, 2005; to the Committee on Environment and Public Works.

EC–4435. 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; Connecticut; VOC RACT Orders for Hitchcock Chair Co., Ltd.; Kimberly Clark Corp.; Watson Laboratories, Inc.; and Ross and Roberts, Inc.'' (FRL7967–2) received on October 21, 2005; to the Committee on Environment and Public Works.

EC–4436. 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; Indiana'' (FRL7981–8)

received on October 21, 2005; to the Committee on Environment and Public Works.

EC–4437. 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; Maine; Consumer Products Regulation'' (FRL7982–4) received on October 21, 2005; to the Committee on Environment and Public Works.

EC–4438. 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 State Plans For Designated Facilities and Pollutants: Massachusetts; Negative Declaration;'' (FRL7986–6) received on October 21, 2005; to the Committee on Environment and Public Works.

EC–4439. 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 ''Guidance on Fees Charged By States to Recipients of Clean Water State Revolving Fund Program Assistance'' (FRL7983–7) received on October 21, 2005; to the Committee on Environment and Public Works.

EC–4440. 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 ''Miscellaneous Revisions to EPAAR Clauses'' (FRL7986–2) received on October 21, 2005; to the Committee on Environment and Public Works.

EC–4441. A communication from the Assistant Secretary for Fish and Wildlife and Parks, U.S. Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Bull Trout'' (RIN1018–AU31) received on October 21, 2005; to the Committee on Environment and Public Works.

EC–4442. A communication from the Assistant Secretary for Fish and Wildlife and Parks, U.S. Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Arkansas River Basin Population of the Arkansas River Shiner'' (RIN1018–AT84) received on October 21, 2005; to the Committee on Environment and Public Works.

EC–4443. A communication from the Assistant Secretary for Fish and Wildlife and Parks, U.S. Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Pacific Coast Population of the Western Snowy Plover'' (RIN1018–AT89) received on October 21, 2005; to the Committee on Environment and Public Works.

EC–4444. A communication from the Assistant Secretary for Fish and Wildlife and Parks, U.S. Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Southwestern Willow Flycatcher (Empidonax traillii extimus)'' (RIN1018–AI49) received on October 21, 2005; to the Committee on Environment and Public Works.

EC–4445. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Announcement of Contract Awards'' (RIN2700–AD18) received on October 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4446. A communication from the Secretary of Transportation transmitting, pursuant to law, the Department's Fiscal Year 2004 Annual Report on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Commerce, Science, and Transportation.

EC–4447. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Rule, Texas)'' (MM Docket No. 01–219) received on October 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4448. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations (Laredo, Texas)'' (MB Docket No. 03–156, RM–10721) received on October 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4449. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Hutchinson and Haven, Kansas)'' (MB Docket No. 04–376) received on October 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4450. A communication from the Acting Division Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Communications Assistance for Law Enforcement Act and Broadband Access and Services'' (FCC 05–153) received on October 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4451. A communication from the Acting Division Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Appropriate Framework for Broadband Access to the Internet over Wireline Facilities; Universal Service Obligations of Broadband Providers'' (FCC 05–150) received on October 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4452. A communication from the Director, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Sea Turtle Conservation: Exceptions to Taking Prohibitions for Endangered Sea Turtles'' (RIN0648–AS57) received on October 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4453. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Areas 620 and 630 of the Gulf of Alaska'' (I.D. No. 092105A) received on October 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4454. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area'' (I.D. No. 092105D) received on October 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4455. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Temporary Rule; Inseason Retention Limit Adjustment'' (I.D. No. 091405F) received on October 21, 2005; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Indian Affairs, without amendment:

H.R. 797. A bill to amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians (Rept. No. 109–160).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 485. A bill to reauthorize and amend the National Geologic Mapping Act of 1992 (Rept. No. 109–161).

S. 761. A bill 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 (Rept. No. 109–162).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1170. A bill to establish the Fort Stanton-Snowy River National Cave Conservation Area (Rept. No. 109–163).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 166. A bill 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 (Rept. No. 109–164).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendments:

S. 251. A bill 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 (Rept. No. 109–165).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 213. A bill to direct the Secretary of the Interior to convey certain Federal land to Rio Arriba County, New Mexico (Rept. No. 109–166).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment and an amendment to the title:

S. 592. A bill to extend the contract for the Glendo Unit of the Missouri River Basin Project in the State of Wyoming (Rept. No. 109–167).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 819. A bill 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 (Rept. No. 109–168).

S. 891. A bill to extend the water service contract for the Ainsworth Unit, Sandhills Division, Pick-Sloan Missouri Basin Program, Nebraska (Rept. No. 109–169).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment:

S. 1338. A bill 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 (Rept. No. 109–170).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendments:

S. 777. A bill to designate Catoctin Mountain Park in the State of Maryland as the ''Catoctin Mountain National Recreation Area'', and for other purposes (Rept. No. 109–171).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1101. A bill to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California (Rept. No. 109–172).

By Mr. WARNER, from the Committee on Armed Services, with amendments:

S. 1803. An original bill to authorize appropriations for fiscal year 2006 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 109–173).

By Mr. GREGG, from the Committee on the Budget, without amendment:

S. 1932. An original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

William Anderson, of Connecticut, to be an Assistant Secretary of the Air Force.

John G. Grimes, of Virginia, to be an Assistant Secretary of Defense.

A. J. Eggenberger, of Montana, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2008.

John J. Young, Jr., of Virginia, to be Director of Defense Research and Engineering.

Michael W. Wynne, of Florida, to be Secretary of the Air Force.

Donald C. Winter, of Virginia, to be Secretary of the Navy.

Delores M. Etter, of Maryland, to be an Assistant Secretary of the Navy.

Air Force nomination of Lt. Gen. William T. Hobbins to be General.

Air Force nomination of Lt. Gen. Lance L. Smith to be General.

Air Force nomination of Maj. Gen. Michael W. Peterson to be Lieutenant General.

Air Force nominations beginning with Brigadier General Eugene R. Chojnacki and ending with Colonel Robert J. Yaple, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2005.

Army nomination of Gen. Burwell B. Bell III to be General.

Army nomination of Maj. Gen. Michael D. Maples to be Lieutenant General.

Army nominations beginning with Colonel Daniel B. Allyn and ending with Colonel Terry A. Wolff, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2005.

Army nominations beginning with Brig. Gen. Thomas D. Robinson and ending with Col. Luis R. Visot, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2005.

Army nomination of Brig. Gen. Michael J. Diamond to be Major General.

Navy nomination of Rear Adm. Patrick M. Walsh to be Vice Admiral.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of John S. Baxter to be Colonel.

Army nomination of Jose R. Rael to be Colonel.

Army nominations beginning with Suzanne R. Avery and ending with James Fikes, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2005.

Army nominations beginning with Donna J. Dolan and ending with Deborah F. Simpson, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2005.

Army nominations beginning with Paul F. Abbey and ending with Warren A. Williams, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2005.

Army nominations beginning with Paul S. Astphan and ending with Brinda F. Williamsmorgan, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2005.

Army nominations beginning with Lynn S. Alsup and ending with Carol L. Zieres, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2005.

Army nominations beginning with James W. Agnew and ending with David A. Yeropoli, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2005.

Marine Corps nomination of Darren W. Milton to be Major.

Marine Corps nominations beginning with Christopher J. Aaby and ending with Richard B. Young II, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2005.

Navy nomination of William D. Fuson to be Captain.

Navy nominations beginning with Daniel Albrecht and ending with Johnny Won, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2005.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. INHOFE:

S. 1926. A bill to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror; to the Committee on the Judiciary.

By Mr. WYDEN:

S. 1927. A bill to amend the Internal Revenue Code of 1986 to make the Federal income tax system simpler, fairer, and more fiscally responsible, and for other purposes; to the Committee on Finance.

By Mr. ENSIGN (for himself, Mr. BROWNBACK, Mr. COBURN, Mr. DEMINT, Mr. GRAHAM, Mr. MCCAIN, Mr. SUNUNU, and Mr. CORNYN):

S. 1928. A bill to reduce mandatory and discretionary spending in order to offset the cost of rebuilding the Gulf Region in the wake of Hurricane Katrina and Hurricane Rita; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LIEBERMAN (for himself, Mr. HATCH, and Mr. COCHRAN):

S. 1929. A bill to reduce health care disparities and improve health care quality, to improve the collection of racial, ethnic, primary language, and socio-economic determination data for use by healthcare researchers and policymakers, to provide performance incentives for high performing hospitals and community health centers, and to expand current Federal programs seeking to eliminate health disparities; to the Committee on Finance.

By Mr. REID (for himself and Mr. COCHRAN):

S. 1930. A bill to expand the research, prevention, and awareness activities of the National Institute of Diabetes and Digestive and Kidney Diseases and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CONRAD (for himself, Mr. BAUCUS, Mr. BURNS, Mr. DORGAN, Mr. ENZI, Mr. SALAZAR, and Mr. THOMAS):

S. 1931. A bill to state the policy of the United States on the intercontinental ballistic missile force; to the Committee on Armed Services.

By Mr. GREGG:

S. 1932. An original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); from the Committee on the Budget; placed on the calendar.

By Mr. MARTINEZ:

S. 1933. A bill to provide for the inclusion of Department of Defense property on Santa Rosa and Okaloosa Island, Florida, in the Gulf Islands National Seashore if the property is ever excess to the needs of the Armed Forces; to the Committee on Armed Services.

By Mr. SPECTER (for himself, Mr. BIDEN, Mr. BROWNBACK, Mr. TALENT, Mr. DEWINE, Mr. CORZINE, Mr. BINGAMAN, Mr. KYL, Mr. SANTORUM, and Mr. OBAMA):

S. 1934. A bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes; to the Committee on the Judiciary.

By Mr. SANTORUM:

S. 1935. A bill to authorize appropriations for fiscal years 2006 and 2007 for United States contributions to the International Fund for Ireland, and for other purposes; to the Committee on Foreign Relations.

By Mr. LOTT:

S. 1936. A bill to strengthen the national flood insurance program, encourage participation in the program, and provide owners of

properties not located in flood hazard zones a one-time opportunity to purchase flood insurance coverage for a period covering such hurricane; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DEWINE (for himself, Mr. NELSON of Florida, Mr. LUGAR, Mr. BIDEN, Mr. COLEMAN, Mr. DODD, Mr. HAGEL, Mr. DURBIN, Mr. MCCAIN, Mr. LIEBERMAN, Mr. MARTINEZ, Mr. BINGAMAN, Mr. SUNUNU, Mr. JEFFORDS, Mr. LAUTENBERG, Mr. CHAFEE, Mr. VOINOVICH, and Mr. SMITH):

S. 1937. A bill to expand certain preferential trade treatment for Haiti; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DEMINT (for himself, Mr. HARKIN, Mr. GRAHAM, and Mr. FEINGOLD):

S. Res. 289. A resolution expressing the sense of the Senate that Joseph Jefferson ''Shoeless Joe'' Jackson should be appropriately honored for his outstanding baseball accomplishments; considered and agreed to.

By Mr. SALAZAR (for himself, Mr. BINGAMAN, Mrs. CLINTON, Mrs. FEINSTEIN, Mr. KERRY, Mr. LIEBERMAN, Mr. OBAMA, Mr. REID, Mrs. BOXER, Mr. PRYOR, Mr. DURBIN, and Mr. REED):

S. Res. 290. A resolution honoring the life and expressing the deepest condolences of Congress on the passing of Edward Roybal, former United States Congressman; considered and agreed to.

By Mr. OBAMA (for himself and Mr. DURBIN):

S. Res. 291. A resolution to congratulate the Chicago White Sox on winning the 2005 World Series Championship; considered and agreed to.

By Mr. LAUTENBERG (for himself, Mr. SMITH, Mr. DODD, Mrs. DOLE, Mr. NELSON of Florida, Mr. CORZINE, Mr. SALAZAR, Mr. FEINGOLD, Mr. LEVIN, Mrs. CLINTON, Mr. COLEMAN, and Mrs. FEINSTEIN):

S. Res. 292. A resolution calling on the President to condemn the anti-Israel sentiments expressed by the President of Iran, Mahmoud Ahmadinejad, on October 26, 2005; considered and agreed to.

By Mr. MCCAIN (for himself, Mr. BIDEN, Mr. SUNUNU, Mr. BAYH, Mr. LEAHY, Mr. SMITH, Mr. GRAHAM, and Mr. LIEBERMAN):

S. Res. 293. A resolution calling for a free and fair presidential election in the Republic of Kazakhstan; to the Committee on Foreign Relations.

By Mr. FRIST (for himself, Mr. REID, Mr. DODD, Mr. DEWINE, Mr. LEVIN, Mr. BROWNBACK, Ms. STABENOW, Mr. SANTORUM, Mr. OBAMA, Mr. TALENT, Mrs. CLINTON, Mr. ALLEN, Mr. KENNEDY, Mr. HARKIN, Mr. BIDEN, Mrs. BOXER, Mr. PRYOR, Mr. JEFFORDS, Mr. FEINGOLD, Mr. LAUTENBERG, Mr. SCHUMER, Mr. CORZINE, Mr. DORGAN, Mr. ROCKEFELLER, Mr. BAYH, Mr. LIEBERMAN, Mr. LEAHY, Mr. DURBIN, and Mr. AKAKA):

S. Con. Res. 61. A concurrent resolution authorizing the remains of Rosa Parks to lie in honor in the rotunda of the Capitol; considered and agreed to.

ADDITIONAL COSPONSORS

S. 113

At the request of Mrs. FEINSTEIN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 113, a bill to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust.

S. 380

At the request of Ms. COLLINS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 380, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 408

At the request of Mr. DEWINE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 408, a bill to provide for programs and activities with respect to the prevention of underage drinking.

S. 417

At the request of Mr. DORGAN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 417, a bill to amend the Internal Revenue Code of 1986 to provide for a refundable wage differential credit for activated military reservists.

S. 438

At the request of Mr. ENSIGN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 438, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 484

At the request of Mr. WARNER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 632

At the request of Mr. LUGAR, the names of the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 632, a bill to authorize the extension of unconditional and permanent nondiscriminatory treatment (permanent normal trade relations treatment) to the products of Ukraine, and for other purposes.

S. 633

At the request of Mr. JOHNSON, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 801

At the request of Mr. MARTINEZ, his name was added as a cosponsor of S. 801, a bill to designate the United States courthouse located at 300 North Hogan Street, Jacksonville, Florida, as the ''John Milton Bryan Simpson United States Courthouse''.

S. 1172

At the request of Mr. SPECTER, the name of the Senator from Connecticut (Mr. LIEBERMAN) 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. 1191

At the request of Mr. SALAZAR, the names of the Senator from Montana (Mr. BURNS) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 1191, a bill to establish a grant program to provide innovative transportation options to veterans in remote rural areas.

S. 1215

At the request of Mr. GREGG, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1215, a bill to authorize the acquisition of interests in underdeveloped coastal areas in order better to ensure their protection from development.

S. 1264

At the request of Mr. CHAFEE, his name was added as a cosponsor of S. 1264, a bill to provide for the provision by hospitals of emergency contraceptives to women, and post-exposure prophylaxis for sexually transmitted disease to individuals, who are survivors of sexual assault.

S. 1272

At the request of Mr. NELSON of Nebraska, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1462

At the request of Mr. HARKIN, his name was added as a cosponsor of S. 1462, a bill to promote peace and accountability in Sudan, and for other purposes.

At the request of Mr. BROWNBACK, the names of the Senator from Florida (Mr. NELSON), the Senator from North Dakota (Mr. DORGAN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Rhode Island (Mr. REED) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 1462, supra.

S. 1571

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 1571, a bill to amend title 38, United States Code, to establish a comprehensive program for testing and treatment of veterans for the Hepatitis C virus.

S. 1587

At the request of Mr. BINGAMAN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1587, a bill to amend title XXI of the Social Security Act to permit qualifying States to use a portion of their allotments under the State children's health insurance program for any fiscal year for certain medicaid expenditures.

S. 1800

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1800, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit.

S. 1808

At the request of Mr. BINGAMAN, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Michigan (Ms. STABENOW) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1808, a bill to amend title XIX of the Social Security Act to improve the qualified medicare beneficiary (QMB) and specified low-income medicare beneficiary (SLMB) programs within the medicaid program.

S. 1824

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1824, a bill to amend the Internal Revenue Code of 1986 to strengthen the earned income tax credit.

S. 1860

At the request of Mr. DOMENICI, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1860, a bill to amend the Energy Policy Act of 2005 to improve energy production and reduce energy demand through improved use of reclaimed waters, and for other purposes.

S. 1922

At the request of Mr. CONRAD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1922, a bill to authorize appropriate action if negotiations with Japan to allow the resumption of United States beef exports are not successful, and for other purposes.

S. 1925

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1925, a bill to provide for workers and businesses during the response to Hurricane Katrina and Hurricane Rita, and for other purposes.

S.J. RES. 1

At the request of Mr. ALLARD, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

S. CON. RES. 46

At the request of Mr. BROWNBACK, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. Con. Res. 46, a concurrent resolution expressing the sense of the Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered and unregistered, as stipulated by the Russian Constitution and international standards.

S. RES. 219

At the request of Mrs. FEINSTEIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Res. 219, a resolution designating March 8, 2006, as ''Endangered Species Day'', and encouraging the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide.

AMENDMENT NO. 2070

At the request of Ms. SNOWE, her name was added as a cosponsor of amendment No. 2070 proposed to H.R. 3058, a bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2193

At the request of Mr. THUNE, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 2193 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2218

At the request of Mr. BINGAMAN, the names of the Senator from Nevada (Mr. REID), the Senator from California (Mrs. BOXER) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 2218 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2219

At the request of Mr. BINGAMAN, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 2219 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2249

At the request of Ms. LANDRIEU, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 2249 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2250

At the request of Ms. LANDRIEU, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 2250 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2255

At the request of Mr. KENNEDY, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Massachusetts (Mr. KERRY), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Connecticut (Mr. DODD), the Senator from New York (Mr. SCHUMER) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 2255 intended to be proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2257

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 2257 intended to be proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2258

At the request of Mr. DOMENICI, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of amendment No. 2258 intended to be proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2259

At the request of Mr. BINGAMAN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of amendment No. 2259 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2262

At the request of Mr. BINGAMAN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 2262 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2276

At the request of Mr. DOMENICI, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of amendment No. 2276 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2283

At the request of Mr. HARKIN, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Rhode Island (Mr. REED), the Senator from New Jersey (Mr. CORZINE) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of amendment No. 2283 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2287

At the request of Mr. SPECTER, the name of the Senator from Nevada (Mr. ENSIGN) was withdrawn as a cosponsor of amendment No. 2287 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. KENNEDY, his name was added as a cosponsor of amendment No. 2287 proposed to H.R. 3010, supra.

AMENDMENT NO. 2289

At the request of Mr. DAYTON, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of amendment No. 2289 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2299

At the request of Mr. TALENT, his name was added as a cosponsor of amendment No. 2299 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2301

At the request of Mr. OBAMA, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 2301 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2308

At the request of Mr. SPECTER, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 2308 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2327

At the request of Mr. COLEMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 2327 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN:

S. 1927. A bill to amend the Internal Revenue Code of 1986 to make the Federal income tax system simpler, fairer, and more fiscally responsible, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, today I am proposing a Fair Flat Tax Act that will finally provide real tax relief to America's hurting middle class. It will do so by making the tax system simpler, flatter and fairer. And at the same time, it will begin to reduce the deficit that is destabilizing our economy, our security and our future.

This tax reform proposal is simpler because it's easier to understand and use. My legislation will include a new, simplified 1040 form that is one page, 30 lines, for every individual taxpayer.

This plan is flatter because it collapses the current system of six individual tax brackets down to three—15, 25 and 35 percent—and creates a flat corporate rate of 35 percent.

Ultimately, this plan is fairer because it changes the laws that disproportionately favor the most affluent Americans and corporations at the expense of the middle class. Instead, it provides a major middle-class tax cut—paid for by the elimination of scores of tax breaks in the individual and corporate income tax breaks, and by repealing the Bush tax cuts that favored the most fortunate few at the expense of the many.

This plan is fairer for American taxpayers because it treats work and wealth equally.

This is a radical statement about tax law: America can do better than a two-tier system which forces a policeman to pay a higher effective tax rate than an investor who makes his income on capital gains and dividends.

Under the current Federal Tax Code, all income is not created equal in this country. Americans who work for wages, in effect, subsidize the tax cuts and credits and deferrals of those who make money through unearned income—the dividends from investments. It's time to treat all taxpayers the same.

Let me be clear: I am not interested in soaking investors. I am a Democrat who believes in markets, and creating wealth. But what our country is all about is equality, and our Tax Code should treat everyone's income more equally too.

My legislation, The Fair Flat Tax Act of 2005, adapts the flat tax idea to help reduce the deficit instead, through fewer exclusions, exemptions, deductions, deferrals, credits and special rates for certain businesses and activities, and through the setting of a single, flat corporate rate of 35 percent. On the individual side, it ends favoritism for itemizers while improving deductions across the board: The standard deduction would be tripled for single filers from $5,000 to $15,000 and raised from $10,000 to $30,000 for married couples. Six individual rates are collapsed into three progressive rates of 15 percent, 25 percent and 35 percent, and income from all sources is taxed the same.

Several deductions used most frequently by individuals, those for home mortgage interest and charitable contributions, and the credits for children, education and earned income are retained. No one would have to calculate their taxes twice: this proposal eliminates the individual Alternative Minimum Tax (AMT), which could snare as many as 21 million American taxpayers in 2006.

This proposal would eliminate an estimated $20 billion each year in special breaks for corporations, and direct the Treasury Secretary to identify and report to Congress an additional $10 billion in savings from tax expenditures that subsidize inefficiencies in the health care system. Eliminating these breaks would sustain current benefits for our men and women in uniform, our veterans and the elderly and disabled—as well as breaks that promote savings and help families pay for health care and education.

What makes the Fair Flat Tax Act truly unique is that it corrects one of the most glaring inequities in the current tax system: regressive State and local taxes. Under current law, low and middle income taxpayers get hit with a double whammy: compared to wealthy Americans, they pay more of their income in State and local taxes. Poor families pay more than 11 percent and middle income families pay about 10 percent of their income in State and local taxes, while wealthier taxpayers only pay five percent. And because many low and middle income taxpayers don't itemize, they get no credit on their Federal form for paying State and local taxes. In fact, two-thirds of the Federal deduction for State and local taxes goes to those with incomes above $100,000. Under the Fair Flat Tax Act for the first time the Federal code would look at the entire picture, at an individual's combined Federal, State and local tax burden, and give credit to low and middle income individuals to correct for regressive State and local taxes.

Repealing some individual tax credits, deductions and exclusions from income—along with some serious changes to the corporate Tax Code—enables larger standard deductions and broader middle-class tax relief.

The deductions most important to most Americans remain in place: the home mortgage deduction stays, as do child credits and charitable contributions, higher education and health savings.

What all this means for American taxpayers is—the vast majority of taxpayers will see a cut, particularly the middle class. Congressional Research Service experts tell us that middle class families and families with wage and salary incomes up to $150,000 will see tax relief.

On the corporate side—this plan does something that may not be popular, but it's right.

Each of us, including America's corporations, need to pay our fair share. Corporations that have used tax loopholes to avoid paying their fair share of taxes are going to see those loopholes close and they're going to contribute.

This legislation makes concrete progress toward deficit reduction. There's a long way to go to stop the hemorrhaging in the Federal budget, but this legislation makes a real start by whittling the deficit down approximately $100 billion over five years.

Some may wonder if what I am proposing today is a response to the President's Tax Reform Advisory Panel. To date, the Panel hasn't officially released its recommendations. I can't respond to something that hasn't been introduced yet. But I am troubled by the fact that the recommendations trickling out from the Panel would continue to twist the Tax Code away from equal treatment of all income, widening the chasm between people who get wages and people who collect dividends.

I am introducing The Fair Flat Tax Act of 2005 today to provide Americans a plan based on common-sense principles that can make the Tax Code work better.

Making the Tax Code simpler and flatter is going to make it fairer. My legislation is going to provide real relief to the middle class. It will treat work and wealth equally. It will make a start at reducing the deficit. I am ready to get to work with my colleagues and move it forward.

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. 1927

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Fair Flat Tax Act of 2005''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.
Sec. 2. Purpose.
TITLE I—INDIVIDUAL INCOME TAX REFORMS
Sec. 101. 3 progressive individual income tax rates for all forms of income.
Sec. 102. Increase in basic standard deduction.
Sec. 103. Refundable credit for State and local income, sales, and real and personal property taxes.
Sec. 104. Earned income child credit and earned income credit for childless taxpayers.
Sec. 105. Repeal of individual alternative minimum tax.
Sec. 106. Termination of various exclusions, exemptions, deductions, and credits.
TITLE II—CORPORATE AND BUSINESS INCOME TAX REFORMS
Sec. 201. Corporate flat tax.
Sec. 202. Treatment of travel on corporate aircraft.
Sec. 203. Termination of various preferential treatments.
Sec. 204. Elimination of tax expenditures that subsidize inefficiencies in the health care system.
Sec. 205. Pass-through business entity transparency.
TITLE III—TECHNICAL AND CONFORMING AMENDMENTS; SUNSET
Sec. 301. Technical and conforming amendments.
Sec. 302. Sunset.

SEC. 2. PURPOSE.

The purpose of this Act is to amend the Internal Revenue Code of 1986—

(1) to make the Federal individual income tax system simpler, fairer, and more transparent by—

(A) recognizing the overall Federal, State, and local tax burden on individual Americans, especially the regressive nature of State and local taxes, and providing a Federal income tax credit for State and local income, sales, and property taxes,

(B) providing for an earned income tax credit for childless taxpayers and a new earned income child credit,

(C) repealing the individual alternative minimum tax,

(D) increasing the basic standard deduction and maintaining itemized deductions for principal residence mortgage interest and charitable contributions,

(E) reducing the number of exclusions, exemptions, deductions, and credits, and

(F) treating all income equally,

(2) to make the Federal corporate income tax rate a flat 35 percent and eliminate special tax preferences that favor particular types of businesses or activities, and

(3) to partially offset the Federal budget deficit through the increased revenues resulting from these reforms.

TITLE I—INDIVIDUAL INCOME TAX REFORMS

SEC. 101. 3 PROGRESSIVE INDIVIDUAL INCOME TAX RATES FOR ALL FORMS OF INCOME.

(a) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—The table contained in section 1(a) is amended to read as follows:

"If taxable income is:	The tax is:
Not over $25,000	15% of taxable income.
Over $25,000 but not over $120,000.	$3,750, plus 25% of the excess over $25,000
Over $120,000	$27,500, plus 35% of the excess over $120,000''.

(b) HEADS OF HOUSEHOLDS.—The table contained in section 1(b) is amended to read as follows:

"If taxable income is:	The tax is:
Not over $16,000	15% of taxable income.
Over $16,000 but not over $105,000.	$2,400, plus 25% of the excess over $16,000
Over $105,000	$24,650, plus 35% of the excess over $105,000''.

(c) UNMARRIED INDIVIDUALS (OTHER THAN SURVIVING SPOUSES AND HEADS OF HOUSEHOLDS.—The table contained in section 1(c) is amended to read as follows:

"If taxable income is:	The tax is:
Not over $15,000	15% of taxable income.
Over $15,000 but not over $70,000.	$2,250, plus 25% of the excess over $15,000
Over $70,000	$16,000, plus 35% of the excess over $70,000''.

(d) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—The table contained in section 1(d) is amended to read as follows:

"If taxable income is:	The tax is:
Not over $12,500	15% of taxable income.
Over $12,500 but not over $60,000.	$1,875, plus 25% of the excess over $12,500
Over $60,000	$13,750, plus 35% of the excess over $60,000''.

(e) CONFORMING AMENDMENTS TO INFLATION ADJUSTMENT.—Section 1(f) is amended—

(1) by striking ''1993''in paragraph (1) and inserting ''2006'',

(2) by striking ''except as provided in paragraph (8)'' in paragraph (2)(A),

(3) by striking ''1992'' in paragraph (3)(B) and inserting ''2005'',

(4) by striking paragraphs (7) and (8), and

(5) by striking ''PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT BRACKET;'' in the heading thereof.

(f) REPEAL OF RATE DIFFERENTIAL FOR CAPITAL GAINS AND DIVIDENDS.—

(1) REPEAL OF 2003 RATE REDUCTION.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking ''December 3, 2008'' and inserting ''December 31, 2005''.

(2) TERMINATION OF PRE-2003 CAPITAL GAIN RATE DIFFERENTIAL .—Section 1(h) is amended (after the application of paragraph (1)) by adding at the end the following new paragraph:

''(13) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2005.''.

(g) ADDITIONAL CONFORMING AMENDMENTS.—

(1) Section 1 is amended by striking subsection (i).

(2) The Internal Revenue Code of 1986 is amended by striking ''calendar year 1992'' each place it appears and inserting ''calendar year 2005''.

(3) Section 1445(e)(1) (after the application of subsection (g)(1)) is amended by striking ''(or, to the extent provided in regulations, 20 percent)''.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 102. INCREASE IN BASIC STANDARD DEDUCTION.

(a) IN GENERAL.—Paragraph (2) of section 63(c) (defining standard deduction) is amended to read as follows:

''(2) BASIC STANDARD DEDUCTION.—For purposes of paragraph (1), the basic standard deduction is—

''(A) 200 percent of the dollar amount in effect under subparagraph (C) for the taxable year in the case of—

''(i) a joint return, or

''(ii) a surviving spouse (as defined in section 2(a)),

''(B) $26,250 in the case of a head of household (as defined in section 2(b)), or

''(C) $15,000 in any other case.''.

(b) CONFORMING AMENDMENT TO INFLATION ADJUSTMENT.—Section 63(c)(4)(B)(i) is amended by striking ''(2)(B), (2)(C), or''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 103. REFUNDABLE CREDIT FOR STATE AND LOCAL INCOME, SALES, AND REAL AND PERSONAL PROPERTY TAXES.

(a) GENERAL RULE.—Subpart C of part IV of subchapter A of chapter 1 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

''SEC. 36. CREDIT FOR STATE AND LOCAL INCOME, SALES, AND REAL AND PERSONAL PROPERTY TAXES.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to 10 percent of the qualified State and local taxes paid by the taxpayer for such year.

''(b) QUALIFIED STATE AND LOCAL TAXES.—For purposes of this section, the term 'qualified State and local taxes' means—

''(1) State and local income taxes,

''(2) State and local general sales taxes,

''(3) State and local real property taxes, and

''(4) State and local personal property taxes.

''(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) STATE OR LOCAL TAXES.—A State or local tax includes only a tax imposed by a State, a possession of the United States, or a political subdivision of any of the foregoing, or by the District of Columbia.

''(2) GENERAL SALES TAXES.—

''(A) IN GENERAL.—The term 'general sales tax' means a tax imposed at one rate with respect to the sale at retail of a broad range of classes of items.

''(B) APPLICATION OF RULES.—Rules similar to the rules under subparagraphs (C), (D), (E), (F), (G), and (H) of section 164(b)(5) shall apply.

''(3) PERSONAL PROPERTY TAXES.—The term 'personal property tax' means an ad valorem tax which is imposed on an annual basis in respect of personal property.

''(4) APPLICATION OF RULES TO PROPERTY TAXES.—Rules similar to the rules of subsections (c) and (d) of section 164 shall apply.

''(5) NO CREDIT FOR MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—If the taxpayer is a married individual (within the meaning of section 7703), this section shall apply only if the taxpayer and the taxpayer's spouse file a joint return for the taxable year.

''(6) DENIAL OF CREDIT TO DEPENDENTS.—No credit shall be allowed under this section to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

''(7) DENIAL OF DOUBLE BENEFIT.—Any amount taken into account in determining the credit allowable under this section may not be taken into account in determining any credit or deduction under any other provision of this chapter.''.

(b) TECHNICAL AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting ''or from section 36 of such Code'' before the period at the end.

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 36 and inserting the following:

''Sec. 36. Credit for state and local income, sales, and real and personal property taxes.

''Sec. 37. Overpayments of tax.''.

(c) REPORT REGARDING USE OF CREDIT BY RENTERS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives recommendations regarding the treatment of a portion of rental payments in a manner similar to real property taxes under section 36 of the Internal Revenue Code of 1986 (as added by this section).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 104. EARNED INCOME CHILD CREDIT AND EARNED INCOME CREDIT FOR CHILDLESS TAXPAYERS.

(a) IN GENERAL.—Subsection (a) of section 32 (relating to earned income) is amended to read as follows:

''(a) ALLOWANCE OF EARNED INCOME CHILD CREDIT AND EARNED INCOME CREDIT.—

''(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this subtitle for the taxable year—

''(A) in the case of any eligible individual with 1 or more qualifying children, an amount equal to the earned income child credit amount, and

''(B) in the case of any eligible individual with no qualifying children, an amount equal to the earned income credit amount.

''(2) EARNED INCOME CHILD CREDIT AMOUNT.—For purposes of this section, the earned income child credit amount is equal to the sum of—

''(A) the credit percentage of so much of the taxpayer's earned income for the taxable year as does not exceed the earned income limit amount, plus

''(B) the supplemental child credit amount determined under subsection (n) for such taxable year.

''(3) EARNED INCOME CREDIT AMOUNT.—For purposes of this section, the earned income credit amount is equal to the credit percentage of so much of the taxpayer's earned income for the taxable year as does not exceed the earned income limit amount.

''(4) LIMITATION.—The amount of the credit allowable to a taxpayer under paragraph (2)(A) or (3) for any taxable year shall not exceed the excess (if any) of—

''(A) the credit percentage of the earned income amount, over

''(B) the phaseout percentage of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds the phaseout amount.''.

(b) SUPPLEMENTAL CHILD CREDIT AMOUNT.—Section 32 is amended by adding at the end the following new subsection:

''(n) SUPPLEMENTAL CHILD CREDIT AMOUNT.—

''(1) IN GENERAL.—For purposes of subsection (a)(2)(B), the supplemental child credit amount for any taxable year is equal to the lesser of—

''(A) the credit which would be allowed under section 24 for such taxable year without regard to the limitation under section 24(b)(3) with respect to any qualifying child as defined under subsection (c)(3), or

''(B) the amount by which the aggregate amount of credits allowed by subpart A for such taxable year would increase if the limitation imposed by section 24(b)(3) were increased by the excess (if any) of—

''(i) 15 percent of so much of the taxpayer's earned income which is taken into account in computing taxable income for the taxable year as exceeds $10,000, or

''(ii) in the case of a taxpayer with 3 or more qualifying children (as so defined), the excess (if any) of—

''(I) the taxpayer's social security taxes for the taxable year, over

''(II) the credit allowed under this section for the taxable year.

The amount of the credit allowed under this subsection shall not be treated as a credit allowed under subpart A and shall reduce the amount of credit otherwise allowable under section 24(a) without regard to section 24(b)(3).

''(2) SOCIAL SECURITY TAXES.—For purposes of paragraph (1)—

''(A) IN GENERAL.—The term 'social security taxes' means, with respect to any taxpayer for any taxable year—

''(i) the amount of the taxes imposed by section 3101 and 3201(a) on amounts received by the taxpayer during the calendar year in which the taxable year begins,

''(ii) 50 percent of the taxes imposed by section 1401 on the self-employment income of the taxpayer for the taxable year, and

''(iii) 50 percent of the taxes imposed by section 3211(a)(1) on amounts received by the taxpayer during the calendar year in which the taxable year begins.

''(B) COORDINATION WITH SPECIAL REFUND OF SOCIAL SECURITY TAXES.—The term 'social security taxes' shall not include any taxes to the extent the taxpayer is entitled to a special refund of such taxes under section 6413(c).

''(C) SPECIAL RULE.—Any amounts paid pursuant to an agreement under section 3121(l) (relating to agreements entered into by American employers with respect to foreign affiliates) which are equivalent to the taxes referred to in subparagraph (A)(i) shall be treated as taxes referred to in such paragraph.

''(3) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2005, the $10,000 amount contained in paragraph (1)(B) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $50.''.

(c) CONFORMING AMENDMENT.—Section 24(d) is amended by adding at the end the following new paragraph:

''(4) TERMINATION.—This subsection shall not apply with respect to any taxable year beginning after December 31, 2005.''.

(d) CERTAIN TREATMENT OF EARNED INCOME MADE PERMANENT.—Clause (vi) of section 32(c)(2)(B) is amended to read as follows:

''(vi) a taxpayer may elect to treat amounts excluded from gross income by reason of section 112 as earned income.''.

(e) REPEAL OF DISQUALIFIED INVESTMENT INCOME TEST.—Subsection (i) of section 32 is repealed.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 105. REPEAL OF INDIVIDUAL ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 55(a) (relating to alternative minimum tax imposed) is amended by adding at the end the following new flush sentence:

''For purposes of this title, the tentative minimum tax on any taxpayer other than a corporation for any taxable year beginning after December 31, 2005, shall be zero.''.

(b) MODIFICATION OF LIMITATION ON USE OF CREDIT FOR PRIOR YEAR MINIMUM TAX LIABILITY.—Subsection (c) of section 53 (relating to credit for prior year minimum tax liability) is amended to read as follows:

''(c) LIMITATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of —

''(A) the regular tax liability of the taxpayer for such taxable year reduced by the sum of the credits allowable under subparts A, B, D, E, and F of this part, over

''(B) the tentative minimum tax for the taxable year.

''(2) TAXABLE YEARS BEGINNING AFTER 2005.—In the case of any taxable year beginning after 2005, the credit allowable under subsection (a) to a taxpayer other than a corporation for any taxable year shall not exceed 90 percent of the regular tax liability of the taxpayer for such taxable year reduced by the sum of the credits allowable under subparts A, B, D, E, and F of this part.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 106. TERMINATION OF VARIOUS EXCLUSIONS, EXEMPTIONS, DEDUCTIONS, AND CREDITS.

(a) IN GENERAL.—Subchapter C of chapter 90 (relating to provisions affecting more than one subtitle) is amended by adding at the end the following new section:

''SEC. 7875. TERMINATION OF CERTAIN PROVISIONS.

''The following provisions shall not apply to taxable years beginning after December 31, 2005:

''(1) Section 44 (relating to credit for expenditures to provide access to disabled individuals).

''(2) Section 62(a)(2)(D) (relating to deduction for certain expenses of elementary and secondary school teachers).

''(3) Section 67 (relating to 2-percent floor on miscellaneous itemized deductions).

''(4) Section 74(c) (relating to exclusion of certain employee achievement awards).

''(5) Section 79 (relating to exclusion of group-term life insurance purchased for employees).

''(6) Section 104(a)(1) (relating to exclusion of workmen's compensation).

''(7) Section 104(a)(2) (relating to exclusion of damages for physical injuries and sickness).

''(8) Section 107 (relating to exclusion of rental value of parsonages).

''(9) Section 119 (relating to exclusion of meals or lodging furnished for the convenience of the employer).

''(10) Section 125 (relating to exclusion of cafeteria plan benefits).

''(11) Section 132 (relating to certain fringe benefits), except with respect to subsection (a)(5) thereof (relating to exclusion of qualified transportation fringe).

''(12) Section 163(h)(4)(A)(i)(II) (relating to definition of qualified residence).

''(13) Section 165(d) (relating to deduction for wagering losses).

''(14) Section 217 (relating to deduction for moving expenses).

''(15) Section 454 (relating to deferral of tax on obligations issued at discount).

''(16) Section 501(c)(9) (relating to tax-exempt status of voluntary employees' beneficiary associations).

''(17) Section 911 (relating to exclusion of earned income of citizens or residents of the United States living abroad).

''(18) Section 912 (relating to exemption for certain allowances).''.

(b) CONFORMING AMENDMENT.—The table of sections for subchapter C of chapter 90 is amended by adding at the end the following new item:

''Sec. 7875. Termination of certain provisions.''.

TITLE II—CORPORATE AND BUSINESS INCOME TAX REFORMS

SEC. 201. CORPORATE FLAT TAX.

(a) IN GENERAL.—Subsection (b) of section 11 (relating to tax imposed) is amended to read as follows:

''(b) AMOUNT OF TAX.—The amount of tax imposed by subsection (a) shall be equal to 35 percent of the taxable income.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 280C(c)(3)(B)(ii)(II) is amended by striking ''maximum rate of tax under section 11(b)(1)'' and inserting ''rate of tax under section 11(b)''.

(2) Sections 860E(e)(2)(B), 860E(e)(6)(A)(ii), 860K(d)(2)(A)(ii), 860K(e)(1)(B)(ii), 1446(b)(2)(B), and 7874(e)(1)(B) are each amended by striking ''highest rate of tax specified in section 11(b)(1)'' and inserting ''rate of tax specified in section 11(b)''.

(3) Section 904(b)(3)(D)(ii) is amended by striking ''(determined without regard to the last sentence of section 11(b)(1))''.

(4) Section 962 is amended by striking subsection (c) and by redesignating subsection (d) as subsection (c).

(5) Section 1201(a) is amended by striking ''(determined without regard to the last 2 sentences of section 11(b)(1))''.

(6) Section 1561(a) is amended—

(A) by striking paragraph (1) and by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively,

(B) by striking ''The amounts specified in paragraph (1), the'' and inserting ''The'',

(C) by striking ''paragraph (2)'' and inserting ''paragraph (1)'',

(D) by striking ''paragraph (3)'' both places it appears and inserting ''paragraph (2)'',

(E) by striking ''paragraph (4)'' and inserting ''paragraph (3)'', and

(F) by striking the fourth sentence.

(7) Subsection (b) of section 1561 is amended to read as follows:

''(b) CERTAIN SHORT TAXABLE YEARS.—If a corporation has a short taxable year which does not include a December 31 and is a component member of a controlled group of corporations with respect to such taxable year, then for purposes of this subtitle, the amount to be used in computing the accumulated earnings credit under section 535(c)(2) and (3) of such corporation for such taxable year shall be the amount specified in subsection (a)(1) divided by the number of corporations which are component members of such group on the last day of such taxable year. For purposes of the preceding sentence, section 1563(b) shall be applied as if such last day were substituted for December 31.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 202. TREATMENT OF TRAVEL ON CORPORATE AIRCRAFT.

(a) IN GENERAL.—Section 162 (relating to trade or business expenses) is amended by redesignating subsection (q) as subsection (r) and b inserting after subsection (p) the following new subsection:

''(q) TREATMENT OF TRAVEL ON CORPORATE AIRCRAFT.—The rate at which an amount allowable as a deduction under this chapter for the use of an aircraft owned by the taxpayer is determined shall not exceed the rate at which an amount paid or included in income by an employee of such taxpayer for the personal use of such aircraft is determined.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 203. TERMINATION OF VARIOUS PREFERENTIAL TREATMENTS.

(a) IN GENERAL.—Section 7875, as added by section 106, is amended—

(1) by inserting ''(or transactions in the case of sections referred to in paragraphs (21), (22), (23), (24), and (27))'' after ''taxable years beginning'', and

(2) by adding at the end the following new paragraphs:

''(19) Section 43 (relating to enhanced oil recovery credit).

''(20) Section 263(c) (relating to intangible drilling and development costs in the case of oil and gas wells and geothermal wells).

''(21) Section 382(l)(5) (relating to exception from net operating loss limitations for corporations in bankruptcy proceeding).

''(22) Section 451(i) (relating to special rules for sales or dispositions to implement Federal Energy Regulatory Commission or State electric restructuring policy).

''(23) Section 453A (relating to special rules for nondealers), but only with respect to the dollar limitation under subsection (b)(1) thereof and subsection (b)(3) thereof (relating to exception for personal use and farm property).

''(24) Section 460(e)(1) (relating to special rules for long-term home construction contracts or other short-term construction contracts).

''(25) Section 613A (relating to percentage depletion in case of oil and gas wells).

''(26) Section 616 (relating to development costs).

''(27) Sections 861(a)(6), 862(a)(6), 863(b)(2), 863(b)(3), and 865(b) (relating to inventory property sales source rule exception).''.

(b) FULL TAX RATE ON NUCLEAR DECOMMISSIONING RESERVE FUND.—Subparagraph (B) of section 468A(e)(2) is amended to read as follows:

''(B) RATE OF TAX.—For purposes of subparagraph (A), the rate set forth in this subparagraph is 35 percent.''.

(c) DEFERRAL OF ACTIVE INCOME OF CONTROLLED FOREIGN CORPORATIONS.—Section 952 (relating to subpart F income defined) is amended by adding at the end the following new subsection:

''(e) SPECIAL APPLICATION OF SUBPART.—

''(1) IN GENERAL.—For taxable years beginning after December 31, 2005, notwithstanding any other provision of this subpart, the term 'subpart F income' means, in the case of any controlled foreign corporation, the income of such corporation derived from any foreign country.

''(2) APPLICABLE RULES.—Rules similar to the rules under the last sentence of subsection (a) and subsection (d) shall apply to this subsection.''.

(d) DEFERRAL OF ACTIVE FINANCING INCOME.—Section 953(e)(10) is amended—

(1) by striking ''2006'' and inserting ''2005'', and

(2) by striking ''2007'' and inserting ''2006''.

(e) DEPRECIATION ON EQUIPMENT IN EXCESS OF ALTERNATIVE DEPRECIATION SYSTEM.—Section 168(g)(1) (relating to alternative depreciation system) is amended by striking ''and'' at the end of subparagraph (D), by adding ''and'' at the end of subparagraph (E), and by inserting after subparagraph (E) the following new subparagraph:

''(F) notwithstanding subsection (a), any tangible property placed in service after December 31, 2005,''.

(f) EFFECTIVE DATE.—The amendments made by subsections (b), (c), and (d) shall apply to taxable years beginning after December 31, 2005.

SEC. 204. ELIMINATION OF TAX EXPENDITURES THAT SUBSIDIZE INEFFICIENCIES IN THE HEALTH CARE SYSTEM.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives recommendations regarding the elimination of Federal tax incentives which subsidize inefficiencies in the health care

system and if eliminated would result in Federal budget savings of not less than $10,000,000,000 annually.

SEC. 205. PASS-THROUGH BUSINESS ENTITY TRANSPARENCY.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives regarding the implementation of additional reporting requirements with respect to any pass-through entity with the goal of the reduction of tax avoidance through the use of such entities, In addition, the Secretary shall develop procedures to share such report data with State revenue agencies under the disclosure requirements of section 6103(d) of the Internal Revenue Code of 1986.

TITLE III—TECHNICAL AND CONFORMING AMENDMENTS; SUNSET

SEC. 301. TECHNICAL AND CONFORMING AMENDMENTS.

The Secretary of the Treasury or the Secretary's delegate shall not later than 90 days after the date of the enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a draft of any technical and conforming changes in the Internal Revenue Code of 1986 which are necessary to reflect throughout such Code the purposes of the provisions of, and amendments made by, this Act.

SEC. 302. SUNSET.

(a) IN GENERAL.—All provisions of, and amendments made by, this Act shall not apply to taxable years beginning after December 31, 2010.

(b) APPLICATION OF CODE.—The Internal Revenue Code of 1986 shall be applied and administered to taxable years described in subsection (a) as if the provisions of, and amendments made by, this Act had never been enacted.

By Mr. REID (for himself and Mr. COCHRAN):

S. 1930. A bill to expand the research, prevention, and awareness activities of the National Institute of Diabetes and Digestive and Kidney Diseases and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, I rise today to introduce legislation focused on a devastating condition known as inflammatory bowel disease (IBD). I am pleased that Senator COCHRAN has once again joined me in the fight against this painful and debilitating disease.

Crohn's disease and ulcerative colitis, collectively known as inflammatory bowel disease, are chronic disorders of the gastrointestinal tract which afflict approximately 1.4 million Americans, 30 percent whom are diagnosed in their childhood years. IBD can cause severe abdominal pain, fever, and intestinal bleeding. Complications related to the disease include; arthritis, osteoporosis, anemia, liver disease, growth and developmental challenges, and colorectal cancer. Inflammatory bowel disease represents a major cause of morbidity from digestive illness and has a devastating impact on patients and families.

In the 108th Congress I was proud to sponsor bipartisan legislation focused on IBD that attracted 36 co-sponsors. Several important provisions of that bill were incorporated into legislation known as the ''Research Review Act'' which was signed into law by the President last November. Specifically, the ''Research Review Act'' called on the Government Accountability Office and the Centers for Disease Control and Prevention to submit reports to Congress on three issues of critical importance to the IBD community, 1. Social Security Disability, 2. Medicare and Medicaid coverage, and 3. the epidemiology of the disease in the United States.

The legislation I am introducing today builds upon the progress made last year by calling for an increased Federal investment in biomedical research on IBD. The hope for a better quality of life patients and families depends on basic and clinical research sponsored by the National Institute of Diabetes and Digestive and Kidney Diseases at the National Institutes of Health (NIDDK). The ''Inflammatory Bowel Disease Research Act'' calls for an expansion of NIDDK's research portfolio on Crohn's disease and ulcerative colitis in order to capitalize on several exciting discoveries that have broadened our understanding of IBD in recent years. By increasing our investment in this area, we will maximize the possibility that we will be able to offer hope to millions of Americans who suffer from this debilitating disease. At the same time, progress in this area could also mean we would save millions of dollars in net health care expenditures through reduced hospitalizations and surgeries.

In addition to biomedical research, this legislation also calls on the Centers for Disease Control and Prevention to develop a ''National Inflammatory Bowel Disease Action Plan.'' This plan will provide a comprehensive approach to addressing the burden of IBD in the United States, including strategies for raising awareness of the disease among the general public and health care community, expanding epidemiological research focused on the prevalence of IBD, and preventing the progression of the disease and its complications.

The Crohn's and Colitis Foundation of America, an organization that has been a leader in the battle against IBD, has strongly endorsed this legislation. In addition to CCFA, the following organizations have endorsed this bill: The North American Society for Pediatric Gastroenterology, Hepatology and Nutrition, the American Gastroenterological Association, the American Society for Gastrointestinal Endoscopy, the Digestive Disease National Coalition, the Society of Gastroenterology Nurses and Associates, and the Pennsylvania Society of Gastroenterology.

I urge all Senators to join Senator COCHRAN and me in this important cause by co-sponsoring the ''Inflammatory Bowel Disease Research Act.''

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. 1930

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 ''Inflammatory Bowel Disease Research Act''.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Crohn's disease and ulcerative colitis are serious inflammatory diseases of the gastrointestinal tract.

(2) Crohn's disease may occur in any section of the gastrointestinal tract but is predominately found in the lower part of the small intestine and the large intestine. Ulcerative colitis is characterized by inflammation and ulceration of the innermost lining of the colon. Complete removal of the colon in patients with ulcerative colitis can potentially alleviate and cure symptoms.

(3) Because Crohn's disease and ulcerative colitis behave similarly, they are collectively known as inflammatory bowel disease. Both diseases present a variety of symptoms, including severe diarrhea; abdominal pain with cramps; fever; and rectal bleeding. There is no known cause of inflammatory bowel disease, or medical cure.

(4) It is estimated that up to 1,400,000 people in the United States suffer from inflammatory bowel disease, 30 percent of whom are diagnosed during their childhood years.

(5) Children with inflammatory bowel disease miss school activities because of bloody diarrhea and abdominal pain, and many adults who had onset of inflammatory bowel disease as children had delayed puberty and impaired growth and have never reached their full genetic growth potential.

(6) Inflammatory bowel disease patients are at high risk for developing colorectal cancer.

(7) The total annual medical costs for inflammatory bowel disease patients is estimated at more than $2,000,000,000.

SEC. 3. NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES; INFLAMMATORY BOWEL DISEASE RESEARCH EXPANSION.

(a) IN GENERAL.—The Director of the National Institute of Diabetes and Digestive and Kidney Diseases shall expand, intensify, and coordinate the activities of the Institute with respect to research on inflammatory bowel disease, with particular emphasis on the following areas:

(1) Genetic research on susceptibility for inflammatory bowel disease, including the interaction of genetic and environmental factors in the development of the disease.

(2) Research targeted to increase knowledge about the causes and complications of inflammatory bowel disease in children.

(3) Animal model research on inflammatory bowel disease, including genetics in animals.

(4) Clinical inflammatory bowel disease research, including clinical studies and treatment trials.

(5) Expansion of the Institute's Inflammatory Bowel Disease Centers program with a focus on pediatric research.

(6) Other research initiatives identified by the scientific document entitled ''Challenges in Inflammatory Bowel Disease'' and the research agenda for pediatric gastroenterology, hepatology and nutrition entitled ''Chronic Inflammatory Bowel Disease''.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—For the purpose of carrying out subsection (a), there are authorized to be appropriated $75,000,000 for fiscal year 2006, $85,000,000 for fiscal year 2007, and $100,000,000 for fiscal year 2008.

(2) RESERVATION.—Of the amounts authorized to be appropriated under paragraph (1), not more than 20 percent shall be reserved for the training of qualified health professionals in biomedical research focused on inflammatory bowel disease, including pediatric investigators.

SEC. 4. CENTERS FOR DISEASE CONTROL AND PREVENTION; NATIONAL INFLAMMATORY BOWEL DISEASE ACTION PLAN.

(a) IN GENERAL.—

(1) PREPARATION OF PLAN.—The Director of the Centers for Disease Control and Prevention, in consultation with the inflammatory bowel disease community, shall prepare a comprehensive plan to address the burden of inflammatory bowel disease in both adult and pediatric populations (which plan shall be designated by the Director as the ''National Inflammatory Bowel Disease Action Plan'').

(2) REPORT TO CONGRESS.— Not later than 12 months after the date of the enactment of this Act, the Director of the Centers for Disease Control and Prevention shall submit the Plan referred to in paragraph (1) to the Committee on Energy and Commerce and the Committee on Appropriations in the House of Representatives and to the Committee on Health, Education, Labor and Pensions and the Committee on Appropriations in the Senate.

(b) CONTENT.—

(1) IN GENERAL.—The National Inflammatory Bowel Disease Action Plan shall address strategies for determining the true prevalence of inflammatory bowel disease in the United States, and the unique demographic characteristics of the patient community through the expansion of appropriate epidemiological activities.

(2) CERTAIN REQUIREMENTS.— The Plan referred to in paragraph (1) shall—

(A) focus on strategies for increasing awareness about inflammatory bowel disease within the general public and the health care community in order to facilitate more timely and accurate diagnoses; and

(B) address mechanisms designed to prevent the progression of the disease and the development of complications, such as colorectal cancer, and other strategies and activities as deemed appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.— For the purpose of carrying out this section, there is authorized to be appropriated such sums as may be necessary for fiscal year 2006.

By Mr. SPECTER (for himself, Mr. BIDEN, Mr. BROWNBACK, Mr. TALENT, Mr. DEWINE, Mr. CORZINE, Mr. BINGAMAN, Mr. KYL, Mr. SANTORUM, and Mr. OBAMA):

S. 1934. A bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I have sought recognition to introduce, along with Senators BIDEN and BROWNBACK, the Second Chance Act of 2005: Community Safety through Recidivism Prevention. This legislation is designed to reduce recidivism among adult and juvenile ex-offenders. Never before in our history have so many individuals been released from prison and never before in our history have so many ex-offenders been is prepared to reenter their communities. Each year, more than 650,000 individuals are released, which roughly equates to about 1,700 individuals returning communities each day. This number is expected to grow in the near future as more inmates complete their prison terms. For most offenders, the transition back into their communities is difficult because many lack the necessary skill to ensure a successful reentry. Many suffer from serious substance abuse addictions and mental health issues. Many have difficulty securing a job or adequate housing and often find themselves lured back to a life of crime. A study conducted by the Bureau of Justice Statistics reported that over two-thirds of released prisoners were rearrested within three years and one-half of those rearrested were convicted and re-incarcerated. This high rate of recidivism devastates our towns and communities and puts an enormous strain on state and local budgets.

The Second Chance Act reauthorizes the Adult and Juvenile Offender Reentry Demonstration projects, authorizing the Attorney General to make grants to States and local governments to establish offender reentry projects, with an enhanced focus on job training, housing, substance abuse and mental health treatment, and working with children and families. It also creates a new grant program available to nonprofit organizations for the purpose of providing mentoring and other transitional services essential to reintegrating ex-offenders. The Second Chance Act encourages new community partnerships to help educate, train, and employ these individuals who might otherwise return to a life of crime.

Many ex-offenders are often stigmatized by their incarceration, and must face the reality that many employers are reluctant to hire them. A National Adult Literacy Study determined that a majority of prisoners are either illiterate or have marginal reading, writing, and math skills. Following the repeal of Pell Grant eligibility for incarcerated individuals, I worked to create the Grants to States for Workplace and Community Transition Training for Incarcerated Youth Offenders program. This program is aimed at providing post-secondary education, employment counseling, and workplace and community transition training for incarcerated youth offenders while in prison, which continue for up to one year after the individual is released. The current program limits expenditures per youth offender to $1,500 for tuition and books, and only allows an additional $300 for other related services. The Second Chance Act builds upon my earlier efforts by increasing State's flexibility and accountability within the grant program. It removes the cap and raises the allowable expenditure permitted for each youth offender to the maximum level of Pell Grants. One of the keys to preventing recidivism is access to education an in recognizing the impact that education an job training can have on incarcerated offenders. It is my sincere hope that this legislation will encourage incarcerated individuals to achieve their independence and to gain the necessary skills to become productive members of society.

Another crisis that well face is the growing populations of prisoners who are parents. More than half of those currently incarcerated are parents of minor children. Female incarceration rates are increasing faster than those men, totaling 7 percent of the prison population. Of those incarcerated, 80 percent are mothers with, on average two dependent children. What is most troubling is that two-thirds of their children are younger the the age of 10. The incarceration of a parent can have a tremendous impact on childhood development. Prison presents a unique opportunity to improve a prisoner's ability to become a better part once they are released. Unfortunately, many of our prisons do not employ such programs, due to fiscal constraints as well as a shift in priorities. The Second Chance Act of 2005 encourages the creating of programs that facilitate visitation, if it is in the best interest of the child. It also directs the Secretary of Health and Human Services to establish services to help preserve family units, with special attention paid to the impact on the child of an incarcerated parent.

There is ample evident that well-designed reentry programs reduce recidivism. Programs such as aftercare for substance abusers and adult vocational education have shown to reduce recidivism up to 15 percent. These programs pay for themselves by reducing future correction costs associated with rehousing these individuals upon their return back into the institution. The revolving door of prisons not only hurts those who are caught up in the process, but hurts their families and our communities. If we fail to address this problem, 1e are burdening our communities not only with greater expenditures, but in the risk of increased crime and unsafe neighborhoods. The more we can do to prepare these individuals when they return home, the better off we will all be. I urge my colleagues to join me in cosponsoring this legislation, and urge its swift adoption.

Mr. BIDEN. Mr. President, Senator SPECTER, Senator BROWNBACK, and I introduce today the Second Chance Act of 2005, which takes direct aim at reducing recidivism rates for our nation's ex-offenders and improving the transition for these offenders from prison back into the community.

All too often we think about today, but not tomorrow. We look to short-

term solutions for long-term problems. We need to have a change in thinking and approach. It's time we face the dire situation of prisoners reentering our communities with insufficient monitoring, little nor no job skills, inadequate drug treatment, insufficient housing, lack of positive influences, a pap city of basic physical and mental health services, and deficient basic life skills.

The bill we introduce today is about providing a second chance for these ex-offenders, and the children and families that depend on them. It's about strengthening communities and ensuring safe neighborhoods.

Since my 1994 Crime Bill passed, we've had great success in cutting down on crime rates in this country. Under the Community Oriented Policing Services, COPS, program, we've funded over 100,000 officers all across the country. And our crime rate has plummeted.

But there's a record number of people currently serving time in our country—over 2 million in our federal and state prisons; with millions more in local jails. And 95 percent of all prisoners we lock up today will eventually get out. That equals nearly 650,000 being released from federal or state prisons to communities each year.

If we are going to continue the downward trend of crime rates, we simply have to make strong, concerted, and common-sense efforts now to help ex-prisoners successfully reenter and reintegrate to their communities.

And right now, we're not doing a good enough job. A staggering two-thirds of released State prisoners are expected to be rearrested for a felony or serious misdemeanor within 3 years of release. Two out of every three. You're talking about hundreds of thousands of reoffending, ex-offenders each year and hundreds of thousands of serious crimes being committed by people who have already served time in jail.

And, unfortunately, it's too difficult to see why such a huge portion of our released prisoners recommit serious crimes. Up to 60 percent of former inmates are not employed; 15–27 percent of prisoners expect to go to homeless shelters upon release; and 57 percent of federal and 70 percent of state inmates used drugs regularly before prison, with some estim1tes of involvement with drugs or alcohol around the time of the offense as high as 84 percent.

These huge numbers or released prisoners each year and the out-of-control recidivism rates are a recipe for diaster—leading to untold damage, hardship, and death for victims; ruined futures and lost potential for re-offenders; and a huge drain on society at large. One particularly vulnerable group is the children of these offenders. We simply cannot be resigned to allowing generation after generation entering and reentering our prisons. This pernicious cycle must come to an end.

My 1994 Crime Bill recognized these extraordinarily high rates of recidivism as a real problem. My bill, for example, created innovative drug treatment programs for State and Federal inmates to help them kick their habit.

But this is only one piece of the puzzle. I introduced a bill in 2000 that would have built on my 1994 Crime Bill—the ''Offender Reentry and Community Safety Act of 2000'' (S. 2908). This bill would have created demonstration reentry programs for Federal, State, and local prisoners. These programs were designed to assist high-risk, high-need offenders who served their prison sentences, but who posed the greatest risk of reoffending upon release because they lacked the education, job skills, stable family or living arrangements, and the health services they needed to successfully reintegrate into society.

While we have made some progress on offender reentry efforts since 1994, much more needs to be done. In the current session of Congress, I am pleased that colleagues of mine—from both sides of Capitol Hill and from both sides of the aisle—are also focusing their attention and this vital issue.

Senators SPECTER and BROWNBACK have been dedicated and tireless leaders on crime and public safety issues throughout their careers, and I am proud to join efforts with them today. Other Senators have also taken a leadership role on these issues, including Senators LEAHY, KENNEDY, BROWNBACK, HATCH, SPECTER, GRASSLEY, FEINSTEIN, DEWINE, SANTORUM, LANDRIEU, BINGAMAN, COBURN, DURBIN, and OBAMA.

The Second Chance Act of 2005 provides a competitive grant program to promote innovative programs to this out a variety of methods aimed at reducing recidivism rates. Efforts would be focus on post-release housing, education and job training, substance abuse and mental health services, and mentoring programs, just to name a few.

Because the scope of the problem is so large—with 650,000 prisoners being released from state and federal prisons each year—our bill provides $100 million per year in competitive grant funding . This isn't being wasteful with our scarce federal resources, it's just an acknowledgement of the scope of the problem we're faced with.

A relatively modest investment in offender reentry efforts compares very well with the alternative, building more and more prisons for these ex-offenders to return to if they are unable to successfully reenter their communities and instead are rearrested and reconvicted of more cries. We must remember that the average cost of incarcerating each prisoner exceeds 20,000 per year, with expenditures on corrections alone having increased from $9 billion in 1982 to $60 billion in 2002. We simply can't be penny-wise but pound-foolish.

The Second Chance Act of 2005 also requires that federal departments with a role in offender reentry efforts coordinate and work together; to make sure there aren't duplicative efforts or funding gaps; and to coordinate reentry research. Our bill would raise the profile of this issue within the executive branch and secure the sustained and coordinated federal attention offender reentry efforts deserve.

We also need to examine existing Federal and State reentry barriers—laws, regulations, rules, and practices that make it more difficult for former inmates to successfully reintegrate back into their communities; laws that confine ex-offenders to society's margins, making it even more likely that they will recommit serious crimes and return to prison.

Turning over a new leaf and going from a life of crime to becoming a productive member of society is tough enough. We shouldn't have Federal and State laws on the books that make this even more challenging. That's not say that we don't want to restrict former drug addicts from working in pharmacies, for example, or to bar sex offenders from working it day care centers. But many communities across the country currently exclude ex-prisoners from virtually every occupation requiring a state license, like chiropractic care, engineering, and real estate. Lifting these senselessly punitive bans would make it easier for ex-offenders to stay out of prison.

Our bill provides for a roust analysis of these federal and state barriers with recommendations on what next steps we need to take. And these reviews are mandated to take place out in the open under public scrutiny.

The Second Chance Act also spurs state-of-the-art research and study on offender reentry issues. We need to know who is most likely to recommit crimes when they are released, to better target our limited resources where they can do the most good. We need to study why some ex-offenders who seem to have the entire deck stacked against them are able to become successful and productive members of our society. We need to know what, works and how we can replicate what works for others.

Our bill also provides a whole slew of common-sense proposals in the areas of job training, employment, education, post-release housing, substance abuse, and prisoner mentoring—efforts and changes in law that we can do now.

Our Second Chance Act is a next, natural step in our campaign against crime. Making a dent in recidivism rate is an enormous undertaking; one that requires action now and continued focus in the future. I commit to vigorously pushing this legislation as well as keeping an eye on what steps we need to take in the future. We need to realize that the problems facing ex-offenders are enormous and will need sustained focus. The safety of our neighbors, our children, and our communities depends on it.

I am proud today to join with Senator SPECTER and Senator BROWNBACK in introducing the Second Chance Act and ask our colleagues to join with us in this vital effort.

Mr. BROWNBACK. Mr. President, I am please to join with Chairman SPECTER and Senator BIDEN today as we introduce a bill that will have a dramatic and positive effect in the lives of individuals re-entering society after incarceration. The Second Chance Act: Community Safety Through Recidivism Prevention is a bill that will not only protect our Nation's citizens but will more importantly help to reduce recidivism in our Nation.

A hallmark of any just society lies in its ability to protect the interest of all its citizens and I am proud that the United States is a leader in this regard. Yet, while we continue to strive toward this lofty goal, we must realize that there are areas in which we, as a society and as government, must do more to improve. No where is that more apparent than in our Nation's pension system.

Today, we have challenges within the prison system that range from high recidivism rates to budgetary and safety concerns. With this bill, we will be able to address this pressing problem within our society. Already we have seen innovative and model programs within the states and the faith community, and I am proud to say that Kansas is a leader in this regard, as well a such faith organizations as Prison Fellowship Ministries, Catholic Charities U.S.A., and the Salvation Army. However, we must stimulate innovation in this area on a national level and that is what this bill will accomplish. It is paramount that we ensure the safety of our communities and ensure that those incarcerated have the tools necessary to succeed after they rejoin society.

With this bill, we will be able to combat the extremely high recidivism rates plaguing the prison system, currently as high as 70 percent, as well as address the financial burdens that hinder many of our state penitentiaries. State prison operating expenditures totaled $28.4 billion in fiscal year 2001, or a nationwide average annual operating cost of $22,650 per inmate. Today, it is more likely than ever that a person released from prison will be rearrested—two-thirds of state prisoners are rearrested within 3 years of release. Depending of the expert consulted, between one-third and two-thirds of all prison re-admissions are related to probation or parole violations and at least half of those violations are technical.

We must stop subsiding programs that do not work and that lead, in turn, to negative behavior.

I am confident that the bill we are putting forward today will indeed take the much needed steps to reduce the recidivism rate in this Nation, which will in turn help those incarcerated make positive changes within their lives so that when they do rejoin society, they will be able to do so with the confidence of knowing that they can contribute to society in a positive manner. As an added incentive to recidivism reduction, each grant application submitted under this program must have as its strategic plan a goal to reduce recidivism by 50 percent in 5 years and in order to receive continued funding under this program, each granted must show a reduction in the recidivism rate of participants by 10 percent over 2 years.

Specifically, this bill facilitates change within our current correctional system, and promotes coordination with the Federal Government to better assist those returning to our communities after incarceration their children. The bill reauthorizes the Re-Entry Demonstration Project with an enhanced focus on jobs, housing, substance abuse treatment, mental health, and the children and families of those incarcerated. The bill authorizes $200 million over a period of two years to fund these demonstration programs and creates performance outcome standards and deliverables. It will also encourage states to enhance their re-entry services and systems with grants to fund the creation or enhancement of state re-entry councils for strategic planning and review the state barriers and resources that exit.

Additionally, the bill creates a Federal interagency taskforce to facilitate collaboration and identify innovative programs initiatives. The taskforce will review and report to Congress on the Federal barriers that exist to successful re-entry.

Furthermore, the bill create a $50 million 2 year mentoring program geared toward reducing recidivism and the societal costs of recidivism. This mentoring program will help ex-offenders re-integrate into their communities. This initiative will specifically harness the resources and experience of community-based organizations in helping returning ex-offender.

Finally, the bill amends the Workplace and Community Transition Training for Incarcerated Youth Offenders Act by improving the existing grants to States under this program and provides $60 million for the administration of the program. This youth program calls for expanding the eligibility age from 25 to 35 years, increases accountability by requiring State correctional education agencies to track specific and quantified student outcomes referenced to non-program participants, and increases the allowable expenditure per youth offender up to the level of the maximum Federal Pell Grant award for tuition, books and essential materials; and related services, such as career development.

We have an incredible opportunity to re-shape the way in which this nation's prison systems operate. Much like welfare reform in the mid 1990s, we have a chance to make real and effective change in an area where change is sorely needed. I look forward to pushing this legislation forward.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 289—EXPRESSING THE SENSE OF THE SENATE THAT JOSEPH JEFFERSON ''SHOELESS JOE'' JACKSON SHOULD BE APPROPRIATELY HONORED FOR HIS OUTSTANDING BASEBALL ACCOMPLISHMENTS

Mr. DeMINT (for himself, Mr. HARKIN, Mr. GRAHAM, and Mr. FEINGOLD) submitted the following resolution; which was considered and agreed to:

S. RES. 289

Whereas Joseph Jefferson ''Shoeless Joe'' Jackson, a native of Greenville, South Carolina, and a local legend, began his professional career and received his nickname while playing baseball for the Greenville Spinners in 1908;

Whereas ''Shoeless Joe'' Jackson moved to the Philadelphia Athletics for his major league debut in 1908, to the Cleveland Naps in 1910, and to the Chicago White Sox in 1915;

Whereas ''Shoeless Joe'' Jackson's accomplishments throughout his 13-year career in professional baseball were outstanding—he was 1 of only 7 Major League Baseball players to ever top the coveted mark of a .400 batting average for a season, and he earned a lifetime batting average of .356, the third highest of all time;

Whereas ''Shoeless Joe'' Jackson's career record makes him one of our Nation's top baseball players of all time;

Whereas in 1919, the infamous ''Black Sox'' scandal erupted when an employee of a New York gambler allegedly bribed 8 players of the Chicago White Sox, including Joseph Jefferson ''Shoeless Joe'' Jackson, to lose the first and second games of the 1919 World Series to the Cincinnati Reds;

Whereas in September 1920, a criminal court acquitted ''Shoeless Joe'' Jackson of the charge that he conspired to lose the 1919 World Series;

Whereas despite the acquittal, Judge Kenesaw Mountain Landis, baseball's first commissioner, banned ''Shoeless Joe'' Jackson from playing Major League Baseball for life without conducting any investigation of Jackson's alleged activities, issuing a summary punishment that fell far short of due process standards;

Whereas the evidence shows that Jackson did not deliberately misplay during the 1919 World Series in an attempt to make his team lose the World Series;

Whereas during the 1919 World Series, Jackson's play was outstanding—his batting average was .375 (the highest of any player from either team), he set a World Series record with 12 hits, he committed no errors, and he hit the only home run of the series;

Whereas because of his lifetime ban from Major League Baseball, ''Shoeless Joe'' Jackson has been excluded from consideration for admission to the Major League Baseball Hall of Fame;

Whereas ''Shoeless Joe'' Jackson died in 1951, after fully serving his lifetime ban from baseball, and 85 years have elapsed since the 1919 World Series scandal erupted;

Whereas Major League Baseball Commissioner Bud Selig took an important first step toward restoring the reputation of ''Shoeless Joe'' Jackson by agreeing to investigate whether he was involved in a conspiracy to alter the outcome of the 1919 World Series and whether he should be eligible for inclusion in the Major League Baseball Hall of Fame;

Whereas it has been 6 years since Commissioner Selig initiated his investigation of

''Shoeless Joe'', but there has been no resolution;

Whereas the Chicago White Sox are the 2005 American League Champions, and will compete in the World Series for the first time since 1959;

Whereas ''Shoeless Joe'' Jackson helped lead the Chicago White Sox to their last World Series Championship in 1917; and

Whereas it is appropriate for Major League Baseball to remove the taint upon the memory of ''Shoeless Joe'' Jackson and honor his outstanding baseball accomplishments: Now, therefore, be it

Resolved, That it is the sense of the Senate that Joseph Jefferson ''Shoeless Joe'' Jackson should be appropriately honored for his outstanding baseball accomplishments.

SENATE RESOLUTION 290—HONORING THE LIFE AND EXPRESSING THE DEEPEST CONDOLENCES OF CONGRESS ON THE PASSING OF EDWARD ROYBAL, FORMER UNITED STATES CONGRESSMAN

Mr. SALAZAR (for himself, Mr. BINGAMAN, Mrs. CLINTON, Mrs. FEINSTEIN, Mr. KERRY, Mr. LIEBERMAN, Mr. OBAMA, Mr. REID, Mrs. BOXER, Mr. PRYOR, Mr. DURBIN, and Mr. REED) submitted the following resolution; which was considered and agreed to:

S. RES. 290

Whereas Edward Roybal was born on February 10, 1916, in Albuquerque, New Mexico, and moved at the age of 6 with his family to the Boyle Heights barrio of Los Angeles;

Whereas his pioneering efforts in the Congress for civil rights and social justice on behalf of the elderly, Hispanics, and others has inspired generations of Americans;

Whereas Edward Roybal attended public schools, graduating from Roosevelt High School in 1934, and subsequently studying at the University of California in Los Angeles and Southwestern University;

Whereas Edward Roybal is a distinguished veteran who served in the United States Army during World War II;

Whereas Edward Roybal worked as a public health educator for the California Tuberculosis Association, and eventually served as Director of Health Education for the Los Angeles County Tuberculosis and Health Association until 1949;

Whereas Edward Roybal founded the Community Service Organization in 1947 with Fred Ross and a group of Mexican Americans forging a partnership between the Mexican-American and Jewish communities of East Los Angeles , and as the President of the organization, fought against discrimination in housing, employment, voting rights, and education;

Whereas Edward Roybal was elected to the Los Angeles City Council in 1949 and, as the first Hispanic to serve on the city council in more than a century, served for 13 years;

Whereas on November 6, 1962, Edward Roybal became the first Hispanic elected from California to serve in the House of Representatives since 1879, and served for 30 years;

Whereas during his 3 decades of service in the House of Representatives, Roybal worked to protect the rights of minorities, the elderly, and the physically-challenged;

Whereas during his tenure in the House of Representatives, Congressman Roybal served on several important congressional committees, including the Committee on the Post Office and Civil Service, the Committee on Foreign Affairs, the Committee on Veterans' Affairs, and as the Chair of the Select Committee on Aging;

Whereas in 1971, Congressman Roybal was selected to serve on the Committee on Appropriations, where he remained for the rest of his tenure in the House of Representatives and eventually chaired the Subcommittee on Treasury, Postal Service, and General Government in 1981;

Whereas, while serving as a member of the Committee on Appropriations, Edward Roybal was a powerful advocate for the funding of education, civil rights, and health programs and was 1 of the first members of Congress to press for and obtain funding for HIV and AIDS research;

Whereas Congressman Roybal was committed to providing opportunities for Spanish-speaking Americans, helped establish a Cabinet Committee on Opportunities for Spanish-speaking people in 1968 with the goal of improving education, housing, and employment opportunities for Spanish-speaking Americans, and authored the first education bill to provide local school districts with assistance with special bilingual teaching programs;

Whereas in 1976, the County of Los Angeles opened the Edward R. Roybal Clinic in East Los Angeles;

Whereas in 1976, Congressman Roybal was 1 of the founding members and became the first chair of the Congressional Hispanic Caucus, a legislative service organization of the House of Representatives that today is comprised of 21 Representatives;

Whereas Congressman Roybal was instrumental in the establishment of several national nonprofit organizations dedicated to advancing and promoting a new generation of Latino leaders, such as the Congressional Hispanic Caucus Institute and the National Association of Latino Elected and Appointed Officials; and

Whereas Congressman Roybal received numerous honors and awards, including two honorary doctor of law degrees from Pacific States University and from Claremont Graduate School, as well as the prestigious Presidential Citizens Medal of Honor from President William Jefferson Clinton; Now, therefore, be it

Resolved, That the United States Congress honors the trail-blazing life and pioneering accomplishments of Congressman Edward Roybal and expresses its condolences on his passing.

SENATE RESOLUTION 291—TO CONGRATULATE THE CHICAGO WHITE SOX ON WINNING THE 2005 WORLD SERIES CHAMPIONSHIP

Mr. OBAMA (for himself and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 291

Whereas, on October 26, 2005, the Chicago White Sox baseball club won the 2005 World Series;

Whereas this is the first championship for the White Sox since 1917, when Woodrow Wilson was president and the United States was fighting in World War I;

Whereas this is the first World Series appearance for the White Sox since 1959;

Whereas the White Sox posted a regular season record of 99–63 and dominated their opponents during the playoffs, compiling 11 wins and only 1 loss, and finishing with an 8-game win streak that included a sweep in the Fall Classic;

Whereas the White Sox joined the 1990 Cincinnati Reds and the legendary 1927 New York Yankees as the only teams who have swept a World Series after playing every game of the regular season while in first place;

Whereas the White Sox pitching staff tied a Major League playoff record of 4 straight complete game wins and did not allow a single run in the last 15 innings of the World Series;

Whereas Manager Ozzie Guillen, General Manager Kenny Williams, and owners Jerry Reinsdorf and Eddie Einhorn have put together and led a great organization;

Whereas all 25 players on the playoff squad, whose sole goal was winning the World Series rather than chasing individual glory, contributed to the victory, including World Series Most Valuable Player, Jermaine Dye, as well as Scott Podsednik, Tadahito Iguchi, Joe Crede, Aaron Rowand, Paul Konerko, Juan Uribe, A.J. Pierzynski, Carl Everett, Freddy Garcia, Geoff Blum, Willie Harris, Timo Perez, Chris Widger, Pablo Ozuna, Mark Buehrle , Jose Contreras, Neal Cotts , Jon Garland, Dustin Hermanson, Orlando Hernandez, Bobby Jenks, Damaso Marte, Cliff Politte, and Luis Vizcaino;

Whereas other players, such as Frank Thomas and Brandon McCarthy, made important contributions to get the White Sox to the playoffs, but were unable to be placed on the playoff roster;

Whereas this current group of White Sox players follows in the giant footsteps of the great players in White Sox history who have had their numbers retired, players such as Nellie Fox (#2), Harold Baines (#3), Luke Appling (#4), Minnie Minoso (#9), Luis Aparicio (#11), Ted Lyons (#16), Billy Pierce (#19), and Carlton Fisk (#72);

Whereas the city of Chicago and White Sox fans have faithfully stuck by their team during the decades it spent in baseball's wilderness;

Whereas a new generation of young fans in Chicago and around Illinois are discovering the joy of world championship baseball; and

Whereas the Boston Red Sox, the Los Angeles Angels of Anaheim, and the Houston Astros proved worthy and honorable adversaries and also deserve recognition, and: Now, therefore, be it

Resolved, that the Senate—

(1) congratulates the Chicago White Sox on winning the 2005 World Series Championship;

(2) commends the fans, players, and management of the Houston Astros for allowing the Chicago White Sox and their many supporters to celebrate their first World Series title in 88 years at Minute Maid Park, the home field of the Houston Astros; and

(3) respectfully directs the Enrolling Clerk of the Senate to transmit an enrolled copy of this resolution to—

(A) the 2005 Chicago White Sox baseball club;

(B) White Sox owners, Jerry Reinsdorf and Eddie Einhorn.

SENATE RESOLUTION 292—CALLING ON THE PRESIDENT TO CONDEMN THE ANTI-ISRAEL SENTIMENTS EXPRESSED BY THE PRESIDENT OF IRAN, MAHMOUD AHMADINEJAD, ON OCTOBER 26, 2005.

Mr. LAUTENBERG (for himself, Mr. SMITH, Mr. DODD, Mrs. DOLE, Mr. NELSON of Florida, Mr. CORZINE, Mr. SALAZAR, Mr. FEINGOLD, Mr. LEVIN, Mrs. CLINTON, Mr. COLEMAN, and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 292

Whereas, on October 26, 2005, the President of Iran, Mahmoud Ahmadinejad, said that Israel must be ''wiped off the map'' and that ''[a]nybody who recognizes Israel will burn in the fire of the Islamic nations' fury'';

Whereas the Department of State has designated Iran as a state sponsor of terrorism that has repeatedly provided support for acts of international terror;

Whereas the Government of Iran sponsors terrorist organizations such as Hezbollah, Hamas, Islamic Jihad, the al-Aqsa Martyrs Brigades, and PFLP-GC by providing funding, training, weapons, and safe haven to such organizations; and

Whereas the outrageous statements of Mr. Ahmadinejad are not in accord with the expressions of the Palestinian leadership in the peace process: Now, therefore, be it

Resolved, That the Senate—

(1) thoroughly repudiates the anti-Israel sentiments expressed by the President of Iran, Mahmoud Ahmadinejad, on October 26, 2005; and

(2) calls on the President, on behalf of the United States, to thoroughly repudiate, in the strongest terms possible, the statement by Mr. Ahmadinejad.

SENATE RESOLUTION 293—CALLING FOR A FREE AND FAIR PRESIDENTIAL ELECTION IN THE REPUBLIC OF KAZAKHSTAN

Mr. MCCAIN (for himself, Mr. BIDEN, Mr. SUNUNU, Mr. BAYH, Mr. LEAHY, Mr. SMITH, Mr. GRAHAM, and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 293

Whereas the Republic of Kazakhstan is scheduled to hold a presidential election on December 4, 2005;

Whereas Kazakhstan freely accepted commitments on democracy, human rights, the rule of law, and other fundamental freedoms and rights when it joined the Organization for Security and Cooperation in Europe (OSCE) as a participating state in 1992;

Whereas the United States supports the promotion of democracy and transparent, free, and fair elections in Kazakhstan, consistent with that country's OSCE commitments;

Whereas the OSCE declared that, while the 2004 parliamentary elections in Kazakhstan reflected improvement over past parliamentary elections, the election process ''fell short of OSCE commitments and other international standards for democratic elections in many respects'';

Whereas the OSCE election monitoring mission documented a number of shortcomings in the parliamentary elections in Kazakhstan, including the government's barring of 2 opposition leaders from running, a lack of transparency in the work of the Central Election Commission, discrepancies in voter lists, a lack of political balance in the composition of election commissions, a strong media bias in favor of pro-presidential parties, pressure placed on voters to support pro-presidential parties by local government officials and workplace supervisors, and other shortcomings;

Whereas in April 2005, Kazakhstan amended its election law to ban political demonstrations in the period between the end of election campaigns and the announcement of official election results;

Whereas on September 9, 2005, President Nursultan Nazarbaev issued a decree directing state authorities to undertake actions, which, if fully implemented, could improve on many of the shortcomings found in previous elections;

Whereas other elements of Kazakhstan's stated commitments to OSCE principles and to fulfilling the goals of democracy remain unfulfilled;

Whereas there is currently no representation of the opposition in either the Majilis or the Senate, the lower and upper houses of the Kazakh Parliament, respectively;

Whereas some independent media exists in Kazakhstan, but self-censorship is common due to fears of official reprisal;

Whereas the Department of State concluded in its Country Reports on Human Rights Practices for 2004 that ''the [Kazakhstan] Government's human rights record remained poor, and it continued to commit numerous abuses'';

Whereas a transparent, free, and fair presidential election process in Kazakhstan would mark an important step in that country's progress toward its integration into the democratic community of nations;

Whereas a genuinely free and fair election requires that citizens be guaranteed the right and opportunity to exercise their civil and political rights, free from intimidation, undue influence, threats of political retribution, or other forms of coercion by national or local authorities or others; and

Whereas a genuinely free and fair election requires government and public authorities to ensure that candidates and political parties enjoy equal treatment before the law and that government resources are not employed to the advantage of individual candidates or political parties: Now, therefore, be it

Resolved, That the Senate—

(1) calls on the Government of Kazakhstan to hold an orderly, peaceful, free, and fair presidential election in December 2005, in accordance with all Organization for Security and Cooperation in Europe (OSCE) guidelines;

(2) calls upon the Government of Kazakhstan to guarantee the full participation of opposition figures and parties in the upcoming election, and to permit the return of political exiles;

(3) believes that it is vital that the December election be viewed by the people of Kazakhstan as fully free and fair, and that all sides refrain from violence or intimidation before, during, or after election day;

(4) calls upon the Government of Kazakhstan to guarantee unimpeded access to all aspects of the election process for election monitors from the Office for Democratic Institutions and Human Rights of the OSCE, Kazakh political parties, representatives of candidates, nongovernmental organizations, and other private institutions and organizations, both foreign and domestic;

(5) urges the international community and domestic nongovernmental organizations to provide a sufficient number of election observers to ensure credible monitoring and reporting of the December presidential election;

(6) calls upon the Government of Kazakhstan to guarantee freedom of speech and assembly; and

(7) calls upon the Government of Kazakhstan to meet all of its freely accepted OSCE commitments on democracy, human rights, and the rule of law.

SENATE CONCURRENT RESOLUTION 61—AUTHORIZING THE REMAINS OF ROSA PARKS TO LIE IN HONOR IN THE ROTUNDA OF THE CAPITOL

Mr. FRIST (for himself, Mr. REID, Mr. DODD, Mr. DEWINE, Mr. LEVIN, Mr. BROWNBACK, Ms. STABENOW, Mr. SANTORUM, Mr. OBAMA, Mr. TALENT, Mrs. CLINTON, Mr. ALLEN, Mr. KENNEDY, Mr. HARKIN, Mr. BIDEN, Mrs. BOXER, Mr. PRYOR, Mr. JEFFORDS, Mr. FEINGOLD, Mr. LAUTENBERG, Mr. SCHUMER, Mr. CORZINE, Mr. DORGAN, Mr. ROCKEFELLER, Mr. BAYH, Mr. LIEBERMAN, Mr. LEAHY, Mr. DURBIN, and Mr. AKAKA) submitted the following concurrent resolution; which was considered and agreed to:

Resolved by the Senate (the House of Representatives concurring), That, in recognition of the historic contributions of Rosa Parks, her remains be permitted to lie in honor in the rotunda of the Capitol from October 30 to October 31, 2005, so that the citizens of the United States may pay their last respects to this great American. The Architect of the Capitol, under the direction and supervision of the President pro tempore of the Senate and the Speaker of the House of Representatives, shall take all necessary steps for the accomplishment of that purpose.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2335. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 2280 proposed by Mr. HARKIN to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 2336. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2234 proposed by Mr. COBURN to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2337. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2285 submitted by Mrs. MURRAY to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2338. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 2319 submitted by Mrs. CLINTON and intended to be proposed to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2339. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2340. Mr. MARTINEZ (for Ms. COLLINS (for herself, Mr. MARTINEZ, Mr. LOTT, and Mr. NELSON, of Florida)) proposed an amendment to the bill S. 939, to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize the reimbursement under that Act of certain expenditures, and for other purposes.

SA 2341. Mr. MARTINEZ proposed an amendment to the bill S. 939, supra.

SA 2342. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 2283 proposed by Mr. HARKIN (for himself Mr. KENNEDY, Mr. REID, Mr. DURBIN, Mr. OBAMA, Mr. BAYH, Mr. KOHL, Ms. MIKULSKI, Mrs. CLINTON, Mr. JOHNSON, and Mr. DAYTON) to the bill H.R. 3010, making appropriations for the Departments of Labor,

Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 2343. Mr. MCCONNELL (for Ms. SNOWE (for herself, Ms CANTWELL, Mr. STEVENS, and Mr. INOUYE)) proposed an amendment to the bill S. 1280, to authorize appropriations for fiscal years 2006 and 2007 for the United States Coast Guard, and for other purposes.

SA 2344. Mr. MCCONNELL (for Mr. INOUYE) proposed an amendment to the bill S. 1280, supra.

TEXT OF AMENDMENTS

SA 2335. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 2280 proposed by Mr. HARKIN to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 222. (a) Section 640(i) of the Head Start Act (42 U.S.C. 9835(i)) is amended—

(1) by striking ''(i) The'' and inserting the following:

''(i) TRANSPORTATION SAFETY.—

''(1) REGULATIONS.—The''; and

(2) by adding at the end the following:

''(2) WAIVER AUTHORITY.—

''(A) IN GENERAL.—The Secretary may waive for a period of up to one year the requirements of regulations promulgated under paragraph (1) for one or more vehicles used by the agency or its designee in transporting children enrolled in a Head Start program or an Early Head Start program if—

''(i) such requirements pertain to child restraint systems and bus monitors;

''(ii) the agency demonstrates that compliance with such requirements will result in a significant disruption to the Head Start program or the Early Head Start program; and

''(iii) the waiver is in the best interest of the child.

''(B) RENEWAL.—The Secretary may renew a waiver under subparagraph (A).''.

(b) Section 1310.12(a) of the Code of Federal Regulations shall be effective beginning on the date that is 120 days after the first reauthorization of the Head Start Act occurring after the date of enactment of this Act.

SA 2336. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2234 proposed by Mr. COBURN to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 222, between lines 5 and 6, insert the following:

SEC. ___. DEPARTMENT OF HEALTH AND HUMAN SERVICES AND DEPARTMENT OF EDUCATION RISK ASSESSMENT.

(a) ESTIMATE.—The Secretary of Health and Human Services and the Secretary of Education shall estimate improper payments pursuant to section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note, Public Law 107-300) under—

(1) in the case of the Secretary of Health and Human Services, the Temporary Assistance for Needy Families Program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), the Foster Care and Adoption Assistance Program under part E of title IV of such Act (42 U.S.C. 670 et seq,), the Medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.), the State Children's Health Insurance Program under title XXI of such Act (42 U.S.C. 1397aa et seq.), and the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.); and

(2) in the case of the Secretary of Education, title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services, in the case of the programs specified in subsection (a)(1), and the Secretary of Education, in the case of the program specified in subsection (a)(2), shall report to Congress on the specific actions taken under each such program to comply with section 2 of the Improper Payments Information Act of 2002, including a schedule for full compliance with such Act within fiscal year 2006.

(c) FAILURE TO REPORT.—If the Secretary of Health and Human Services, in the case of a program specified in subsection (a)(1), or the Secretary of Education, in the case of the program specified in subsection (a)(2), fails to report to Congress on specific actions taken to estimate improper payments under such a program by the date described in subsection (b), none of the funds made available in this Act for that program shall be obligated or expended after such date until a report regarding the program that contains the information specified in subsection (b) is submitted to Congress.

SA 2337. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2285 proposed by Mrs. MURRAY to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 5 of the amendment, strike the period and insert '', and a review of the approval process under section 314.510 of title 21, Code of Federal Regulations, of the drug known as RU-486.''.

SA 2338. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 2319 submitted by Mrs. CLINTON to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 3 of the amendment, between lines 5 and 6, insert the following:

(c) CONSCIENCE PROTECTION.—Nothing in this section shall be construed to require any hospital that receives Federal funds or any individual to offer, provide, refer for or administer any treatment that has as its effect the destruction or interference with the implantation of a newly conceived human embryo if the offering, provision, referral or administering of such treatment is contrary to the religious beliefs or moral convictions of such hospital or individual.

SA 2339. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

In the amendment strike all after the first word and insert the following:

___. SURVIVORS OF SEXUAL ASSAULT; PROVISION BY HOSPITALS OF EMERGENCY CONTRACEPTIVES.

(a) IN GENERAL.—No Federal funds appropriated in this Act may be provided to a hospital under any health-related program, unless the hospital meets the conditions specified in subsection (b) in the case of—

(1) any woman who presents at the hospital and states that she is a victim of sexual assault, or is accompanied by someone who states she is a victim of sexual assault; and

(2) any woman who presents at the hospital whom hospital personnel have reason to believe is a victim of sexual assault.

(b) ASSISTANCE FOR VICTIMS.—The conditions specified in this subsection regarding a hospital and a woman described in subsection (a) are as follows:

(1) The hospital promptly provides the woman with medically and factually accurate and unbiased written and oral information about emergency contraception, including information explaining that—

(A) emergency contraception does not cause an abortion; and

(B) emergency contraception is effective in most cases in preventing pregnancy after unprotected sex.

(2) The hospital promptly offers emergency contraception to the woman, and promptly provides such contraception to her on her request.

(3) The information provided pursuant to paragraph (1) is in clear and concise language, is readily comprehensible, and meets such conditions regarding the provision of the information in languages other than English as the Secretary may establish.

(4) The services described in paragraphs (1) through (3) are not denied because of the inability of the woman or her family to pay for the services.

(c) DEFINITIONS.—For purposes of this section:

(1) The term ''emergency contraception'' means a drug, drug regimen, or device that—

(A) is used postcoitally;

(B) prevents pregnancy by delaying ovulation, preventing fertilization of an egg, or preventing implantation of an egg in a uterus; and

(C) is approved by the Food and Drug Administration.

(2) The term ''hospital'' has the meanings given such term in title XVIII of the Social Security Act, including the meaning applicable in such title for purposes of making payments for emergency services to hospitals that do not have agreements in effect under such title.

(3) The term ''Secretary'' means the Secretary of Health and Human Services.

(4) The term ''sexual assault'' means coitus in which the woman involved does not consent or lacks the legal capacity to consent.

(d) EFFECTIVE DATE; AGENCY CRITERIA.—This section takes effect upon the expiration of the 180-day period beginning on the date of enactment of this Act. Not later than 30 days prior to the expiration of such period, the Secretary shall publish in the Federal Register criteria for carrying out this section.

SA 2340. Mr. MARTINEZ (for Ms. COLLINS (for herself, Mr. MARTINEZ, Mr. LOTT, and Mr. NELSON of Florida)) proposed an amendment to the bill S. 939, to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance

Act, to authorize the reimbursement under that Act of certain expenditures, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Debris Removal Act of 2005''.

SEC. 2. EXPEDITED PAYMENTS.

(a) EXPEDITED PAYMENTS AUTHORIZED.—Notwithstanding the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) (including any regulation promulgated pursuant to that Act), the Secretary of Homeland Security, acting through the Director of the Federal Emergency Management Agency, shall pay to an eligible applicant, in accordance with subsection (b), 50 percent of the Federal share of assistance that the applicant is eligible to receive under section 407 of that Act (42 U.S.C. 5173).

(b) DATE OF PAYMENT.—A claim described in subsection (a) shall be paid not later than 60 days after the date on which the applicant files an eligible claim for assistance.

SEC. 3. DEBRIS CLEARANCE, REMOVAL, AND DISPOSAL FROM EMERGENCY ACCESS ROADS.

(a) DEFINITION OF EMERGENCY ACCESS ROAD.—In this section, the term ''emergency access road'' means a road that requires access by emergency personnel, including firefighters, police, emergency medical personnel, or any other entity identified by the Secretary of Homeland Security that provides an emergency service after a declaration of an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).

(b) REIMBURSEMENT AUTHORIZED.—Any reimbursement authorized under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173) for clearing and removing debris may include reimbursement for clearing, removing, and disposing of debris from any emergency access road.

SEC. 4. INCLUSION OF DEBRIS REMOVAL AS ELIGIBLE CLAIM FOR FEDERAL ASSISTANCE.

Section 408(c)(2)(A) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(2)(A)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii), by striking the period at the end and inserting ''; and''; and

(3) by inserting after clause (ii) the following:

''(iii) the removal of debris and wreckage resulting from a major disaster from owner occupied private residential property, utilities, and residential infrastructure (such as a private access route) as necessary for a safe and sanitary living or functioning condition.''.

SEC. 5. COST SHARE.

For a period of not less than 180 days after the date of declaration of an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) during the period beginning on August 25, 2005 through December 31, 2005, the Federal share of assistance provided to eligible applicants for debris removal under section 407 of that Act (42 U.S.C. 5173) shall be 100 percent.

SEC. 6. GUIDELINES FOR REIMBURSEMENT.

In light of concerns regarding inconsistent policy memoranda and guidelines issued to counties and communities affected by the 2004 hurricane season, the Secretary of Homeland Security, acting through the Under Secretary for Emergency Preparedness and Response, shall provide clear, concise, and uniform guidelines for the reimbursement to any county or government entity affected by a hurricane of the costs of hurricane debris removal.

SEC. 7. APPLICABILITY; TERMINATION OF AUTHORITY.

This Act and the authority provided by this Act (including by any amendment made by this Act) shall—

(1) apply to each major disaster declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during calendar year 2005; and

(2) terminate on the date that is 1 year after the date of enactment of this Act.

SA 2341. Mr. MARTINEZ proposed an amendment to the bill S. 939, to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize the reimbursement under that Act of certain expenditures, and for other purposes; as follows:

Amend the title so as to read: ''To expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize the reimbursement under that Act of certain expenditures, and for other purposes.''.

SA 2342. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 2283 proposed by Mr. HARKIN (for himself, Mr. KENNEDY, Mr. REID, Mr. DURBIN, Mr. OBAMA, Mr. BAYH, Mr. KOHL, Ms. MIKULSKI, Mrs. CLINTON, Mr. JOHNSON, and Mr. DAYTON) to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and or other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, strike ''$183,589,000: Provided, That $120,000,000 of amounts available for influenza preparedness'' and replace with ''$8,158,589,000: Provided, That $8,095,000,000 of amounts available for influenza preparedness is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006 and''

SA 2343. Mr. MCCONNELL (for Ms. SNOWE (for herself, Ms. CANTWELL, Mr. STEVENS, and Mr. INOUYE)) proposed an amendment to the bill S. 1280, to authorize appropriations for fiscal years 2006 and 2007 for the United States Coast Guard, and for other purposes; as follows:

On page 2, strike the item relating to section 211 and insert the following:

Sec. 211. Undocumented Maine fish tenders.

On page 2, after the item relating to section 217, insert the following:

Sec. 218. Distant water tuna fleet.
Sec. 219. Automatic identification system.

On page 3, after the item relating to section 410, insert the following:

Sec. 411. Conveyance of decommissioned Coast Guard Cutter MACKINAW.

On page 8, line 17, strike ''2006.'' and insert ''2006 and as of September 30, 2007.''.

On page 8, beginning in line 18, strike ''fiscal year 2006,'' and insert ''each of fiscal years 2006 and 2007,''.

On page 9, beginning in line 3, strike ''fiscal year 2006'' and insert ''each of fiscal years 2006 and 2007''.

On page 18, strike lines 6 through 24 and insert the following:

SEC. 211. UNDOCUMENTED MAINE FISH TENDERS.

Not withstanding any other provision of law, a vessel that is ineligible for documentation under chapter 121 of title 46, United States Code, because it measures less than 5 net tons, may transport fish or shellfish within the coastal waters of the State of Maine if—

(1) the vessel transported fish or shellfish pursuant to a valid wholesale seafood license, issued under the authority of section 6851 of title 12 of the Maine Revised Statutes prior to December 31, 2004; and

(2) the vessel is owned by an individual or entity meeting the citizenship requirements necessary to document a vessel under section 12106 of title 46, United States Code.

On page 19, line 18, insert ''(a) IN GENERAL.—'' before ''The''.

On page 20, after line 25, insert the following:

(b) INDEPENDENT ANALYSIS OF REVISED DEEP WATER PLAN.—Within 180 days after the date of enactment of this Act, the Commandant of the Coast Guard may execute a contract with an independent entity—

(1) to conduct an analysis of the Coast Guard's revised Deepwater Plan; and

(2) to assess whether—

(A) the mix of assets and capabilities selected as part of that plan will meet the Coast Guard's criteria of—

(i) performance; and

(ii) minimizing total ownership costs; or

(B) additional or different assets should be considered as part of the plan.

On page 22, strike lines 13 through 18, and insert the following:

''(c)(1) No vessel without a registry endorsement may engage in—

''(A) the setting or movement of the anchors or other mooring equipment of a mobile offshore drilling unit that is located over the outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.c. 1331(a))) whether or not attached to the outer Continental Shelf; or

''(B) the movement of merchandise or personnel to or from a point in the United States from or to a mobile offshore drilling unit located over the outer Continental Shelf that is—

''(i) not attached to the seabed; or

''(ii) attached to the seabed on the outer Continental Shelf but not exploring for oil and gas resources from the outer Continental Shelf.

''(2) Nothing in paragraph (1) authorizes the employment in the coastwise trade of a vessel that does not meet the requirements of section 12106 of this title.''.

On page 22, between lines 18 and 19, insert the following:

SEC. 218. DISTANT WATER TUNA FLEET.

(a) MANNING REQUIREMENTS.—United States purse seine fishing vessels transiting to or from, or fishing exclusively for highly migratory species in, the Treaty area under a fishing license issued pursuant to the 1987 Treaty of Fisheries Between the Governments of Certain Pacific Islands States and the Government of the United States of America may utilize non-United States licensed and documented personnel to meet manning requirements for the 48 month period beginning on the date of enactment of this Act if, after timely notice of a vacancy, no United States-licensed and documented personnel are readily available.

(b) LIMITATION.—Subsection (a) applies only to vessels operating in and out of American Samoa.

(c) WAIVER.—The citizenship requirements of sections 8103(a) and 12110 of title 46, United States Code, are waived for vessels to which subsection (a) applies during the 48-month period.

SEC. 219. AUTOMATIC IDENTIFICATION SYSTEM.

(a) PREVENTION OF HARMFUL INTERFERENCE.—The Secretary of the Department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, may, within 60 days of the enactment of this Act, transfer $1,000,000 to the National Telecommunications and Information Administration of the Department of Commerce for the purposes of awarding, within 120 days after the date of enactment of this Act a competitive grant to design, develop, and prototype a device that integrates a Class B Automatic Identification System transponder (International Electrotechnical Commission standard 62287) with an FCC-approved wireless maritime data device with channel throughput greater than 19.2 kilobits per second to enable such wireless maritime data device to provide wireless maritime data services, concurrent with the operation of such Automatic Identification System transponder, on frequency channels adjacent to the frequency channels on which the Automatic Identification System transponder operates, while minimizing or eliminating the harmful interference between such Automatic Identification System transponder and such wireless maritime data device. The design of such device shall be available for public use.

(b) IMPLEMENTATION OF AIS.—It is the Sense of the Senate that the Federal Communications Commission should resolve within 60 days after the date of enactment of this Act the disposition of its rulemaking on the Automatic Information System and licensee use of frequency bands 157.1875-157.4375 MHz and 161.7875-162.0375 MHz (RM-10821, WT Docket Number 04-344). The implementation of this section shall not delay the implementation of an Automatic Identification System as required by the Maritime Transportation Security Act of 2002 and international convention.

On page 30, line 5, strike " 'Members'; " and insert " 'The'; ".

On page 30, line 7, insert "(1)" before "The".

On page 30, line 12, strike the closing quotation marks and the second period.

On page 30, between lines 12 and 13, insert the following:

"(2) Any motorized vehicle placed at the disposition of the Coast Guard and utilized to carry out its functions under paragraph (1) shall be considered to be a 'motorized vehicle utilized under section 826(b)' as that term is used in section 830.".

On page 35, between lines 4 and 5, insert the following:

SEC. 411. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER MACKINAW.

(a) IN GENERAL.—Upon the scheduled decommissioning of the Coast Guard Cutter MACKINAW, the Commandant of the Coast Guard shall convey all right, title, and interest of the United States in and to that vessel to the City and County of Cheboygan, Michigan, without consideration, if—

(1) the recipient agrees—

(A) to use the vessel for purposes of a museum;

(B) not to use the vessel for commercial transportation purposes;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from the use by the Government under subparagraph (C);

(2) the recipient has funds available that will be committed to operate and maintain the vessel conveyed in good working condition, in the form of cash, liquid assets, or a written loan commitment, and in an amount of at least $700,000; and

(3) the recipient agrees to any other conditions the Commandant considers appropriate.

(b) MAINTENANCE AND DELIVERY OF VESSEL.—Prior to conveyance of the vessel under this section, the Commandant shall, to the extent practical, and subject to other Coast Guard mission requirements, make every effort to maintain the integrity of the vessel and its equipment until the time of delivery. If a conveyance is made under this section, the Commandant shall deliver the vessel to a suitable mooring in the local area, in its present condition, on or about June 10, 2006, and no later than June 30, 2006. The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).

(c) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function for purposes of a museum.

SA 2344. Mr. MCCONNELL (for Mr. INOUYE) proposed an amendment to the bill S. 1280, to authorize appropriations for fiscal years 2006 and 2007 for the United States Coast Guard, and for other purposes; as follows:

On page 3, after the item relating to section 601, insert the following:

TITLE VII—HURRICANE KATRINA

Sec. 701. Sense of the Senate on Coast Guard response to Hurricane Katrina.
Sec. 702. Supplemental authorization of appropriations.
Sec. 703. Report on the use of vessels.
Sec. 704. Use of maritime safety and security teams.
Sec. 705. Temporary authority to extend duration of merchant mariner licenses and documents.
Sec. 706. Temporary authority to extend duration of vessel certificates of inspection.
Sec. 707. Preservation of leave lost due to Hurricane Katrina operations.
Sec. 708. Reports on impacts to Coast Guard.
Sec. 709. Reports on impacts on navigable waterways.

On page 44, after line 10, add the following:

TITLE VII—HURRICANE KATRINA

SEC. 701. SENSE OF SENATE ON COAST GUARD RESPONSE TO HURRICANE KATRINA.

(a) FINDINGS.—The Senate makes the following findings:

(1) The response of the Coast Guard to Hurricane Katrina was exemplary.

(2) The Coast Guard strategically positioned its aircraft, vessels, and personnel the day before Hurricane Katrina made landfall and launched search and rescue teams within hours after Hurricane Katrina struck.

(3) The impacts of Hurricane Katrina were unprecedented, and the Coast Guard rose to meet the challenges presented by such impacts.

(4) The Coast Guard moved its operations in areas threatened by Hurricane Katrina to higher ground and mobilized cutters, small boats, and aircraft from all around the United States to help in the response to Hurricane Katrina.

(5) The Coast Guard rescued more than 33,000 people affected by Hurricane Katrina through the air and by water, including evacuations of hospitals, and has been at the center of efforts to restore commerce to areas affected by Hurricane Katrina by clearing shipping channels, replacing aids to navigation, and securing uprooted oil rigs.

(6) The Coast Guard has been at the forefront of the Federal response to the numerous oil and chemical spills in the area affected by Hurricane Katrina.

(7) As an indication of the effectiveness of the Coast Guard in a time of emergency, the Chief of Staff of the Coast Guard was placed in charge of coordinating all response operations relating to Hurricane Katrina.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Coast Guard should play a major role in the event of any future national emergency or disaster caused by a natural event in the United States in a coastal or offshore area.

SEC. 702. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts provided to the Coast Guard from another Federal agency for reimbursement of expenditures for Hurricane Katrina, there are authorized to be appropriated for fiscal year 2005 to the Secretary of the department in which the Coast Guard is operating the following amounts for non-reimbursed expenditures:

(1) For the operation and maintenance of the Coast Guard in responding to Hurricane Katrina, including, but not limited to, search and rescue efforts, clearing channels, and emergency response to oil and chemical spills, and for increased costs of operation and maintenance of the Coast Guard due to higher than expected fuel costs, $200,000,000.

(2) For the acquisition, construction, renovation, and improvement of aids to navigation, shore and offshore facilities, and vessels and aircraft, including equipment related thereto, related to damage caused by Hurricane Katrina, $300,000,000.

(b) CONSTRUCTION WITH OTHER FUNDING.—The amounts authorized to be appropriated by subsection (a) are in addition to any other amounts authorized to be appropriated for fiscal year 2005 to the Secretary of the department in which the Coast Guard is operating under any other provision of law.

(c) AVAILABILITY.—The amounts authorized to be appropriated by subsection (a) shall remain available until expended.

SEC. 703. REPORT ON THE USE OF VESSELS.

(a) IN GENERAL.—The Inspector General of the Department of Homeland Security shall review any contract valued at $10,000,000 or more entered into by or on behalf of the United States Government with an owner, charterer, managing operator, agent or person in charge of a vessel in response to Hurricane Katrina to determine whether—

(1) the contract price, as modified, was appropriate and reasonable, and based on current, accurate, and complete cost and pricing data;

(2) information other than certified cost or pricing data was relied upon;

(3) applicable procurement laws and regulations were followed to the extent practicable throughout the award and contract administration process; and

(4) there were any irregularities or deviations in the award and subsequent oversight and administration of the contract.

(b) REPORT.—No later than 9 months after the date of enactment of this Act, the Inspector General shall transmit a report of results of the review with findings and recommendations, including possible legislative

or regulatory changes, or improvements to the contracting process immediately following a disaster, to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 704. USE OF MARITIME SAFETY AND SECURITY TEAMS.

Section 70106 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(d) IMPLEMENTATION OF COAST GUARD MISSIONS.—The Secretary may also use maritime safety and security teams to implement any other mission of the Coast Guard.''.

SEC. 705. TEMPORARY AUTHORITY TO EXTEND DURATION OF MERCHANT MARINER LICENSES AND DOCUMENTS.

(a) MERCHANT MARINER LICENSES.—The Secretary of the department in which the Coast Guard is operating may temporarily extend the expiration date of any merchant mariner license issued pursuant to chapter 71 of title 46, United States Code, when such action is deemed appropriate and necessary.

(b) MERCHANT MARINER DOCUMENTS.—The Secretary of the department in which the Coast Guard is operating may temporarily extend the expiration date of any merchant mariner's document issued pursuant to chapter 73 of title 46, United States Code, when such action is deemed appropriate and necessary.

(c) SCOPE OF AUTHORITY.—Any extension under subsection (a) or (b) may be granted to individual mariners or to specifically identified groups of mariners.

(d) EXPIRATION OF AUTHORITY.—The authorities provided in this section shall expire on September 30, 2007.

SEC. 706. TEMPORARY AUTHORITY TO EXTEND DURATION OF VESSEL CERTIFICATES OF INSPECTION.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the department in which the Coast Guard is operating may temporarily extend the expiration date or validity of any Certificate of Inspection or Certificate of Compliance issued pursuant to subtitle II of title 46, United States Code.

(b) EXPIRATION OF AUTHORITY.—The authority provided in this section shall expire on September 30, 2007.

SEC. 707. PRESERVATION OF LEAVE LOST DUE TO HURRICANE KATRINA OPERATIONS.

(a) PRESERVATION OF LEAVE.—Notwithstanding section 701(b) of title 10, United States Code, any member of the Coast Guard who serves on active duty for a continuous period of 30 days, who is assigned to duty or otherwise detailed in support of units or operations in the Eighth Coast Guard District area of responsibility for activities to mitigate the consequences of, or assist in the recovery from, Hurricane Katrina, during the period beginning on August 28, 2005, and ending on January 1, 2006, and who would otherwise lose any accumulated leave in excess of 60 days as a consequence of such assignment, is authorized to retain an accumulated total of up to 90 days of leave.

(b) EXCESS LEAVE.—Leave in excess of 60 days accumulated under subsection (a) shall be lost unless used by the member before the commencement of the second fiscal year following the fiscal year in which the assignment commences, in the case of a Reserve members, the year in which the period of active service is completed.

SEC. 708. REPORTS ON IMPACTS TO COAST GUARD.

(a) REPORTS REQUIRED.—

(1) INTERIM REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an interim report on the impacts of Hurricane Katrina and the response of the Coast Guard to such impacts.

(2) FINAL REPORT.—Not later than 180 days after the date of the date of the submittal of the report required by paragraph (1), the Secretary of the department in which the Coast Guard is operating shall submit to the committees of Congress referred to in that paragraph a final report on the impacts of Hurricane Katrina and the response of the Coast Guard to such impacts.

(b) ELEMENTS.—Each report required by subsection (a) shall include the following:

(1) A discussion and assessment of the impacts of Hurricane Katrina on the facilities, aircraft, vessels, and other assets of the Coast Guard, including an assessment of such impacts on pending or proposed replacements or upgrades of facilities, aircraft, vessels, or other assets of the Coast Guard.

(2) A discussion and assessment of the impact of Hurricane Katrina on Coast Guard operations and strategic goals.

(3) A statement of the number of emergency drills held by the Coast Guard during the five-year period ending on the date of the report with respect to natural disasters and with respect to security incidents.

(4) A description and assessment of the lines of communication and reporting within the Coast Guard, and between the Coast Guard and other departments and agencies of the Federal Government and State and local governments, as well as the interoperability of such communications, during the response to Hurricane Katrina.

(5) A discussion and assessment of the financial impact on Coast Guard operations during fiscal years 2005 and 2006 of unbudgeted increases in prices of fuel.

SEC. 709. REPORTS ON IMPACTS ON NAVIGABLE WATERWAYS.

(a) REPORTS REQUIRED.—

(1) INTERIM REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall, in consultation with the Secretary of Commerce, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the impacts of Hurricane Katrina on navigable waterways and the response of the Coast Guard to such impacts.

(2) FINAL REPORT.—Not later than 180 days after the date of the submittal of the report required by paragraph (1), the Secretary of the department in which the Coast Guard is operating shall, in consultation with the Secretary of Commerce, submit to the committees of Congress referred to in that paragraph a report on the impacts of Hurricane Katrina on navigable waterways with respect to missions within the jurisdiction of the Coast Guard and the response of the Coast Guard to such impacts.

(b) ELEMENTS.—Each report required by subsection (a) shall include the following:

(1) A discussion and assessment of the impacts, and associated costs, of Hurricane Katrina on—

(A) the navigable waterways of the United States;

(B) facilities located in or on such waterways;

(C) aids to navigation to maintain the safety of such waterways; and

(D) any other equipment located in or on such waterways related to a mission of the Coast Guard.

(2) An estimate of the costs to the Coast Guard of restoring the resources described in paragraph (1) and an assessment of the vulnerability of such resources to natural disasters in the future.

(3) A discussion and assessment of the environmental impacts in areas within the Coast Guard's jurisdiction of Hurricane Katrina, with a particular emphasis on any releases of oil or hazardous chemicals into the navigable waterways of the United States.

(4) A discussion and assessment of the response of the Coast Guard to the impacts described in paragraph (3), including an assessment of environmental vulnerabilities in natural disasters in the future and an estimate of the costs of addressing such vulnerabilities.

(c) NAVIGABLE WATERWAYS OF THE UNITED STATES.—In this section, the term ''navigable waterways of the United States'' includes waters of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.

NOTICES OF HEARINGS/MEETINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing on October 31, 2005, entitled ''Corruption in the United Nations Oil-for-Food Program: Reaching a Consensus on UN Reform.''

The October 31 hearing will be the fourth hearing the Permanent Subcommittee on Investigations has held on the United Nations' Oil-for-Food Program (''OFF Program''). The Subcommittee's first hearing on the OFF Program laid the foundation for future hearings by describing how the OFF Program was exploited by Saddam Hussein. A second hearing examined the operations of the independent inspection agents retained by the United Nations in the OFF Program and examined issues related to inadequate management, audit, and procurement oversight. The hearing also examined issues related to why the U.S. and U.N. did not interfere with Iraq's open exports of oil to Jordan and Turkey, in violation of U.N. sanctions. The Subcommittee's third hearing detailed how Saddam Hussein manipulated the OFF Program to win influence and reward friends in order to undermine sanctions. In particular, the hearing presented evidence detailing how Saddam rewarded foreign officials with lucrative oil allocations that could be converted to money. The hearing also examined the illegal surcharges paid on Iraqi oil sales, using examples involving the recently indicted U.S. company, Bayoil. In addition, more detailed information was provided on the nature and extent of the 2003 Khor al-Amaya incident in which oil tankers loaded a large amount of Iraqi oil circumventing U.N. sanctions.

The Subcommittee's October 31 hearing will address: 1. The findings of the Subcommittee's October 25, 2005, Oil-for-Food Program Report covering illegal payments to individuals; 2. the

findings of the October 27, 2005 final report of the Volker Independent Inquiry Committee (IIC) on the United Nations Oil-for-Food Program; 3. a Government Accountability Office (GAO) status report on two Subcommittees requested investigations of the United Nations Office of Internal Oversight Services (OIOS) and the United Nations Procurement System; 4. the findings of a supplemental Minority report on Bayoil oil diversions; and 5. progress toward implementing United Nations management reforms resulting from the September 2005 UN Summit on Reform. The hearing will also examine the oversight by the U.S. Office of Foreign Assets Control (OFAC) to stop misconduct by U.S. persons doing business under the OFF Program.

The Subcommittee hearing is scheduled for Monday, October 31, 2005, at 1:00 p.m. in room 342 of the Dirksen Senate Office Building. For further information, please contact Raymond V. Shepherd, III, Staff Director and Chief Counsel to the Permanent Subcommittee on Investigations, at 224–3721.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on October 27, 2005, at 9:30 a.m., in closed session to mark up S. 1803, the Intelligence Authorization Act for fiscal year 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 27, 2005, at 10 a.m., to conduct a hearing on ''Issues Regarding the Sending of Remittances and the Role of Financial Institutions.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SPECTER. 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 Thursday, October 27 at 10 a.m. The purpose of this hearing is to receive testimony from the administration on hurricane recovery efforts related to energy and to discuss energy policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, October 27, 2005, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a business meeting on the following bills:

(1) S. 1057, the Indian Health Care Improvement Act amendments of 2005.

(2) S. 1003, The Navajo-Hopi Land Settlement amendments of 2005.

(3) S. 692, A bill to provide for the conveyance of certain public land in northwestern New Mexico by resolving a dispute associated with coal preference right lease interests on the land.

(4) S._____, A bill to extend the statute of limitations for breach of trust claims.

(5) 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.

Those wishing additional information may contact the Indian Affairs Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, October 27, 2005 at 9:30 a.m. in Senate Dirksen Office Building room 226.

Agenda:

I. Nominations:

Wan Kim, to be an Assistant Attorney General, Civil Rights Division; Steven G. Bradbury, to be an Assistant Attorney General for the Office of Legal Counsel; Sue Ellen Wooldridge, to be an Assistant Attorney General, Environment and Natural Resources Division; and Thomas O. Barnett, to be an Assistant Attorney General, Antitrust Division.

II. Bills:

S. 1088, Streamlined Procedures Act of 2005, Kyl, Cornyn, Grassley, Hatch;

S. 1789, Personal Data Privacy and Security Act of 2005, Specter, Leahy, Feinstein, Feingold;

S. 751, Notification of Risk to Personal Data Act, Feinstein, Kyl;

S. 1699, Stop Counterfeiting in Manufactured Goods Act, Specter, Leahy, Hatch, DeWine, Cornyn, Brownback, Feingold, Durbin;

S. 1095, Protecting American Goods and Services Act of 2005, Cornyn, Leahy;

H.R. 683, Trademark Dilution Revision Act of 2005, Smith—TX;

S. 1787, Relief to Victims of Hurricane Katrina and Other Natural Disasters Act of 2005, Vitter, Grassley, Cornyn, DeWine;

S. 1647, Hurricane Katrina Bankruptcy Relief and Community Protection Act of 2005, Feingold, Leahy, Durbin, Kennedy, Feinstein; and

S.J. Res. 1, Marriage Protection Amendment, Allard, Sessions, Kyl, Hatch, Cornyn, Coburn.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, October 27, 2005, for a committee hearing titled ''The Rising Number of Disabled Veterans Deemed Unemployable: Is the System Failing? A Closer Look at VA's Individual Unemployment Benefit.'' The hearing will take place in room 418 of the Russell Senate Office Building at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 27, 2005 at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTRY, CONSERVATION, AND RURAL REVITALIZATION

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Forestry, Conservation, and Rural Revitalization be authorized to conduct a hearing during the session of the Senate on Thursday, October 27, 2005, at 10 a.m. in room 328A, Senate Russell Office Building. The purpose of this subcommittee hearing will be to conduct oversight of the Forest and Rangeland Research Program of the USDA Forest Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRADE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Trade be authorized to meet during the session on Thursday, October 27, 2005, at 2 p.m., to hear testimony on ''The Status of World Trade Organization Negotiations.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. ENZI. Mr. President, I ask unanimous consent that Tec Chapman be allowed to be on the floor during the remainder of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

REENROLLMENT OF H.R. 3765

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 276, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 276) requesting the President to return to the House of Representatives the enrollment of H.R. 3765 so that the Clerk of the House may reenroll the bill in accordance with the action of the two Houses.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 276) was agreed to.

DEBRIS REMOVAL ACT OF 2005

Mr. MARTINEZ. Mr. President, I ask unanimous consent to proceed to immediate consideration of S. 939.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 939) to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and to direct the Secretary of Homeland Security to exercise certain authority provided under that Act.

There being no objection, the Senate proceeded to consider the bill to which had been reported from the Committee on Homeland Security and Governmental Affairs, with amendments.

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 939

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 ''Disaster Recovery Act of 2005''.

[SEC. 2. EXPEDITED PAYMENTS OF FEDERAL ASSISTANCE FOR DEBRIS REMOVAL AND EMERGENCY PROTECTIVE MEASURES.

[(a) DEFINITIONS.—In this section:

[(1) ELIGIBLE APPLICANT.—The term ''eligible applicant'' means—

[(A) a State government;

[(B) a local government;.

[(C) a private nonprofit organization or institution that owns or operates any private nonprofit educational, utility, emergency, medical, or custodial care facility, including a facility for the aged or disabled, or any other facility providing essential governmental services to the general public, and such facilities on Indian reservations; and

[(D) an Indian tribe or authorized tribal organization, or an Alaska Native village or organization (other than an Alaska Native Corporation), the ownership of which is vested in a private individual.

[(2) ELIGIBLE CLAIM FOR ASSISTANCE.—The term ''eligible claim for assistance'' means—

[(A) a claim for the clearance, removal, or disposal of debris (such as trees, sand, gravel, building components, wreckage, vehicles, and personal property), if the debris is the result of an emergency or major disaster and the clearance, removal, or disposal is necessary—

[(i) to eliminate an immediate threat, as determined by the Secretary of Homeland Security, to human life, public health, or safety;

[(ii) to eliminate an immediate threat, as determined by the Secretary, of significant damage to public or private property;

[(iii) to ensure the economic recovery of the community affected by the emergency or major disaster to the benefit of the community and any other community, as determined by the Secretary; or

[(iv) to ensure the provision of temporary public transportation service in the community affected by the emergency or major disaster pursuant to section 419 of the Robert T. Stafford Disaster and Emergency Assistance Act (42 U.S.C. 5186);

[(B) an action taken by an applicant before, during, or after an emergency or major disaster that is necessary—

[(i) to eliminate or reduce an immediate threat, as determined by the Secretary of Homeland Security, to human life, public health, or safety; or

[(ii) to eliminate or reduce an immediate hazard, as determined by the Secretary, that threatens significant damage to public or private property; or

[(C) any other claim that the Secretary of Homeland Security determines to be appropriate.

[(3) EMERGENCY.—The term ''emergency'' has the meaning given the term in section 102 of the Robert T. Stafford Disaster and Emergency Assistance Act (42 U.S.C. 5122).

[(4) MAJOR DISASTER.—The term ''major disaster'' has the meaning given the term in section 102 of the Robert T. Stafford Disaster and Emergency Assistance Act (42 U.S.C. 5122).

[(b) EXPEDITED PAYMENTS AUTHORIZED.—Notwithstanding the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) (including any regulation promulgated pursuant to that Act), the Secretary of Homeland Security, acting through the Director of the Federal Emergency Management Agency, shall pay to an eligible applicant, in accordance with subsection (c), 50 percent of the Federal share of assistance that the applicant is eligible to receive under section 403(b), 407(d), or 503 of that Act (42 U.S.C. 5170b(b), 5173(d), 5193).

[(c) DATE OF PAYMENT.—A claim described in subsection (b) shall be paid not later than 60 days after the date on which the applicant files an eligible claim for assistance.

[SEC. 3. REQUIREMENT TO ENSURE DEBRIS CLEARANCE, REMOVAL, AND DISPOSAL FROM EMERGENCY ACCESS ROADS.

[(a) DEFINITION OF EMERGENCY ACCESS ROAD.—In this section, the term ''emergency access road'' means a road that requires access by emergency personnel, including firefighters, police, emergency medical personnel, or any other entity identified by the Secretary of Homeland Security that provides an emergency service after a declaration of an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).

[(b) REQUIREMENT.—Any reimbursement authorized under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173) for clearing and removing debris shall include reimbursement for clearing, removing, and disposing of debris from any emergency access road.

[SEC. 4. INCLUSION OF DEBRIS REMOVAL FROM PRIVATE LAND AS ELIGIBLE CLAIM FOR FEDERAL ASSISTANCE.

[Section 408(c)(2)(A) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(2)(A)) is amended—

[(1) in clause (i), by striking ''and'' at the end;

[(2) in clause (ii), by striking the period at the end and inserting ''; and''; and

[(3) by inserting after clause (ii) the following:

[''(iii) the removal, clearance, and disposal of debris from private property that is the result of an emergency or major disaster.''.

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Debris Removal Act of 2005''.

SEC. 2. EXPEDITED PAYMENTS.

(a) EXPEDITED PAYMENTS AUTHORIZED.—Notwithstanding the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) (including any regulation promulgated pursuant to that Act), the Secretary of Homeland Security, acting through the Director of the Federal Emergency Management Agency, shall pay to an eligible applicant, in accordance with subsection (b), 50 percent of the Federal share of assistance that the applicant is eligible to receive under section 407 of that Act (42 U.S.C. 5173).

(b) DATE OF PAYMENT.—A claim described in subsection (a) shall be paid not later than 60 days after the date on which the applicant files an eligible claim for assistance.

SEC. 3. DEBRIS CLEARANCE, REMOVAL, AND DISPOSAL FROM EMERGENCY ACCESS ROADS.

(a) DEFINITION OF EMERGENCY ACCESS ROAD.—In this section, the term ''emergency access road'' means a road that requires access by emergency personnel, including firefighters, police, emergency medical personnel, or any other entity identified by the Secretary of Homeland Security that provides an emergency service after a declaration of an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).

(b) REIMBURSEMENT AUTHORIZED.—Any reimbursement authorized under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173) for clearing and removing debris may include reimbursement for clearing, removing, and disposing of debris from any emergency access road.

SEC. 4. INCLUSION OF DEBRIS REMOVAL AS ELIGIBLE CLAIM FOR FEDERAL ASSISTANCE.

Section 408(c)(2)(A) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(2)(A)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii), by striking the period at the end and inserting ''; and''; and

(3) by inserting after clause (ii) the following:

''(iii) the removal of debris and wreckage resulting from a major disaster from owner occupied private residential property, utilities, and residential infrastructure (such as a private access route) as necessary for a safe and sanitary living or functioning condition.''.

SEC. 5. APPLICABILITY; TERMINATION OF AUTHORITY.

This Act and the authority provided by this Act (including by any amendment made by this Act) shall—

(1) apply to each major disaster declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during calendar year 2005; and

(2) terminate on the date that is 1 year after the date of enactment of this Act.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the committee-reported amendment, as amended, be agreed to, the bill, as amended, be read a third time and passed, the title amendment be agreed to, the motions to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2340) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Debris Removal Act of 2005''.

SEC. 2. EXPEDITED PAYMENTS.

(a) EXPEDITED PAYMENTS AUTHORIZED.—Notwithstanding the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) (including any regulation promulgated pursuant to that Act), the Secretary of Homeland Security, acting through the Director of the Federal Emergency Management Agency, shall pay to an eligible applicant, in accordance with subsection (b), 50 percent of the Federal share of assistance that the applicant is eligible to receive under section 407 of that Act (42 U.S.C. 5173).

(b) DATE OF PAYMENT.—A claim described in subsection (a) shall be paid not later than 60 days after the date on which the applicant files an eligible claim for assistance.

SEC. 3. DEBRIS CLEARANCE, REMOVAL, AND DISPOSAL FROM EMERGENCY ACCESS ROADS.

(a) DEFINITION OF EMERGENCY ACCESS ROAD.—In this section, the term ''emergency access road'' means a road that requires access by emergency personnel, including firefighters, police, emergency medical personnel, or any other entity identified by the Secretary of Homeland Security that provides an emergency service after a declaration of an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).

(b) REIMBURSEMENT AUTHORIZED.—Any reimbursement authorized under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173) for clearing and removing debris may include reimbursement for clearing, removing, and disposing of debris from any emergency access road.

SEC. 4. INCLUSION OF DEBRIS REMOVAL AS ELIGIBLE CLAIM FOR FEDERAL ASSISTANCE.

Section 408(c)(2)(A) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(2)(A)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii), by striking the period at the end and inserting ''; and''; and

(3) by inserting after clause (ii) the following:

''(iii) the removal of debris and wreckage resulting from a major disaster from owner occupied private residential property, utilities, and residential infrastructure (such as a private access route) as necessary for a safe and sanitary living or functioning condition.''.

SEC. 5. COST SHARE.

For a period of not less than 180 days after the date of declaration of an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) during the period beginning on August 25, 2005 through December 31, 2005, the Federal share of assistance provided to eligible applicants for debris removal under section 407 of that Act (42 U.S.C. 5173) shall be 100 percent.

SEC. 6. GUIDELINES FOR REIMBURSEMENT.

In light of concerns regarding inconsistent policy memoranda and guidelines issued to counties and communities affected by the 2004 hurricane season, the Secretary of Homeland Security, acting through the Under Secretary for Emergency Preparedness and Response, shall provide clear, concise, and uniform guidelines for the reimbursement to any county or government entity affected by a hurricane of the costs of hurricane debris removal.

SEC. 7. APPLICABILITY; TERMINATION OF AUTHORITY.

This Act and the authority provided by this Act (including by any amendment made by this Act) shall—

(1) apply to each major disaster declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during calendar year 2005; and

(2) terminate on the date that is 1 year after the date of enactment of this Act.

The committee amendment in the nature of a substitute, as amended, was agreed to. The amendment (No. 2341) was agreed to, as follows:

Amend the title so as to read: ''To expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize the reimbursement under that Act of certain expenditures, and for other purposes.''.

The bill (S. 939), as amended, was read the third time and passed.

Mr. LOTT. Mr. President, I know that the distinguished chairman and the ranking member want to move forward on this legislation. I do not want to delay their proceedings, but I will take just a moment. I will take advantage of the opportunity to put a statement in the RECORD.

I think it is important that we acknowledge the importance of this relatively small bill as we try to recover from the hurricanes we are dealing with.

I think we must give credit to the chairman of the Governmental Affairs and Homeland Security Committee, Senator COLLINS from Maine, the ranking member, Senator LIEBERMAN from Connecticut, to the leadership of the distinguished Senator from Florida, and Senator MARTINEZ, who knows full well the things we are dealing with in the recovery from these disasters. His own State has been hit once again. Mother Nature can be a very devastating vixen when you don't anticipate the kind of damage you wind up with.

Also, I thank the Democrats and their leadership for helping clear this legislation.

I thank and acknowledge Senator VITTER's and Senator LANDRIEU's involvement in all these efforts.

It is hard to get anything done in the Senate these days. It is the way our body functions. And we all question everything, legitimately. But we got it done.

I would like to give credit to both sides and to all of those involved.

This just has four or five important things. They are important. People are hurting, and this will help us get through this recovery period.

Thank you very much for allowing me this moment to comment.

S. 939

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 ''Debris Removal Act of 2005''.

SEC. 2. EXPEDITED PAYMENTS.

(a) EXPEDITED PAYMENTS AUTHORIZED.—Notwithstanding the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) (including any regulation promulgated pursuant to that Act), the Secretary of Homeland Security, acting through the Director of the Federal Emergency Management Agency, shall pay to an eligible applicant, in accordance with subsection (b), 50 percent of the Federal share of assistance that the applicant is eligible to receive under section 407 of that Act (42 U.S.C. 5173).

(b) DATE OF PAYMENT.—A claim described in subsection (a) shall be paid not later than 60 days after the date on which the applicant files an eligible claim for assistance.

SEC. 3. DEBRIS CLEARANCE, REMOVAL, AND DISPOSAL FROM EMERGENCY ACCESS ROADS.

(a) DEFINITION OF EMERGENCY ACCESS ROAD.—In this section, the term ''emergency access road'' means a road that requires access by emergency personnel, including firefighters, police, emergency medical personnel, or any other entity identified by the Secretary of Homeland Security that provides an emergency service after a declaration of an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).

(b) REIMBURSEMENT AUTHORIZED.—Any reimbursement authorized under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173) for clearing and removing debris may include reimbursement for clearing, removing, and disposing of debris from any emergency access road.

SEC. 4. INCLUSION OF DEBRIS REMOVAL AS ELIGIBLE CLAIM FOR FEDERAL ASSISTANCE.

Section 408(c)(2)(A) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(2)(A)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii), by striking the period at the end and inserting ''; and''; and

(3) by inserting after clause (ii) the following:

''(iii) the removal of debris and wreckage resulting from a major disaster from owner occupied private residential property, utilities, and residential infrastructure (such as a private access route) as necessary for a safe and sanitary living or functioning condition.''.

SEC. 5. COST SHARE.

For a period of not less than 180 days after the date of declaration of an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) during the period beginning on August 25, 2005 through December 31, 2005, the Federal share of assistance provided to eligible applicants for debris removal under section 407 of that Act (42 U.S.C. 5173) shall be 100 percent.

SEC. 6. GUIDELINES FOR REIMBURSEMENT.

In light of concerns regarding inconsistent policy memoranda and guidelines issued to counties and communities affected by the 2004 hurricane season, the Secretary of Homeland Security, acting through the Under Secretary for Emergency Preparedness and Response, shall provide clear, concise, and uniform guidelines for the reimbursement to any county or government entity affected by a hurricane of the costs of hurricane debris removal.

SEC. 7. APPLICABILITY; TERMINATION OF AUTHORITY.

This Act and the authority provided by this Act (including by any amendment made by this Act) shall—

(1) apply to each major disaster declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during calendar year 2005; and

(2) terminate on the date that is 1 year after the date of enactment of this Act.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENTS NOS. 109–5 AND 109–6

Mr. MCCONNELL. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on October 27, 2005, by the President of the United States: the Tax Convention with Bangladesh, Treaty Document No. 109–5; and the U.N. Convention Against Corruption, Treaty Document No. 109–6. I further ask unanimous consent that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages of the President are as follows:

To the Senate of the United States:

I transmit herewith for the advice and consent of the Senate to ratification a Convention Between the Government of the United States of America and the Government of Bangladesh for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income signed at Dhaka on September 26, 2004 (the ''Convention''). An exchange of notes is enclosed, and the report of the Department of State with respect to the Convention is transmitted for the information of the Senate.

This Convention, which is similar to tax treaties between the United States and other developing nations, provides maximum rates of tax to be applied to various types of income and protection from double taxation of income. The Convention also provides for the resolution of disputes and sets forth rules making its benefits unavailable to those who are engaged in treaty forum shopping.

I recommend that the Senate give early and favorable consideration to this Convention and that the Senate give its advice and consent to ratification.

GEORGE W. BUSH.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the United Nations Convention Against Corruption (the ''Corruption Convention''), which was adopted by the United Nations General Assembly on October 31, 2003. I also transmit, for the information of the Senate, the report of the Secretary of State with respect to the Corruption Convention, with an enclosure.

The international fight against corruption is an important foreign policy priority for the United States. Corruption hinders sustainable development, erodes confidence in democratic institutions, and facilitates transnational crime and terrorism. The Convention will be an effective tool to assist in the growing global effort to combat corruption.

The U.N. Corruption Convention is the first global multilateral treaty to comprehensively address the problems relating to corruption. It provides for a broad range of cooperation, including extradition and mutual legal assistance, and commits governments to take measures that will prevent corruption from happening in the first place. The Corruption Convention includes provisions to criminalize and prevent corruption and provides procedures for governments to recover assets that have been illicitly acquired by corrupt officials.

The provisions of the Corruption Convention are explained in the accompanying report of the Department of State. The report also sets forth proposed reservations that would be deposited by the United States with its instrument of ratification. With these reservations, the Convention will not require implementing and consent to its ratification, subject to the reservations, understandings, and declarations described in the accompanying report of the Department of State.

I recommend that the Senate give early and favorable consideration to the Corruption Convention and give its advice and consent to its ratification, subject to the reservations, understandings, and declarations described in the accompanying report of the Department of State.

GEORGE W. BUSH.

AUTHORIZING THE REMAINS OF ROSA PARKS TO LIE IN HONOR IN THE ROTUNDA OF THE CAPITOL

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 61, submitted early today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 61) authorizing the remains of Rosa Parks to lie in honor in the rotunda of the Capitol.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DODD. Mr. President, on Monday, this Nation lost a great American humanitarian, public servant, and true modern day civil rights hero, Mrs. Rosa Parks. The powerful and nonviolent act of defiance of this single, extraordinary lady changed the course of human history in this Nation, and around the world. By her respectful refusal to give up her seat to a white man and move to a seat in the back of a Montgomery, AL, city bus 50 years ago, Rosa Parks spoke to the fundamental truth of our democracy: that all men are created equal. None of us living today, nor the future generations of an eternity of tomorrows, will ever be the same because of the act of this brave woman. By her solitary action, Rosa Parks proved that one person can make a difference. And she did.

Rosa Parks is not just a national hero, she is the embodiment of our social and human conscience and the spark that lit the flame of liberty and equality for African Americans and minority groups in this country and around the globe. Nelson Mandela, the former President of South Africa, once called her ''the David who challenged Goliath'' and his inspiration during his long imprisonment prior to taking office.

It is altogether fitting and proper that this Nation honor the memory and gentle spirit of this great American and her legacy by providing an opportunity for the ordinary citizens of this Nation to pay their last respects to Mrs. Rosa Parks.

Therefore, I proposed to the Senate leadership that we adopt a resolution authorizing such, and I am grateful to them for sponsoring the resolution that I authored to authorize the use of the Capitol Rotunda for the remains of Mrs. Rosa Parks to lie in honor beginning on Sunday, October 30.

It has been the longstanding tradition of the Congress to authorize this honor for not just Members of Congress and Presidents, but ordinary citizens whose extraordinary efforts and service distinguished them in the history of this Nation. Other great Americans who have been similarly honored date back to 1909 when Pierre Charles L'Enfant, planner of the Capital City of Washington, lay in state in the Rotunda. Others include Admiral George Dewey in 1917; General John Joseph Pershing in 1948; General Douglas MacArthur in 1964; Director of the FBI, J. Edgar Hoover in 1972; and most recently, Capitol Police Officers Jacob Joseph Chestnut and John Michael Gibson in 1998.

Congress recognized the need for the Nation to pay its respects to these honorable men and Congress should permit the Nation to pay its last respects to this honorable woman, Mrs. Rosa Louise Parks, as well.

I thank my colleagues for their assistance and support and urge the House to adopt this measure expeditiously so that America may properly honor this courageous lady and great America.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the

motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 61) was agreed to, as follows:

S. CON. RES. 61

Resolved by the Senate (the House of Representatives concurring), That, in recognition of the historic contributions of Rosa Parks, her remains be permitted to lie in honor in the rotunda of the Capitol from October 30 to October 31, 2005, so that the citizens of the United States may pay their last respects to this great American. The Architect of the Capitol, under the direction and supervision of the President pro tempore of the Senate and the Speaker of the House of Representatives, shall take all necessary steps for the accomplishment of that purpose.

HONORING JOSEPH JEFFERSON ''SHOELESS JOE'' JACKSON FOR HIS OUTSTANDING BASEBALL ACCOMPLISHMENTS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 289, which was submitted early today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 289) expressing the sense of the Senate that Joseph Jefferson ''Shoeless Joe'' Jackson should be appropriately honored for his outstanding baseball accomplishments.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask that the Senate now proceed to a voice vote on adoption of the resolution.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the resolution.

The resolution (S. Res. 289) was agreed to.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the preamble be agreed to and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 289

Whereas Joseph Jefferson ''Shoeless Joe'' Jackson, a native of Greenville, South Carolina, and a local legend, began his professional career and received his nickname while playing baseball for the Greenville Spinners in 1908;

Whereas ''Shoeless Joe'' Jackson moved to the Philadelphia Athletics for his major league debut in 1908, to the Cleveland Naps in 1910, and to the Chicago White Sox in 1915;

Whereas ''Shoeless Joe'' Jackson's accomplishments throughout his 13-year career in professional baseball were outstanding—he was 1 of only 7 Major League Baseball players to ever top the coveted mark of a .400 batting average for a season, and he earned a lifetime batting average of .356, the third highest of all time;

Whereas ''Shoeless Joe'' Jackson's career record makes him one of our Nation's top baseball players of all time;

Whereas in 1919, the infamous ''Black Sox'' scandal erupted when an employee of a New York gambler allegedly bribed 8 players of the Chicago White Sox, including Joseph Jefferson ''Shoeless Joe'' Jackson, to lose the first and second games of the 1919 World Series to the Cincinnati Reds;

Whereas in September 1920, a criminal court acquitted ''Shoeless Joe'' Jackson of the charge that he conspired to lose the 1919 World Series;

Whereas despite the acquittal, Judge Kenesaw Mountain Landis, baseball's first commissioner, banned ''Shoeless Joe'' Jackson from playing Major League Baseball for life without conducting any investigation of Jackson's alleged activities, issuing a summary punishment that fell far short of due process standards;

Whereas the evidence shows that Jackson did not deliberately misplay during the 1919 World Series in an attempt to make his team lose the World Series;

Whereas during the 1919 World Series, Jackson's play was outstanding—his batting average was .375 (the highest of any player from either team), he set a World Series record with 12 hits, he committed no errors, and he hit the only home run of the series;

Whereas because of his lifetime ban from Major League Baseball, ''Shoeless Joe'' Jackson has been excluded from consideration for admission to the Major League Baseball Hall of Fame;

Whereas ''Shoeless Joe'' Jackson died in 1951, after fully serving his lifetime ban from baseball, and 85 years have elapsed since the 1919 World Series scandal erupted;

Whereas Major League Baseball Commissioner Bud Selig took an important first step toward restoring the reputation of ''Shoeless Joe'' Jackson by agreeing to investigate whether he was involved in a conspiracy to alter the outcome of the 1919 World Series and whether he should be eligible for inclusion in the Major League Baseball Hall of Fame;

Whereas it has been 6 years since Commissioner Selig initiated his investigation of ''Shoeless Joe'', but there has been no resolution;

Whereas the Chicago White Sox are the 2005 American League Champions, and will compete in the World Series for the first time since 1959;

Whereas ''Shoeless Joe'' Jackson helped lead the Chicago White Sox to their last World Series Championship in 1917; and

Whereas it is appropriate for Major League Baseball to remove the taint upon the memory of ''Shoeless Joe'' Jackson and honor his outstanding baseball accomplishments: Now, therefore, be it

Resolved, That it is the sense of the Senate that Joseph Jefferson ''Shoeless Joe'' Jackson should be appropriately honored for his outstanding baseball accomplishments.

HONORING THE LIFE OF EDWARD ROYBAL

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 290, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 290) honoring the life and expressing the deepest condolences of Congress on the passing of Edward Roybal, former United States Congressman.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SALAZAR. Mr. President. I rise today to pay tribute to a trailblazing American and former Member of Congress, the Honorable Edward R. Roybal. It is an honor to speak about this incredible man, who on Monday passed away at the age of 89 and was an inspiration to me and to millions of Hispanics across our Nation.

First, I must offer my heartfelt condolences to the Honorable Roybal's wife, Lucile; his daughter, Congresswoman LUCILLE ROYBAL-ALLARD, who is in her seventh term representing California's 34th District; his other daughter, Lillian Roybal-Rose; and his son, Edward R. Roybal, Jr.

When elected to the House of Representatives in 1962, Congressman Roybal became the first Hispanic to serve in Congress in nearly 100 years.

He represented the people of California's 30th Congressional District and served on behalf of the public interest during a very difficult and tumultuous time in our Nation's history.

As a 5th generation product of rural Colorado, my childhood at Los Rincones, my family's ranch in the San Luis Valley, was a far cry from Congressman Roybal's on the streets of East Los Angeles.

Our family's house was small—in fact, my five of the eight siblings shared a small room and two beds. We did not have running water or electricity until 1981.

However, even though we did not have electricity, I, like many other Latinos across this Nation, knew who the Honorable Ed Roybal was.

It was people like Congressman Roybal, and Cesar Chavez who inspired me to dream of serving our country as Colorado's Attorney General and later here in the United States Senate.

As a Hispanic American, he provided a shining example of just what I could accomplish if I heeded my parent's advice to get my education and work hard in all my endeavors. Today, as I speak as one of 100 in the Senate, I firmly believe that I am standing on the shoulders of many giants, in particular, Congressman Roybal.

Congressman Roybal lived by the fundamental values that make this country the greatest country in the world and the place I am privileged to call home. He fought social injustice on the streets, in our classrooms, and in the halls of Congress.

Like my parents, he was a part of the American generation who grew up during the Great Depression and came of age during World War II. He served our country in the U.S. Army and defended our rights and privileges afforded under the Constitution in battle. I am certain that this experience served him well when he served on the House's Veteran Affairs Committee.

Throughout his life, he gave voice to the disenfranchised and offered hope to

the sick. When the tragic HIV/AIDS epidemic began to sweep our Nation, Congressman Roybal answered the call to duty and worked to provide funding for research and health services.

During a time when many of our Nation's laws and several in out Nation's leadership tolerated and enabled political disenfranchisement and unequal educational and employment opportunities, the Honorable Ed Roybal organized and inspired his community to insist on equality and to embrace their ganas to change society.

Mr. President, ''ganas'' means ''to have a will to achieve.'' The Honorable Roybal had the ganas to right injustices in America because he believed that he had the obligation to make this country a better place for his children and my children when he left it.

I believe that he did accomplish his great goal. He did this by the work he did in Congress as well as the work he did when he was away from Washington, DC.

In 1976, Congressman Roybal joined with his colleagues Congressman ''Kika'' de la Garza and Congressman Baltasar Corrada, in establishing the Congressional Hispanic Caucus. The purpose of the CHC was and is to advocate on behalf of and represent the interests of Hispanic across the nation and in Puerto Rico. Representative Roybal was the Caucus's first chairman, and his the continued work of the Caucus, the first forum in the United States Congress for Latino elected Members to formulate a common collective legislative agenda, is a part of his legacy.

In addition to the Caucus, Congressman Roybal was instrumental in the founding of non-profit organizations like the Congressional Hispanic Caucus Institute and the National Association of Latino Elected and Appointed Officials. Through these organizations, the fruits of his efforts can still be felt throughout the country today.

As I reflect on the life and work of the late Representative Roybal, I am reminded of a prayer written by another civil and human rights leader, Cesar Chavez:

Show me the suffering of the most miserable;
So I will know my people's plight.
Free me to pray for others;
For you are present in every person.
Help me take responsibility for my own life;
So that I can be free at last.
Grant me courage to serve others;
For in service there is true life.
Give me honesty and patience;
So that the Spirit will be alive among us.
Let the Spirit flourish and grow;
So that we will never tire of the struggle.
Let us remember those who have died for justice;
For they have given us life.
Help us love even those who hate us;
So we can change the world.

I join with the thousands of Americans in mourning the loss of this trailblazing leader.

Mr. MCCONNELL. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 290) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 290

Whereas Edward Roybal was born on February 10, 1916, in Albuquerque, New Mexico, and moved at the age of 6 with his family to the Boyle Heights barrio of Los Angeles;

Whereas his pioneering efforts in the Congress for civil rights and social justice on behalf of the elderly, Hispanics, and others has inspired generations of Americans;

Whereas Edward Roybal attended public schools, graduating from Roosevelt High School in 1934, and subsequently the University of California in Los Angeles and Southwestern University;

Whereas Edward Roybal is a distinguished veteran who served in the United States Army during World War II;

Whereas Edward Roybal worked as a public health educator for the California Tuberculosis Association, and eventually served as Director of Health Education for the Los Angeles County Tuberculosis and Health Association until 1949;

Whereas Edward Roybal founded the Community Service Organization in 1947 with Fred Ross and a group of Mexican Americans forging a partnership between the Mexican-American and Jewish communities of East Los Angeles , and as the President of the organization, fought against discrimination in housing, employment, voting rights, and education;

Whereas Edward Roybal was elected to the Los Angeles City Council in 1949 and, as the first Hispanic to serve on the city council in more than a century, served for 13 years;

Whereas on November 6, 1962, Edward Roybal became the first Hispanic elected from California to serve in the House of Representatives since 1879, and served for 30 years;

Whereas during his 3 decades of service in the House of Representatives, Roybal worked to protect the rights of minorities, the elderly, and the physically-challenged;

Whereas during his tenure in the House of Representatives, Congressman Roybal served on several important congressional committees, including the Committee on the Post Office and Civil Service, the Committee on Foreign Affairs, the Committee on Veterans' Affairs, and as the Chair of the Select Committee on Aging;

Whereas in 1971, Congressman Roybal was selected to serve on the Committee on Appropriations, where he remained for the rest of his tenure in the House of Representatives and eventually chaired the Subcommittee on Treasury, Postal Service, and General Government in 1981;

Whereas, while serving as a member of the Committee on Appropriations, Edward Roybal was a powerful advocate for the funding of education, civil rights, and health programs and was 1 of the first members of Congress to press for and obtain funding for HIV and AIDS research;

Whereas Congressman Roybal was committed to providing opportunities for Spanish-speaking Americans, helped establish a Cabinet Committee on Opportunities for Spanish-speaking people in 1968 with the goal of improving education, housing, and employment opportunities for Spanish-speaking Americans, and authored the first education bill to provide local school districts with assistance with special bilingual teaching programs;

Whereas in 1976, the County of Los Angeles opened the Edward R. Roybal Clinic in East Los Angeles;

Whereas in 1976, Congressman Roybal was 1 of the founding members and became the first chair of the Congressional Hispanic Caucus, a legislative service organization of the House of Representatives that today is comprised of 21 Representatives;

Whereas Congressman Roybal was instrumental in the establishment of several national nonprofit organizations dedicated to advancing and promoting a new generation of Latino leaders, such as the Congressional Hispanic Caucus Institute and the National Association of Latino Elected and Appointed Officials; and

Whereas Congressman Roybal received numerous honors and awards, including two honorary doctor of law degrees from Pacific States University and from Claremont Graduate School, as well as the prestigious Presidential Citizens Medal of Honor from President William Jefferson Clinton; Now, therefore, be it

Resolved, That the United States Congress honors the trail-blazing life and pioneering accomplishments of Congressman Edward Roybal and expresses its condolences on his passing.

CONGRATULATING THE CHICAGO WHITE SOX

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of S. Res. 291 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 291) to congratulate the Chicago White Sox on winning the 2005 World Series Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. OBAMA. Mr. President, I rise today as a Senator, as an Illinoisan, and as a proud resident of the South Side of Chicago to congratulate the Chicago White Sox for winning the 2005 World Series. As my fellow South Siders know, it has been a long time coming.

A little bit of history: Founded in 1900 as the Chicago White Stockings, this year's team reached the World Series for the first time since 1959, and this is a '59-style cap that I have here with me. Over a century of White Sox fans have cheered for superstars such as Luke Appling, Nellie Fox, Carlton Fisk, Luis Aparicio, Harold Baines, and, of course, Big Frank Thomas. But we haven't savored the sweet taste of a World Series championship since 1917—until now.

Back in 1917, Woodrow Wilson was President, and the Great War was raging in Europe. The White Sox were a bright spot in tough times.

The Sox won last night the way they have won all season—by playing aggressively, scrapping for every base and every run. When Juan Uribe threw to Paul Konerko for the final out, it was

fitting that the ball beat the runner by only half a step. The four games against the Astros were decided by a total of six runs. Winning by the skin of your teeth has been our style. Win or die trying, that is our motto this year.

I congratulate my colleague from Texas. The Houston Astros were an outstanding team. But it just so happened that this year they ran into the buzz saw of the Chicago White Sox.

I congratulate Jermaine Dye, who is the World Series MVP. But I am sure he will be the first to say that everyone on this year's team deserves a part of that award. This is a team with so many great players but no undisputed leader on the field. I don't claim to be a baseball expert or particularly unbiased on this matter, but this is one of the most balanced and selfless teams any of us have seen. A team of unlikely heroes.

Scott Podsednik, who hadn't hit a home run all season, stepped up and hit two in the playoffs, including the walk-off winner in game two on Sunday. Willie Harris, who barely played in the playoffs, got a pinch hit to get on base and bring home the only run last night. Geoff Blum, a former Astro, who got a pinch hit homer in the 14th inning to give us the margin of victory in game three. And the pitching—four complete games to close out the American League Championship Series. An 11 and 1 record in the playoffs. 15 scoreless innings to finish the World Series.

Before the season started, the Sox were a consensus .500 team. Even as we built and maintained the best record in the American League all season, there were many doubters. Towards the end of the season, we hit a rough patch, and the doubters grew louder. They said Cleveland had more playoff experience. They said even if we held on to make the playoffs, we would get embarrassed in the first round. But during the stretch run, manager Ozzie Guillen and his ''kids,'' as he calls them, were calm and relaxed. Even as Cleveland came on strong and our lead in the Central Division dwindled, Ozzie's kids continued to play pranks on each other in the clubhouse, and continued to run hard on the basepaths.

Once the playoffs started, there was no looking back. That difficult September was gone in an instant. We silenced the doubters by sweeping the World Champion Boston Red Sox. We silenced the Angels during the ALCS in five games. And we swept the Astros in four games.

I had the privilege of attending game one of the World Series on Saturday, and the fans in and around the park were a cross-section of the city. There were plenty of folks old enough to remember the '59 team. Almost everyone remembered the 2000 team that made the playoffs. A few were even alive in 1917.

I don't want to belabor this issue. I know those of you who had to listen to Red Sox fans last year may have gotten a little weary of those of us who have all this pent-up energy when we finally win the championship.

But I do want to say that the entire city of Chicago and the entire State of Illinois are extraordinarily proud.

I congratulate the entire White Sox organization, in particular Jerry Reinsdorf, Kenny Williams, and Ozzie Guillen. We will be celebrating this victory for a long time on the South Side, around the city of Chicago, and around the entire State of Illinois.

Let me make one last point. While we were watching the game the other night, in the drenching rain Sunday evening there was a sign held up by an elderly woman 92 years old. She said: I've been waiting for this for 88 years.

I think it gave you some sense of how much this means to the city of Chicago and to those blue-collar neighborhoods made up of Black, White, and Hispanic who were represented so ably by their team. It spoke to the diversity of this country and the fact that we work together in ways that make us all proud.

Senator DURBIN and myself will be introducing a resolution later today.

I want to turn it over to my senior colleague from the great State of Illinois to maybe add a few other remarks regarding this outstanding team.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank my colleague from the State of Illinois who is truly a White Sox fan from the South Side of Chicago. We have town meetings every Thursday morning, and from the beginning of this baseball season, he has been rooting for his White Sox. As his fellow Senator from Illinois, I want to congratulate him and the White Sox organization.

Say it is so, Joe.

Eighty-six years after the 1919 Black Sox scandal, and 88 years after they beat the New York Giants in the 1917 World Series, the Chicago White Sox are bringing the World Series crown home to Chicago. It is amazing. The ghost of Sholeless Joe Jackson can finally rest in peace.

Last night, the White Sox completed their magical World Series quest with a 1–0 win to complete a four-game sweep over the Houston Astros. But as Senator OBAMA has said, they were close games. Some of them broke records for their length and the hard battle that they brought to the mound and to the field.

White Sox fans from my home State of Illinois and all around the world are rejoicing as the White Sox nation will cherish this victory for decades to come.

The South Side of Chicago is the gladdest part of town. If you go down there, you better be aware that the White Sox won the World Series crown.

I congratulate the White Sox players, their manager, the valiant Venezuelan, Ozzie Guillen, pitching coach Don Cooper. What an amazing performance by the pitching staff, and so many White Sox stars turned coaches such as Tim Raines, Greg Walker, Harold Baines, and Joey Cora; general manager Kenny Williams for putting together this magical team, himself a former Sox player who made key moves not only in the off season but during the season, such as adding closer Bobby Jenks, just 24 years old, pitching in double A's just a few months ago. And there he stood on the mound last night pitching those 99- and 100-mile-an-hour fast balls. But during the season, general manager Kenny Williams also added game 3 hero Geoff Blum. To the owners and my friends, Eddie Einhorn and Jerry Reinsdorf, congratulations for 25 years of dedication to their great moment of victory. Everyone in the White Sox organization richly deserves this World Series victory.

The Sox organization has made citizens of Chicago and the State of Illinois proud by bringing home this crown. And to those generations of White Sox fans who stayed faithful to their team even in the darkest days, I say rejoice. The Chicago White Sox are world champions.

I yield the floor.

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 291) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 291

Whereas, on October 26, 2005, the Chicago White Sox baseball club won the 2005 World Series;

Whereas this is the first championship for the White Sox since 1917, when Woodrow Wilson was president and the United States was fighting in World War I;

Whereas this is the first World Series appearance for the White Sox since 1959;

Whereas the White Sox posted a regular season record of 99–63 and dominated their opponents during the playoffs, compiling 11 wins and only 1 loss, and finishing with an 8-game win streak that included a sweep in the Fall Classic;

Whereas the White Sox joined the 1990 Cincinnati Reds and the legendary 1927 New York Yankees as the only teams who have swept a World Series after playing every game of the regular season while in first place;

Whereas the White Sox pitching staff tied a Major League playoff record of 4 straight complete game wins and did not allow a single run in the last 15 innings of the World Series;

Whereas Manager Ozzie Guillen, General Manager Kenny Williams, and owners Jerry Reinsdorf and Eddie Einhorn have put together and led a great organization;

Whereas all 25 players on the playoff squad, whose sole goal was winning the World Series rather than chasing individual glory, contributed to the victory, including World Series Most Valuable Player, Jermaine Dye, as well as Scott Podsednik, Tadahito Iguchi, Joe Crede, Aaron Rowand, Paul Konerko, Juan Uribe, A.J. Pierzynski,

Carl Everett, Freddy Garcia, Geoff Blum, Willie Harris, Timo Perez, Chris Widger, Pablo Ozuna, Mark Buehrle , Jose Contreras, Neal Cotts , Jon Garland, Dustin Hermanson, Orlando Hernandez, Bobby Jenks, Damaso Marte, Cliff Politte, and Luis Vizcaino;

Whereas other players, such as Frank Thomas and Brandon McCarthy, made important contributions to get the White Sox to the playoffs, but were unable to be placed on the playoff roster;

Whereas this current group of White Sox players follows in the giant footsteps of the great players in White Sox history who have had their numbers retired, players such as Nellie Fox (#2), Harold Baines (#3), Luke Appling (#4), Minnie Minoso (#9), Luis Aparicio (#11), Ted Lyons (#16), Billy Pierce (#19), and Carlton Fisk (#72);

Whereas the city of Chicago and White Sox fans have faithfully stuck by their team during the decades it spent in baseball's wilderness;

Whereas a new generation of young fans in Chicago and around Illinois are discovering the joy of world championship baseball; and

Whereas the Boston Red Sox, the Los Angeles Angels of Anaheim, and the Houston Astros proved worthy and honorable adversaries and also deserve recognition, and: Now, therefore, be it

Resolved, that the Senate—

(1) congratulates the Chicago White Sox on winning the 2005 World Series Championship;

(2) commends the fans, players, and management of the Houston Astros for allowing the Chicago White Sox and their many supporters to celebrate their first World Series title in 88 years at Minute Maid Park, the home field of the Houston Astros; and

(3) respectfully directs the Enrolling Clerk of the Senate to transmit an enrolled copy of this resolution to—

(A) the 2005 Chicago White Sox baseball club;

(B) White Sox owners, Jerry Reinsdorf and Eddie Einhorn.

CONDEMNING ANTI-ISRAEL SENTIMENTS OF THE PRESIDENT OF IRAN

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 292 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 292) calling on the President to condemn the anti-Israel sentiments expressed by the President of Iran on October 26, 2005.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LAUTENBERG. Mr. President, yesterday, Iranian President Mahmoud Ahmadinejad, citing the words of the founder of Iran's Islamic revolution, the late Ayatollah Ruhollah Khomeini, said ''Israel must be wiped off the map.''

He then went on to call Israel a ''disgraceful blot.''

He rejected the two-state solution to the Middle East crisis as a defeat for the Islamic world, adding that the ''roadmap'' would be short-lived. He said ''If we put it behind us successfully, God willing, it will pave the way for the destruction and the downfall of the Zionist regime.''

The Iranian President also criticized his neighbors by warning ''Anybody who recognizes Israel will burn in the fire of the Islamic nations' fury.''

He made these despicable comments to 4,000 students attending a ''World without Zionism'' conference.

This was just hours before a Palestinian suicide bomber from Islamic Jihad blew himself up in the small Israeli town of Hadera, killing 5 people and wounding more than 30.

It's important to note that Islamic Jihad's murderers are supported and trained by Iran.

Given the seriousness of President Ahmadinejad's hateful comments, I am submitting a resolution with Senator SMITH asking that this body repudiate them.

The resolution also calls on President Bush, on behalf of the United States, to condemn the remarks in the strongest terms possible.

This kind of incendiary rhetoric is what we have come to expect from Iran.

The Iranian President has been quite open about his views on Israel. He has been clear and consistent, echoing Iranian leader Ayatollah Khomeini, who called frequently for the destruction of Israel through the 1980s.

The words and ideas of the President of Iran are offensive to civilized people around the world. We will not tolerate anti-Israel or anti- Semitic rhetoric.

The Iranian President has spoken words that are certain to incite violence against the state of Israel. Too often, that translates into violence against Jews worldwide.

But what makes the comments especially chilling is the fact that Iranian officials announced earlier this year that they had completed development of solid fuel technology for missiles, a huge breakthrough that increases missile accuracy.

Iran has the Shahab-3 missile, which has a range of 810 miles to more than 1,200 miles. Jerusalem is 970 miles from Tehran.

The Shahab-3 is capable of delivering a nuclear warhead to Israel and to U.S. forces in the Middle East.

So when the Iranian President threatens to ''wipe Israel off the map,'' we can't afford to take such a threat lightly. We have to take note of it and repudiate it.

I urge the Senate to adopt this resolution and go on record condemning the hateful words of the Iranian President. And I hope that President Bush himself will speak to this issue. It's that important.

I want to thank Senator SMITH for co-sponsoring this resolution with me. I urge its adoption.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 292) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 292

Whereas, on October 26, 2005, the President of Iran, Mahmoud Ahmadinejad, said that Israel must be ''wiped off the map'' and that ''[a]nybody who recognizes Israel will burn in the fire of the Islamic nations' fury'';

Whereas the Department of State has designated Iran as a state sponsor of terrorism that has repeatedly provided support for acts of international terror;

Whereas the Government of Iran sponsors terrorist organizations such as Hezbollah, Hamas, Islamic Jihad, the al-Aqsa Martyrs Brigades, and PFLP-GC by providing funding, training, weapons, and safe haven to such organizations; and

Whereas the outrageous statements of Mr. Ahmadinejad are not in accord with the expressions of the Palestinian leadership in the peace process: Now, therefore, be it

Resolved, That the Senate—

(1) thoroughly repudiates the anti-Israel sentiments expressed by the President of Iran, Mahmoud Ahmadinejad, on October 26, 2005; and

(2) calls on the President, on behalf of the United States, to thoroughly repudiate, in the strongest terms possible, the statement by Mr. Ahmadinejad.

COAST GUARD AUTHORIZATION ACT OF 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 185, S. 1280, the Coast Guard authorization bill.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1280) to authorize appropriations for fiscal years 2006 and 2007 for the United States Coast Guard, and for other purposes.

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.

S. 1280

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 ''Coast Guard Authorization Act of 2005''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.
Sec. 103. Web-based risk management data system.

TITLE II—HOMELAND SECURITY, MARINE SAFETY, FISHERIES, AND ENVIRONMENTAL PROTECTION

Sec. 201. Extension of Coast Guard vessel Anchorage and movement authority.
Sec. 202. Enhanced civil penalties for violations of the Maritime Transportation Security Act.

Sec. 203. Icebreakers.
Sec. 204. Cooperative agreements.
Sec. 205. Pilot program for dockside no fault/no cost safety and survivability examinations for uninspected commercial fishing vessels.
Sec. 206. Reports from mortgagees of vessels.
Sec. 207. International training and technical assistance.
Sec. 208. Reference to Trust Territory of the Pacific Islands.
Sec. 209. Bio-diesel feasibility study.
Sec. 210. Certification of vessel nationality in drug smuggling cases.
Sec. 211. Jones Act waivers.
Sec. 212. Deepwater oversight.
Sec. 213. Deepwater report.
Sec. 214. LORAN–C.
Sec. 215. Long-range vessel tracking system.
Sec. 216. Marine vessel and cold water safety education.
Sec. 217. Suction anchors.

TITLE III—UNITED STATES OCEAN COMMISSION IMPLEMENTATION

Sec. 301. Place of refuge.
Sec. 302. Implementation of international agreements.
Sec. 303. Voluntary measures for reducing pollution from recreational boats.
Sec. 304. Integration of vessel monitoring system data.
Sec. 305. Foreign fishing incursions.

TITLE IV—COAST GUARD PERSONNEL, FINANCIAL, AND PROPERTY MANAGEMENT

Sec. 401. Reserve officer distribution.
Sec. 402. Coast Guard band director.
Sec. 403. Reserve recall authority.
Sec. 404. Expansion of equipment used by auxiliary to support Coast Guard missions.
Sec. 405. Authority for one-step turnkey design-build contracting.
Sec. 406. Officer promotions.
Sec. 407. Redesignation of Coast Guard law specialists as judge advocates.
Sec. 408. Boating safety director.
Sec. 409. Hangar at Coast Guard air station at Barbers Point.
Sec. 410. Promotion of Coast Guard officers.

TITLE V—TECHNICAL AND CONFORMING AMENDMENTS

Sec. 501. Government organization.
Sec. 502. War and national defense.
Sec. 503. Financial management.
Sec. 504. Public contracts.
Sec. 505. Public printing and documents.
Sec. 506. Shipping.
Sec. 507. Transportation.
Sec. 508. Mortgage insurance.
Sec. 509. Arctic research.
Sec. 510. Conservation.
Sec. 511. Conforming amendment.
Sec. 512. Anchorage grounds.
Sec. 513. Bridges.
Sec. 514. Lighthouses.
Sec. 515. Oil pollution.
Sec. 516. Medical care.
Sec. 517. Conforming amendment to Social Security Act.
Sec. 518. Shipping.
Sec. 519. Nontank vessels.
Sec. 520. Drug interdiction report.
Sec. 521. Acts of terrorism report.

TITLE VI—EFFECTIVE DATES

Sec. 601. Effective dates.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) There are authorized to be appropriated for fiscal year 2006 to the Secretary of the department in which the Coast Guard is operating the following amounts:

(1) For the operation and maintenance of the Coast Guard $5,594,900,000, of which $24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(2) For the acquisition, construction, renovation, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,424,852,000, to remain available until expended, of which—

(A) $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and

(B) $1,100,000,000 is authorized for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater Systems.

(3) For the use of the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $24,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,014,080,000, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $17,400,000, of which $2,500,000, to remain available until expended, may be utilized for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts.

(6) For environmental compliance and restoration $12,000,000, to remain available until expended for environmental compliance and restoration functions under chapter 19 of title 14, United States Code.

(7) For operation and maintenance of the Coast Guard reserve program, $119,000,000.

(b) There are authorized to be appropriated for fiscal year 2007 to the Secretary of the department in which the Coast Guard is operating the following amounts:

(1) For the operation and maintenance of the Coast Guard $6,042,492,000, of which $24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(2) For the acquisition, construction, renovation, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,538,840,160, to remain available until expended, of which—

(A) $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and

(B) $1,188,000,000 is authorized for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater Systems.

(3) For the use of the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $25,920,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,095,206,400, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $18,792,000, of which $2,500,000, to remain available until expended, may be utilized for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts.

(6) For environmental compliance and restoration $12,960,000, to remain available until expended for environmental compliance and restoration functions under chapter 19 of title 14, United States Code.

(7) For operation and maintenance of the Coast Guard reserve program, $128,520,000.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength of active duty personnel of 45,500 as of September 30, 2006.

(b) MILITARY TRAINING STUDENT LOADS.—For fiscal year 2006, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,500 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 350 student years.

(4) For officer acquisition, 1,200 student years.

SEC. 103. WEB-BASED RISK MANAGEMENT DATA SYSTEM.

There are authorized to be appropriated for fiscal year 2006 to the Secretary of the department in which the Coast Guard is operating $1,000,000 to continue deployment of a web-based risk management system to help reduce accidents and fatalities.

TITLE II—HOMELAND SECURITY, MARINE SAFETY, FISHERIES, AND ENVIRONMENTAL PROTECTION

SEC. 201. EXTENSION OF COAST GUARD VESSEL ANCHORAGE AND MOVEMENT AUTHORITY.

Section 91 of title 14, United States Code, is amended by adding at the end the following:

''(d) As used in this section, the term 'navigable waters of the United States' includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.''.

SEC. 202. ENHANCED CIVIL PENALTIES FOR VIOLATIONS OF THE MARITIME TRANSPORTATION SECURITY ACT.

The second section enumerated 70119 of title 46, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Any''; and

(2) by adding at the end the following:

''(b) CONTINUING VIOLATIONS.—Each day of a continuing violation shall constitute a separate violation, with a total fine per violation not to exceed—

''(1) for violations occurring during fiscal year 2006, $50,000;

''(2) for violations occurring during fiscal year 2007, $75,000; and

''(3) for violations occurring after fiscal year 2007, $100,000.

''(c) DETERMINATION OF AMOUNT.—In determining the amount of the penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, and such other matters as justice may require.

''(d) COMPROMISE, MODIFICATION, AND REMITTAL.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty imposed under this section.''.

SEC. 203. ICEBREAKERS.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall take all necessary measures—

(1) to ensure that the Coast Guard maintains, at a minimum, its current vessel capacity for carrying out ice-breaking in the Arctic and Antarctic regions, including the necessary funding for operation and maintenance of such vessels; and

(2) for the long-term recapitalization of these assets.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2006 to the Secretary of the department in which the Coast Guard is operating $100,000,000 to carry out this section.

SEC. 204. COOPERATIVE AGREEMENTS.

Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on opportunities for and the feasibility of co-locating Coast Guard assets and personnel at facilities of other Armed Services branches throughout the United States. The report shall—

(1) identify the locations of possible sites;

(2) identify opportunities for cooperative agreements that may be established between the Coast Guard and such facilities with respect to maritime security and other Coast Guard missions; and

(3) analyze anticipated costs and benefits associated with each site and such agreements.

SEC. 205. PILOT PROGRAM FOR DOCKSIDE NO FAULT/NO COST SAFETY AND SURVIVABILITY EXAMINATIONS FOR UNINSPECTED COMMERCIAL FISHING VESSELS.

(a) PILOT PROGRAM.—The Secretary shall conduct a pilot program to determine the effectiveness of mandatory dockside crew survivability examinations of uninspected United States commercial fishing vessels in reducing the number of fatalities and amount of property losses in the United States commercial fishing industry.

(b) DEFINITIONS.—In this section:

(1) DOCKSIDE CREW SURVIVABILITY EXAMINATION.—The term ''dockside crew survivability examination'' means an examination by a Coast Guard representative of an uninspected fishing vessel and its crew at the dock or pier that includes—

(A) identification and examination of safety and survival equipment required by law for that vessel;

(B) identification and examination of the vessel stability standards applicable by law to that vessel; and

(C) identification and observation of—

(i) proper crew training on the vessel's safety and survival equipment; and

(ii) the crew's familiarity with vessel stability and emergency procedures designed to save life at sea and avoid loss or damage to the vessel.

(2) COAST GUARD REPRESENTATIVE.—The term ''Coast Guard representative'' means a Coast Guard member, civilian employee, Coast Guard Auxiliarist, or person employed by an organization accepted or approved by the Coast Guard to examine commercial fishing industry vessels.

(3) UNINSPECTED FISHING VESSEL.—The term ''uninspected fishing vessel'' means a vessel, not including fish processing vessels or fish tender vessels (as defined in section 2101 of title 46, United States Code), that commercially engages in the catching, taking, or harvesting of fish or an activity that can reasonably be expected to result in the catching, taking, or harvesting of fish.

(c) SCOPE OF PILOT PROGRAM.—The pilot program shall be conducted—

(1) in at least 5, but no more than 10, major United States fishing ports where Coast Guard statistics reveal a high number of fatalities on uninspected fishing vessels within the 4 fiscal year period beginning with fiscal year 2000, but shall not be conducted in Coast Guard districts where a fishing vessel safety program already exists;

(2) for a period of 5 calendar years following the date of the enactment of this Act;

(3) in consultation with those organizations and persons identified by the Secretary as directly affected by the pilot program;

(4) as a non-fee service to those persons identified in paragraph (3) above;

(5) without a civil penalty for any discrepancies identified during the dockside crew survivability examination; and

(6) to gather data identified by the Secretary as necessary to conclude whether dockside crew survivability examinations reduce fatalities and property losses in the fishing industry.

(d) REPORT.—Not later than 180 days after end of the third year of the pilot program, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the results of the pilot program. The report shall include—

(1) an assessment of the costs and benefits of the pilot program including costs to the industry and lives and property saved as a result of the pilot program;

(2) an assessment of the costs and benefits to the United States Government of the pilot program including operational savings such as personnel, maintenance, etc., from reduced search and rescue or other operations; and

(3) any other findings and conclusions of the Secretary with respect to the pilot program.

SEC. 206. REPORTS FROM MORTGAGEES OF VESSELS.

Section 12120 of title 46, United States Code, is amended by striking ''owners, masters, and charterers'' and inserting ''owners, masters, charterers, and mortgagees''.

SEC. 207. INTERNATIONAL TRAINING AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Section 149 of title 14, United States Code, is amended—

(1) by striking the section heading and inserting the following:

''§ 149. Assistance to foreign governments and maritime authorities'';

(2) by inserting ''(a) DETAIL OF MEMBERS TO ASSIST FOREIGN GOVERNMENTS.—'' before ''The President''; and

(3) by adding at the end the following:

''(b) TECHNICAL ASSISTANCE TO FOREIGN MARITIME AUTHORITIES.—The Commandant, in coordination with the Secretary of State, may, in conjunction with regular Coast Guard operations, provide technical assistance, including law enforcement and maritime safety and security training, to foreign navies, coast guards, and other maritime authorities.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 7 of title 14, United States Code, is amended by striking the item relating to section 149 and inserting the following:

''149. Assistance to Foreign Governments and Maritime Authorities.''.

SEC. 208. REFERENCE TO TRUST TERRITORY OF THE PACIFIC ISLANDS.

Section 2102(a) of title 46, United States Code, is amended—

(1) by striking ''37, 43, 51, and 123'' and inserting ''43, 51, 61, and 123'';

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

SEC. 209. BIO-DIESEL FEASIBILITY STUDY.

(a) STUDY.—The Secretary of the department in which the Coast Guard is operating shall conduct a study that examines the technical feasibility, costs, and potential cost savings of using bio-diesel fuel in new and existing Coast Guard vehicles and vessels, and which focuses on the use of bio-diesel fuel in ports which have a high-density of vessel traffic, including ports for which vessel traffic systems have been established.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall transmit a report containing the findings, conclusions, and recommendations (if any) from the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 210. CERTIFICATION OF VESSEL NATIONALITY IN DRUG SMUGGLING CASES.

Section 3(c)(2) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(c)(2)) is amended by striking the last sentence and inserting ''The response of a foreign nation to a claim of registry under subparagraph (A) or (C) may be made by radio, telephone, or similar oral or electronic means, and is conclusively proved by certification of the Secretary of State or the Secretary's designee.''.

SEC. 211. JONES ACT WAIVERS.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), a vessel that was not built in the United States may transport fish or shellfish within the coastal waters of the State of Maine if the vessel—

(1) meets the other requirements of section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883) and section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802) for engaging in the coastwise trade;

(2) is ineligible for documentation under chapter 121 of title 46, United States Code, because it measures less than 5 net tons;

(3) has transported fish or shellfish within the coastal waters of the State of Maine prior to December 31, 2004; and

(4) has not undergone a transfer of ownership after December 31, 2004.

SEC. 212. DEEPWATER OVERSIGHT.

No later than 90 days after the date of enactment of this Act, the Coast Guard, in consultation with Government Accountability

Office, shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on—

(1) the status of the Coast Guard's implementation of Government Accountability Office's recommendations in its report, GAO–04–380, ''Coast Guard Deepwater Program Needs Increased Attention to Management and Contractor Oversight''; and

(2) the dates by which the Coast Guard plans to fully implement such recommendations if any remain open as of the date the report is transmitted to the Committees.

SEC. 213. DEEPWATER REPORT.

The Secretary of Homeland Security shall submit to the Congress, in conjunction with the transmittal by the President of the Budget of the United States for Fiscal Year 2007, a revised Deepwater baseline that includes—

(1) a justification for the projected number and capabilities of each asset (including the ability of each asset to meet service performance goals);

(2) an accelerated acquisition timeline that reflects project completion in 10 years and 15 years (included in this timeline shall be the amount of assets procured during each year of the accelerated program);

(3) the required funding for each accelerated acquisition timeline that reflects project completion in 10 years and 15 years;

(4) anticipated costs associated with legacy asset sustainment for each accelerated acquisition timeline that reflects project completion in 10 years and 15 years;

(5) anticipated mission deficiencies, if any, associated with the continued degradation of legacy assets in combination with the procurement of new assets within each accelerated acquisition timeline that reflects project completion in 10 years and 15 years;

(6) a comparison of the amount of required assets in the current baseline to the amount of required assets according to the Coast Guard's Performance Gap Analysis Study; and

(7) an evaluation of the overall feasibility of achieving each accelerated acquisition timeline (including contractor capacity, national shipbuilding capacity, asset integration into Coast Guard facilities, required personnel, training infrastructure capacity on technology associated with new assets).

SEC. 214. LORAN–C.

There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN–C system, for capital expenses related to LORAN–C navigation infrastructure, $25,000,000 for fiscal year 2006 and $25,000,000 for fiscal year 2007. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the Department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

SEC. 215. LONG-RANGE VESSEL TRACKING SYSTEM.

(a) PILOT PROJECT.—The Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, shall conduct a pilot program for long range tracking of up to 2,000 vessels using satellite systems with an existing nonprofit maritime organization that has a demonstrated capability of operating a variety of satellite communications systems providing data to vessel tracking software and hardware that provides long range vessel information to the Coast Guard to aid maritime security and response to maritime emergencies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the department in which the Coast Guard is operating $4,000,000 for each of fiscal years 2006, 2007, and 2008 to carry out subsection (a).

SEC. 216. MARINE VESSEL AND COLD WATER SAFETY EDUCATION.

The Coast Guard shall continue cooperative agreements and partnerships with organizations in effect on the date of enactment of this Act that provide marine vessel safety training and cold water immersion education and outreach programs for fishermen and children.

SEC. 217. SUCTION ANCHORS.

Section 12105 of title 46, United States Code, is amended by adding at the end the following:

''(c) No vessel without a registry or coastwise endorsement may engage in the movement of anchors or other mooring equipment from one point over or on the United States outer Continental Shelf to another such point in connection with exploring for, developing, or producing resources from the outer Continental Shelf.''.

TITLE III—UNITED STATES OCEAN COMMISSION IMPLEMENTATION

SEC. 301. PLACE OF REFUGE.

(a) IN GENERAL.—Within 12 months after the date of enactment of this Act, the United States Coast Guard, working with hazardous spill response agencies, marine salvage companies, State and local law enforcement and marine agencies, and other Federal agencies including the National Oceanic and Atmospheric Administration and the Environmental Protection Agency, shall, in accordance with the recommendations of the United States Commission on Ocean Policy in its final report, develop a comprehensive and effective process for determining whether and under what circumstances damaged vessels may seek a place of refuge in the United States suitable to the specific nature of distress each vessel is experiencing.

(b) REPORT.—The Commandant of the Coast Guard shall transmit a report annually to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure describing the process established and any cases in which a vessel was provided with a place of refuge in the preceding year.

(c) PLACE OF REFUGE DEFINED.—In this section, the term ''place of refuge'' means a place where a ship in need of assistance can take action to enable it to stabilize its condition and reduce the hazards to navigation and to protect human life and the environment.

SEC. 302. IMPLEMENTATION OF INTERNATIONAL AGREEMENTS.

The Secretary of the department in which the Coast Guard is operating shall, in consultation with appropriate Federal agencies, work with the responsible officials and agencies of other Nations to accelerate efforts at the International Maritime Organization to enhance flag State oversight and enforcement of security, environmental, and other agreements adopted within the International Maritime Organization, including implementation of—

(1) a code outlining flag State responsibilities and obligations;

(2) an audit regime for evaluating flag State performance;

(3) measures to ensure that responsible organizations, acting on behalf of flag States, meet established performance standards; and

(4) cooperative arrangements to improve enforcement on a bilateral, regional or international basis.

SEC. 303. VOLUNTARY MEASURES FOR REDUCING POLLUTION FROM RECREATIONAL BOATS.

The Secretary of the department in which the Coast Guard is operating shall, in consultation with appropriate Federal, State, and local government agencies, undertake outreach programs for educating the owners and operators of boats using two-stroke engines about the pollution associated with such engines, and shall support voluntary programs to reduce such pollution and that encourage the early replacement of older two-stroke engines.

SEC. 304. INTEGRATION OF VESSEL MONITORING SYSTEM DATA.

The Secretary of the department in which the Coast Guard is operating shall integrate vessel monitoring system data into its maritime operations databases for the purpose of improving monitoring and enforcement of Federal fisheries laws, and shall work with the Undersecretary of Commerce for Oceans and Atmosphere to ensure effective use of such data for monitoring and enforcement.

SEC. 305. FOREIGN FISHING INCURSIONS.

(a) IN GENERAL.—No later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on steps that the Coast Guard will take to significantly improve the Coast Guard's detection and interdiction of illegal incursions into the United States exclusive economic zone by foreign fishing vessels.

(b) SPECIFIC ISSUES TO BE ADDRESSED.—The report shall—

(1) focus on areas in the exclusive economic zone where the Coast Guard has failed to detect or interdict such incursions in the 4 fiscal year period beginning with fiscal year 2000, including the Western/Central Pacific; and

(2) include an evaluation of the potential use of unmanned aircraft and offshore platforms for detecting or interdicting such incursions.

(c) BIENNIAL UPDATES.—The Secretary shall provide biannual reports updating the Coast Guard's progress in detecting or interdicting such incursions to the Senate Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

TITLE IV—COAST GUARD PERSONNEL, FINANCIAL, AND PROPERTY MANAGEMENT

SEC. 401. RESERVE OFFICER DISTRIBUTION.

Section 724 of title 14, United States Code, is amended—

(1) by inserting ''Reserve officers on an Active-duty list shall not be counted as part of the authorized number of officers in the Reserve.'' after ''5,000.'' in subsection (a); and

(2) by striking so much of subsection (b) as precedes paragraph (2) and inserting the following:

''(b)(1) The Secretary shall, at least once a year, make a computation to determine the number of Reserve officers in an active status authorized to be serving in each grade. The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving in an active status on the date the computation is made. The number of Reserve officers in an active status below the grade of rear admiral (lower half) shall be distributed by pay grade so as not to exceed percentages of commissioned officers authorized by section 42(b) of this title. When the actual number of Reserve officers in an active status in a particular pay grade is less than the maximum percentage authorized, the difference may be applied to the number in the next lower grade. A Reserve officer may not be reduced in rank or grade solely because of a reduction in an authorized number as provided for

in this subsection, or because an excess results directly from the operation of law.''.

SEC. 402. COAST GUARD BAND DIRECTOR.

(a) BAND DIRECTOR APPOINTMENT AND GRADE.—Section 336 of title 14, United States Code, is amended—

(1) by striking the first sentence of subsection (b) and inserting ''The Secretary may designate as the director any individual determined by the Secretary to possess the necessary qualifications.'';

(2) by striking ''a member so designated'' in the second sentence of subsection (b) and inserting ''an individual so designated'';

(3) by striking ''of a member'' in subsection (c) and inserting ''of an individual'';

(4) by striking ''of lieutenant (junior grade) or lieutenant.'' in subsection (c) and inserting ''determined by the Secretary to be most appropriate to the qualifications and experience of the appointed individual.'';

(5) by striking ''A member'' in subsection (d) and inserting ''An individual''; and

(6) by striking ''When a member's designation is revoked,''in subsection (e) and inserting ''When an individual's designation is revoked,''.

(b) CURRENT DIRECTOR.—The incumbent Coast Guard Band Director on the date of enactment of this Act may be immediately promoted to a commissioned grade, not to exceed captain, determined by the Secretary of the department in which the Coast Guard is operating to be most appropriate to the qualifications and experience of that individual.

SEC. 403. RESERVE RECALL AUTHORITY.

Section 712 of title 14, United States Code, is amended—

(1) by striking ''during'' in subsection (a) and inserting ''during, or to aid in prevention of an imminent,'';

(2) by striking ''or catastrophe,'' in subsection (a) and inserting ''catastrophe, act of terrorism (as defined in section 2(15) of the Homeland Security Act of 2002 (6 U.S.C. 101(15))), or transportation security incident as defined in section 70101 of title 46, United States Code,'';

(3) by striking ''thirty days in any four month period'' in subsection (a) and inserting ''60 days in any 4-month period'';

(4) by striking ''sixty days in any two-year period'' in subsection (a) and inserting ''120 days in any 2-year period''; and

(5) by adding at the end the following:

''(e) For purposes of calculating the duration of active duty allowed pursuant to subsection (a), each period of active duty shall begin on the first day that a member reports to active duty, including for purposes of training.''.

SEC. 404. EXPANSION OF EQUIPMENT USED BY AUXILIARY TO SUPPORT COAST GUARD MISSIONS.

(a) MOTORIZED VEHICLE AS FACILITY.—Section 826 of title 14, United States Code, is amended—

(1) by inserting ''(a)'' before ''Members''; and

(2) adding at the end the following:

''(b) The Coast Guard may utilize to carry out its functions and duties as authorized by the Secretary any motorized vehicle placed at its disposition by any member of the auxiliary, by any corporation, partnership, or association, or by any State or political subdivision thereof to tow government property.''.

(b) APPROPRIATIONS FOR FACILITIES.—Section 830(a) of title 14, United States Code, is amended by striking ''or radio station'' each place it appears and inserting ''radio station, or motorized vehicle utilized under section 826(b)''.

SEC. 405. AUTHORITY FOR ONE-STEP TURNKEY DESIGN-BUILD CONTRACTING.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following:

''§ 677. Turn-key selection procedures

''(a) AUTHORITY TO USE.—The Secretary may use one-step turn-key selection procedures for the purpose of entering into contracts for construction projects.

''(b) DEFINITIONS.—In this section—

''(1) ONE-STEP TURN-KEY SELECTION PROCEDURES.—The term 'one-step turn-key selection procedures' means procedures used for the selection of a contractor on the basis of price and other evaluation criteria to perform, in accordance with the provisions of a firm fixed-price contract, both the design and construction of a facility using performance specifications supplied by the Secretary.

''(2) CONSTRUCTION.—The term 'construction' includes the construction, procurement, development, conversion, or extension, of any facility.

''(3) FACILITY.—The term 'facility' means a building, structure, or other improvement to real property.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 17 of title 14, United States Code, is amended by inserting after the item relating to section 676 the following:

''677. Turn-key selection procedures.''.

SEC. 406. OFFICER PROMOTION.

Section 257 of title 14, United States Code, is amended by adding at the end the following:

''(f) The Secretary of the Department in which the Coast Guard is operating may waive subsection (a) of this section to the extent necessary to allow officers described therein to have at least 2 opportunities for consideration for promotion to the next higher grade as officers below the promotion zone.''.

SEC. 407. REDESIGNATION OF COAST GUARD LAW SPECIALISTS AS JUDGE ADVOCATES.

(a) Section 801 of title 10, United States Code, is amended—

(1) by striking ''The term 'law specialist' '' in paragraph (11) and inserting ''The term 'judge advocate', in the Coast Guard,'';

(2) by striking ''advocate; or'' in paragraph (13) and inserting ''advocate.''; and

(3) by striking subparagraph (C) of paragraph (13).

(b) Section 727 of title 14, United States Code, is amended by striking ''law specialist'' and inserting ''judge advocate''.

(c) Section 465(a)(2) of the Social Security Act (42 U.S.C. 665(a)(2)) is amended by striking ''law specialist'' and inserting ''judge advocate''.

SEC. 408. BOATING SAFETY DIRECTOR.

(a) IN GENERAL.—Subchapter A of chapter 11 of title 14, United States Code, is amended by adding at the end the following:

''§ 337. Director, Office of Boating Safety

''The initial appointment of the Director of the Boating Safety Office shall be in the grade of Captain.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 11 of title 14, United States Code, is amended by inserting after the item relating to section 336 the following:

''337. Director, Office of Boating Safety.''.

SEC. 409. HANGAR AT COAST GUARD AIR STATION BARBERS POINT.

No later than 180 days after the date of enactment of this Act, the Secretary of the Department in which the Coast Guard is operating shall provide the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure with a proposal and cost analysis for constructing an enclosed hangar at Air Station Barbers Point. The proposal should ensure that the hangar has the capacity to shelter current aircraft assets and those projected to be located at the station over the next 20 years.

SEC. 410. PROMOTION OF COAST GUARD OFFICERS.

(a) IN GENERAL.—Section 211(a) of title 14, United States Code, is amended to read as follows:

''(a)(1) The President may appoint permanent commissioned officers in the Regular Coast Guard in grades appropriate to their qualification, experience, and length of service, as the needs of the Coast Guard may require, from among the following categories:

''(A) Graduates of the Coast Guard Academy.

''(B) Commissioned warrant officers, warrant officers, and enlisted members of the Regular Coast Guard.

''(C) Members of the Coast Guard Reserve who have served at least 2 years as such.

''(D) Licensed officers of the United States merchant marine who have served 2 or more years aboard a vessel of the United States in the capacity of a licensed officer.

''(2) Original appointments under this section in the grades of lieutenant commander and above shall be made by the President by and with the advice and consent of the Senate.

''(3) Original appointments under this section in the grades of ensign through lieutenant shall be made by the President alone.''.

(b) WARTIME TEMPORARY SERVICE PROMOTION.—Section 275(f) of title 14, United States Code, is amended by striking the second and third sentences and inserting ''Original appointments under this section in the grades of lieutenant commander and above shall be made by the President by and with the advice and consent of the Senate. Original appointments under this section in the grades of ensign through lieutenant shall be made by the President alone.''.

TITLE V—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 501. GOVERNMENT ORGANIZATION.

Title 5, United States Code, is amended—

(1) by inserting ''The Department of Homeland Security.'' after ''The Department of Veterans Affairs.'' in section 101;

(2) by inserting ''the Secretary of Homeland Security,'' in section 2902(b) after ''Secretary of the Interior,''; and

(3) in sections 5520a(k)(3), 5595(h)(5), 6308(b), and 9001(10), by striking ''of Transportation'' each place it appears and inserting ''of Homeland Security''.

SEC. 502. WAR AND NATIONAL DEFENSE.

The Soldiers' and Sailors' Civil Relief Act of 1940 (Public Law 76–861, 56 Stat. 1178, 50 U.S.C. App. 501 et seq.) is amended—

(1) by striking ''Secretary of Transportation'' each place it appears in section 515 and inserting ''Secretary of Homeland Security''; and

(2) by striking ''Secretary of Transportation'' in section 530(d) and inserting ''Secretary of Homeland Security''.

SEC. 503. FINANCIAL MANAGEMENT.

Title 31, United States Code, is amended—

(1) by striking ''of Transportation'' in section 3321(c) and inserting ''of Homeland Security.'';

(2) by striking ''of Transportation'' in section 3325(b) and inserting ''of Homeland Security'';

(3) by striking ''of Transportation'' each place it appears in section 3527(b)(1) and inserting ''of Homeland Security''; and

(4) by striking ''of Transportation'' in section 3711(f) and inserting ''of Homeland Security''.

SEC. 504. PUBLIC CONTRACTS.

Section 11 of title 41, United States Code, is amended by striking ''of Transportation''

each place it appears and inserting ''of Homeland Security''.

SEC. 505. PUBLIC PRINTING AND DOCUMENTS.

Sections 1308 and 1309 of title 44, United States Code, are amended by striking ''of Transportation'' each place it appears and inserting ''of Homeland Security''.

SEC. 506. SHIPPING.

Title 46, United States Code, is amended—

(1) by striking ''a Coast Guard or'' in section 2109;

(2) by striking the second sentence of section 6308(a) and inserting ''Any employee of the Department of Transportation, and any member of the Coast Guard, investigating a marine casualty pursuant to section 6301 of this title, shall not be subject to deposition or other discovery, or otherwise testify in such proceedings relevant to a marine casualty investigation, without the permission of the Secretary of Transportation for Department of Transportation employees or the Secretary of Homeland Security for military members or civilian employees of the Coast Guard.''; and

(3) by striking ''of Transportation'' in section 13106(c) and inserting ''of Homeland Security''.

SEC. 507. TRANSPORTATION; ORGANIZATION.

Section 324 of title 49, United States Code, is amended by striking subsection (b); and redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 508. MORTGAGE INSURANCE.

Section 222 of the National Housing Act of 1934 (12 U.S.C. 1715m) is amended by striking ''of Transportation'' each place it appears and inserting ''of Homeland Security''.

SEC. 509. ARCTIC RESEARCH.

Section 107(b)(2) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4106(b)(2)) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (J);

(2) by redesignating subparagraph (K) as subparagraph (L); and

(3) by inserting after subparagraph (J) the following new subparagraph:

''(K) the Department of Homeland Security; and''.

SEC. 510. CONSERVATION.

(a) Section 1029(e)(2)(B) of the Bisti/De-Na-Zin Wilderness Expansion and Fossil Protection Act of 1996 (16 U.S.C. 460kkk(e)) is amended by striking ''of Transportation'' and inserting ''of Homeland Security''.

(b) Section 312(a)(2)(C) of the Antarctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 2441(c)) is amended by striking ''of Transportation'' and inserting ''of Homeland Security''.

SEC. 511. CONFORMING AMENDMENT.

Section 3122 of the Internal Revenue Code of 1986 is amended by striking ''Secretary of Transportation'' each place it appears and inserting ''Secretary of the Department in which the Coast Guard is operating''.

SEC. 512. ANCHORAGE GROUNDS.

Section 7 of the Rivers and Harbors Act of 1915 (33 U.S.C. 471) is amended by striking ''of Transportation'' and inserting ''of Homeland Security''.

SEC. 513. BRIDGES.

Section 4 of the General Bridge Act of 1906 (33 U.S.C. 491) is amended by striking ''of Transportation'' and inserting ''of Homeland Security''.

SEC. 514. LIGHTHOUSES.

(a) Section 1 of Public Law 70–803 (33 U.S.C. 747b) is amended by striking ''of Transportation'' and inserting ''of Homeland Security''.

(b) Section 2 of Public Law 65–174 (33 U.S.C. 748) is amended by striking ''of Transportation'' and inserting ''of Homeland Security''.

(c) Sections 1 and 2 of Public Law 75–515 (33 U.S.C. 745a, 748a) are amended by striking ''of Transportation'' each place it appears and inserting ''of Homeland Security''.

SEC. 515. OIL POLLUTION.

The Oil Pollution Act of 1990 (33 U.S.C. 2701 et. seq.) is amended—

(1) by inserting ''Homeland Security,'' in section 5001(c)(1)(B) (33 U.S.C. 2731(c)(1)(B)) after ''the Interior,'';

(2) by striking ''of Transportation.'' in section 5002(m)(4) (33 U.S.C. 2732(m)(4)) and inserting ''of Homeland Security.'';

(3) by striking section 7001(a)(3) (33 U.S.C. 2761(a)(3)) and inserting the following:

''(3) MEMBERSHIP.—

''(A) The Interagency Committee shall include representatives from the Department of Commerce (including the National Oceanic and Atmospheric Administration and the National Institute of Standards and Technology), the Department of Energy, the Department of the Interior (including the Minerals Management Service and the United States Fish and Wildlife Service), the Department of Transportation (including the Maritime Administration and the Pipeline and Hazardous Materials Safety Administration), the Department of Defense (including the Army Corps of Engineers and the Navy), the Department of Homeland Security (including the United States Coast Guard and the United States Fire Administration in the Federal Emergency Management Agency), the Environmental Protection Agency, and the National Aeronautics and Space Administration, as well as such other Federal agencies the President may designate.

''(B) A representative of the Department of Transportation shall serve as Chairman.''; and

(4) by striking ''other'' in section 7001(c)(6) (33 U.S.C. 2761(c)(6)) before ''such agencies''.

SEC. 516. MEDICAL CARE.

Section 1(g)(4)(B) of the Medical Care Recovery Act of 1962 (42 U.S.C. 2651(g)(4)(B)) is amended by striking ''of Transportation,'' and inserting ''of Homeland Security,''.

SEC. 517. CONFORMING AMENDMENT TO SOCIAL SECURITY ACT.

Section 201(p)(3) of the Social Security Act (42 U.S.C. 405(p)(3)) is amended by striking ''of Transportation'' each place it appears and inserting ''of Homeland Security''.

SEC. 518. SHIPPING.

Section 27 of the Merchant Marine Act of 1920 (46 U.S.C. App. 883) is amended by striking ''Satisfactory inspection shall be certified in writing by the Secretary of Transportation'' and inserting ''Satisfactory inspection shall be certified in writing by the Secretary of Homeland Security.''.

SEC. 519. NONTANK VESSELS.

Section 311(a)(26) of the Federal Water Pollution Control Act (33 U.S.C. 1321(A)(26)) is amended to read as follows:

''(26) 'nontank vessel' means a self-propelled vessel—

''(A) of at least 400 gross tons as measured under section 14302 of title 46, United States Code, or, for vessels not measured under that section, as measured under section 14502 of that title;

''(B) other than a tank vessel;

''(C) that carries oil of any kind as fuel for main propulsion; and

''(D) that is a vessel of the United States or that operates on the navigable waters of the United States including all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.''.

SEC. 520. DRUG INTERDICTION REPORT.

(a) IN GENERAL.—Section 89 of title 14, United States Code, is amended by adding at the end the following:

''(d) QUARTERLY REPORTS ON DRUG INTERDICTION.—Not later than 30 days after the end of each fiscal year quarter, the Secretary of Homeland Security shall submit to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a report on all expenditures related to drug interdiction activities of the Coast Guard on an annual basis.''.

(b) CONFORMING AMENDMENT.—Section 103 of the Coast Guard Authorization Act of 1996 (14 U.S.C. 89 note) is repealed.

SEC. 521. ACTS OF TERRORISM REPORT.

Section 905 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (46 U.S.C. App. 1802) is amended—

(1) by striking ''Not later than February 28, 1987, and annually thereafter, the Secretary of Transportation shall report'' and inserting ''The Secretary of Homeland Security shall report annually''; and

(2) by inserting ''Beginning with the first report submitted under this section after the date of enactment of the Maritime Transportation Security Act of 2002, the Secretary shall include a description of activities undertaken under title I of that Act and an analysis of the effect of those activities on port security against acts of terrorism.'' after ''ports.''.

TITLE VI—EFFECTIVE DATES

SEC. 601. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of enactment.

(b) EXCEPTION.—Sections 501 through 518 of this Act and the amendments made by those sections shall take effect on March 1, 2003.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to and the amendments at the desk be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The amendment (No. 2343) was agreed to, as follows:

On page 2, strike the item relating to section 211 and insert the following:

Sec. 211. Undocumented Maine fish tenders.

On page 2, after the item relating to section 217, insert the following:

Sec. 218. Distant water tuna fleet.
Sec. 219. Automatic identification system.

On page 3, after the item relating to section 410, insert the following:

Sec. 411. Conveyance of decommissioned Coast Guard Cutter MACKINAW.

On page 8, line 17, strike ''2006.'' and insert ''2006 and as of September 30, 2007.''.

On page 8, beginning in line 18, strike ''fiscal year 2006,'' and insert ''each of fiscal years 2006 and 2007,''.

On page 9, beginning in line 3, strike ''fiscal year 2006'' and insert ''each of fiscal years 2006 and 2007''.

On page 18, strike lines 6 through 24 and insert the following:

SEC. 211. UNDOCUMENTED MAINE FISH TENDERS.

Not withstanding any other provision of law, a vessel that is ineligible for documentation under chapter 121 of title 46, United States Code, because it measures less than 5 net tons, may transport fish or shellfish within the coastal waters of the State of Maine if—

(1) the vessel transported fish or shellfish pursuant to a valid wholesale seafood license, issued under the authority of section

6851 of title 12 of the Maine Revised Statutes prior to December 31, 2004; and

(2) the vessel is owned by an individual or entity meeting the citizenship requirements necessary to document a vessel under section 12106 of title 46, United States Code.

On page 19, line 18, insert ''(a) IN GENERAL.—'' before ''The''.

On page 20, after line 25, insert the following:

(b) INDEPENDENT ANALYSIS OF REVISED DEEP WATER PLAN.—Within 180 days after the date of enactment of this Act, the Commandant of the Coast Guard may execute a contract with an independent entity—

(1) to conduct an analysis of the Coast Guard's revised Deepwater Plan; and

(2) to assess whether—

(A) the mix of assets and capabilities selected as part of that plan will meet the Coast Guard's criteria of—

(i) performance; and

(ii) minimizing total ownership costs; or

(B) additional or different assets should be considered as part of the plan.

On page 22, strike lines 13 through 18, and insert the following:

''(c)(1) No vessel without a registry endorsement may engage in—

''(A) the setting or movement of the anchors or other mooring equipment of a mobile offshore drilling unit that is located over the outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.c. 1331(a))) whether or not attached to the outer Continental Shelf; or

''(B) the movement of merchandise or personnel to or from a point in the United States from or to a mobile offshore drilling unit located over the outer Continental Shelf that is—

''(i) not attached to the seabed; or

''(ii) attached to the seabed on the outer Continental Shelf but not exploring for oil and gas resources from the outer Continental Shelf.

''(2) Nothing in paragraph (1) authorizes the employment in the coastwise trade of a vessel that does not meet the requirements of section 12106 of this title.''.

On page 22, between lines 18 and 19, insert the following:

SEC. 218. DISTANT WATER TUNA FLEET.

(a) MANNING REQUIREMENTS.—United States purse seine fishing vessels transiting to or from, or fishing exclusively for highly migratory species in, the Treaty area under a fishing license issued pursuant to the 1987 Treaty of Fisheries Between the Governments of Certain Pacific Islands States and the Government of the United States of America may utilize non-United States licensed and documented personnel to meet manning requirements for the 48 month period beginning on the date of enactment of this Act if, after timely notice of a vacancy, no United States-licensed and documented personnel are readily available.

(b) LIMITATION.—Subsection (a) applies only to vessels operating in and out of American Samoa.

(c) WAIVER.—The citizenship requirements of sections 8103(a) and 12110 of title 46, United States Code, are waived for vessels to which subsection (a) applies during the 48-month period.

SEC. 219. AUTOMATIC IDENTIFICATION SYSTEM.

(a) PREVENTION OF HARMFUL INTERFERENCE.—The Secretary of the Department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, may, within 60 days of the enactment of this Act, transfer $1,000,000 to the National Telecommunications and Information Administration of the Department of Commerce for the purposes of awarding, within 120 days after the date of enactment of this Act a competitive grant to design, develop, and prototype a device that integrates a Class B Automatic Identification System transponder (International Electrotechnical Commission standard 62287) with an FCC-approved wireless maritime data device with channel throughput greater than 19.2 kilobits per second to enable such wireless maritime data device to provide wireless maritime data services, concurrent with the operation of such Automatic Identification System transponder, on frequency channels adjacent to the frequency channels on which the Automatic Identification System transponder operates, while minimizing or eliminating the harmful interference between such Automatic Identification System transponder and such wireless maritime data device. The design of such device shall be available for public use.

(b) IMPLEMENTATION OF AIS.—It is the Sense of the Senate that the Federal Communications Commission should resolve within 60 days after the date of enactment of this Act the disposition of its rulemaking on the Automatic Information System and licensee use of frequency bands 157.1875-157.4375 MHz and 161.7875-162.0375 MHz (RM-10821, WT Docket Number 04-344). The implementation of this section shall not delay the implementation of an Automatic Identification System as required by the Maritime Transportation Security Act of 2002 and international convention.

On page 30, line 5, strike '' 'Members'; '' and insert '' 'The'; ''.

On page 30, line 7, insert ''(1)'' before ''The''.

On page 30, line 12, strike the closing quotation marks and the second period.

On page 30, between lines 12 and 13, insert the following:

''(2) Any motorized vehicle placed at the disposition of the Coast Guard and utilized to carry out its functions under paragraph (1) shall be considered to be a 'motorized vehicle utilized under section 826(b)' as that term is used in section 830.''.

On page 35, between lines 4 and 5, insert the following:

SEC. 411. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER MACKINAW.

(a) IN GENERAL.—Upon the scheduled decommissioning of the Coast Guard Cutter MACKINAW, the Commandant of the Coast Guard shall convey all right, title, and interest of the United States in and to that vessel to the City and County of Cheboygan, Michigan, without consideration, if—

(1) the recipient agrees—

(A) to use the vessel for purposes of a museum;

(B) not to use the vessel for commercial transportation purposes;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from the use by the Government under subparagraph (C);

(2) the recipient has funds available that will be committed to operate and maintain the vessel conveyed in good working condition, in the form of cash, liquid assets, or a written loan commitment, and in an amount of at least $700,000; and

(3) the recipient agrees to any other conditions the Commandant considers appropriate.

(b) MAINTENANCE AND DELIVERY OF VESSEL.—Prior to conveyance of the vessel under this section, the Commandant shall, to the extent practical, and subject to other Coast Guard mission requirements, make every effort to maintain the integrity of the vessel and its equipment until the time of delivery. If a conveyance is made under this section, the Commandant shall deliver the vessel to a suitable mooring in the local area, in its present condition, on or about June 10, 2006, and no later than June 30, 2006. The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).

(c) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function for purposes of a museum.

The amendment (No. 2344) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 889 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that all after the enacting clause be stricken and the text of S. 1280, as amended, be inserted in lieu thereof, that the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, the Senate insist upon its amendment, and the Chair be authorized to appoint conferees. I further ask that S. 1280 be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 889), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER appointed Mr. STEVENS, Ms. SNOWE, Mr. LOTT, Mr. SMITH, Mr. INOUYE, Ms. CANTWELL, and Mr. LAUTENBERG conferees on the part of the Senate.

ORDERS FOR FRIDAY, OCTOBER 28, 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Friday, October 28. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period for morning business with Senators permitted to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCONNELL. Today, the Senate completed action on the Labor-HHS-Education appropriations bill, a splendid job by Senator SPECTER and Senator HARKIN in moving the bill along. That is the fastest I can recall that measure clearing the Senate, certainly in recent years.

As the majority leader announced earlier today, we will be in session tomorrow, but there will not be any votes. We will not have any votes during Monday's session. So Senators should expect a busy week as we consider the deficit reduction omnibus reconciliation bill.

In that regard, I ask unanimous consent that at 4 p.m. on Monday, October 31, the Senate proceed to S. 1932, the 2005 deficit reduction bill, and it be considered under the following statutory time agreement, with time divided as follows: The first hour on Monday under the control of the chairman of the Budget Committee; provided further that the Senate then resume the bill on Tuesday, November 1, at 9 a.m., with the time until 8 divided between the chairman and ranking member, with 4½ hours under the control of the chairman and 5½ hours under the control of the ranking member; provided further that the Senate recess from 12:30 to 2 for the weekly policy luncheons; provided that any votes ordered on Tuesday be postponed to occur at a time determined by the leader after consultation with the Democratic leader.

I further ask consent that the Senate then resume the bill on Wednesday, November 2, with the time from 8:30 a.m. to 6 p.m. equally divided between the chairman and ranking member; provided further that at 6 p.m. on Wednesday all time be considered expired.

Before the Chair rules, it is my understanding that Senators GREGG and CONRAD have agreed that we will have 1 hour of debate on Monday. We will then resume the deficit reduction measure on Tuesday, with debate until 8. Any votes ordered on Tuesday would be stacked to occur at a later time. We would then resume the bill on Wednesday, with all time expired at 6 p.m.

The Budget Act allows for amendments to be offered and voted on beyond the statutory time limit, the so-called vote-arama that we look forward to every year. I would hope that we would not have a vote-arama, but understanding that Members will offer amendments after the expiration of time, we would begin those sequenced votes on Thursday.

We will proceed until complete, and we all hope that will be a short time thereafter.

In any event, we would stop in the late afternoon on Thursday and resume on Friday if, and only if, that becomes necessary.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MCCONNELL. I believe that completes the business of the Senate. If there is no further business to come before the Senate, I ask unanimous consent that it stand in adjournment under the previous order.

There being no objection, the Senate, at 7:20 p.m., adjourned until Friday, October 28, 2005, at 10 a.m.

NOMINATIONS

Executive nomination received by the Senate October 27, 2005:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. PETER W. CHIARELLI, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate: Thursday, October 27, 2005:

THE JUDICIARY

SUSAN BIEKE NEILSON, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT.

JOHN RICHARD SMOAK, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF FLORIDA.

EXTENSIONS OF REMARKS

SALUTE TO HURRICANE VOLUNTEER MARC OBERLIN OF SAVE-A-LOT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. BURGESS. Mr. Speaker, I rise today to salute those individuals and organizations that opened their hearts and dedicated both financial and emotional support to the evacuees of Hurricane Katrina and Hurricane Rita. All of the States along the gulf coast have endured terrible hardships during this hurricane season, and I know that the generosity of North Texans played a vital role in bringing some peace into their lives.

Today, I want to specifically thank one man, his store and his donation. Marc Oberlin, from Save-A-Lot donated $5,572 worth of various food and supplies for volunteers during hurricane Katrina.

Save-A-Lot is one of the Nation's leading extreme value, limited assortment grocery chains, operating value-oriented stores in all types of neighborhoods—urban, rural and suburban. Today the company's annual system-wide retail sales exceed $4 billion and are expected to grow as the company expands its store network.

I stand here today to sincerely thank Marc Oberlin for his donation. It is people like him that I am proud to call a fellow Texan. Through his contribution, he not only stands as a devoted and giving American citizen, but he serves as an inspiration to others.

CONGRATULATIONS TO MR. LEON LYNCH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and honor that I congratulate Mr. Leon Lynch on his retirement from the position as United Steel Workers of America Vice President of Human Affairs. Leon has spent nearly 40 years dedicating his life to the interests of the USWA and many social and political organizations throughout the country. His career at the USWA has allowed him the opportunity to touch the lives of numerous people. In honor of his gracious service to the USWA, there will be a celebration of his accomplishments on Friday, October 28, 2005, at the Genesis Convention Center in Gary, IN.

Leon Lynch has accomplished many visionary goals throughout his career. Leon joined USWA Local 1011 in 1956 at the Youngstown Sheet & Tube Company Mill in East Chicago, Indiana. He has served on many local committees and was President of the YS&T Federal Credit Union. In 1968 Leon was named a staff representative and an International Representative in 1973. In 1994, he was appointed by President Bill Clinton to the Advisory Council on Unemployment Compensation. In 1995, Leon was elected to the AFL–CIO Executive Council, and in December of 2000, President Clinton appointed Leon to the Air Traffic Service Board of the Federal Aviation Administration.

Not only has Leon had many positive accomplishments throughout his career at the USWA, he has also actively contributed to his community through participation in various programs aimed at improving opportunities for people. Leon is a member of the executive committee of the Democratic National Committee, Chairman of the A. Philip Randolph Institute, President of the Workers Defense League, a board member of the National Endowment for Democracy, and a member of the Labor Roundtable of the National Black Caucus of State Legislators.

Leon has served six terms as the USWA's International Vice President for Human Affairs. He was appointed to that post when it was created by the USWA's 18th Constitutional Convention in 1976. As Vice President, he oversees the USWA's civil rights and human rights efforts. He chairs the Container Industry Conference and handles the negotiations for Rexam, Crown Cork & Seal, and Silgan Containers. He also chairs the Public Employees Conference, International Constitution Committee, and the Steelworkers Health and Welfare Fund.

Leon's family and friends should be proud of his efforts, as his leadership has served as a beacon of hope throughout the country. Leon's longstanding commitment to improving the quality of life for Steelworkers is truly inspirational and should be commended. Our community has certainly been rewarded by the true service, uncompromising dedication and loyalty displayed by Leon Lynch.

Mr. Speaker, Leon Lynch has given his time and efforts selflessly to the members of the USWA throughout his years of service. He has taught every member of the USWA the true meaning of service. I respectfully ask that you and my other distinguished colleagues join me in congratulating Mr. Leon Lynch for his outstanding contributions. I am proud to commend him for his lifetime of service and dedication.

HONORING GINGER ARMSTRONG

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Ginger Armstrong of Tuolumne County, California for her tireless service and contributions to her community. At the end of the month of October, Ms. Armstrong will retire from her position as an Advocacy Consultant with the Tuolumne County Alliance for Resources and the Environment (TuCARE). An event to celebrate Ms. Armstrong's professional accomplishments and contributions will occur on October 27, 2005 in Sonora, California.

A native of New Mexico, Ginger Armstrong moved to Tuolumne County in 1971, where she taught in the Tuolumne County public school system for over 20 years. After teaching in the public school system, Ms. Armstrong became the Education Coordinator for TuCARE, an organization established to advise the public on conservation practices and the utilization of our natural resources.

In the late 1990's, Ginger earned the position of Executive Director of TuCARE, where she demonstrated exemplary leadership on issues concerning the long term viability of natural resources and conservation of public and private lands.

Together with her husband Jim, the Armstrong's own and operate Jim Armstrong Logging. In addition to the logging operation, the Armstrong's own Snowy Peaks Christmas Tree Farm and plan to operate a strawberry and blueberry farm.

Ginger and her husband Jim have two children, Matt and Haley.

Mr. Speaker, I rise to honor Ginger Armstrong for her years of service to Tuolumne County and dedication to natural resource issues. I invite my colleagues to join me in wishing Ginger many years of continued success.

HONORING CRESCENT ELEMENTARY FOR BECOMING A BLUE RIBBON SCHOOL OF EXCELLENCE

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. RAHALL. Mr. Speaker, it is with great pride that I honor Crescent Elementary School in Raleigh County, West Virginia for their remarkable academic achievements. Next month, Crescent will receive the highest national honor in education as a No Child Left Behind Blue Ribbon School. Out of 738 schools in West Virginia, Crescent is one of just three to receive the award, and one of only 295 in the United States.

Crescent Elementary School qualifies for this award because the school has dramatically improved student performance on the State assessment test. In light of the fact that 62 percent of Crescent's 284 students, are of low socioeconomic background, this accomplishment is even more commendable. On the State assessment test, the entire school tested in the 80th percentile in math and reading. Another great achievement for the school is a 98 percent attendance rate during the 2004–2005 school year.

At the November ceremony to honor the 2005 No Child Left Behind-Blue Ribbon Schools, United States Assistant Secretary of Education, Kevin F. Sullivan, will recognize

each recipient and award the representative with a plaque. Receiving the award for Crescent Elementary School will be Principal Danny Pettry, along with speech teacher Stephanie Anderson and first-grade teachers Mary Haynes and Pat Hudson. I am very proud of the many achievements this school has made in its pursuit to educate the future leaders of this country. Having an educational institution such as Crescent in my State and my district is something in which to take pride.

ESSAY ON THE PLEDGE

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. KENNEDY. Mr. Speaker, I would like to submit for the RECORD, the text of an essay by Katelin Richter of Watertown, Minnesota, as published in the Minneapolis Star-Tribune on October 3, 2005.

Of course the pledge is still relevant. How does a trait such as loyalty cease to be relevant? How do liberty and justice for all cease to be relevant? How does God cease to be relevant? Just because our America is a little different than our Founding Fathers' America doesn't mean that the core values that built this Nation have changed. Deep down, we are still the same, members of the greatest democracy on Earth, where liberty and justice are truly for all.

We have to remember, when pledging, that our great Nation is not totally infallible, and will never be. We can only try our hardest, with the powers we have, to make our Nation live up to the pledge. Americans will constantly work to see this goal.

RECOGNIZING THE NEW MEXICO HOMETOWN HEROES COMMITTEE

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mrs. WILSON of New Mexico. Mr. Speaker, I rise today to recognize the New Mexico Hometown Heroes committee and the remarkable work it has done to find and mark the gravesites of recipients of the Congressional Medal of Honor. Mr. Paul Layer Jr., who has served as this organization's president and his team of volunteers worked for many years on this project. They spent hundreds of hours researching archived records, excavating historical battle sites, and exploring cemeteries. As a result, our soldiers have a resting place that acknowledges the extraordinary deeds that they accomplished during their lifetimes.

The actions taken by Mr. Layer and the New Mexico Hometown Heroes Committee will allow generations of New Mexicans to remember the courage these soldiers showed on the battlefield.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Layer and the other members of the New Mexico Hometown Heroes Committee for their efforts.

CONGRATULATING JORDAN HUNT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Mr. Jordan Hunt for receiving the Gold Medal of Achievement in Royal Rangers.

Royal Rangers is an achievement program of the Assemblies of God which utilizes an outdoor theme to teach positive character, responsibility, leadership, citizenship and service to God, men and country. The Gold Medal of Achievement is the highest achievement that can be earned in the Royal Ranger Program.

Mr. Hunt is a freshman at Marcus High School in Flower Mound, Texas. His achievement represents many years of diligent work completing merits, camping and nature skills, leadership training camps, memorization, essays and service projects. A special service honoring Mr. Hunt's accomplishment is planned for November 27, 2005 at Grace Community Assembly of God in Flower Mound, Texas.

I extend my sincere congratulations to Mr. Jordan Hunt on receiving the Gold Medal of Achievement. His hard work and dedication to excellence warrants the highest achievement given by the Royal Rangers Program.

CONGRATULATIONS TO MR. RICHARD KRAME

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and honor that I congratulate Mr. Richard Krame on his retirement from the Town of Schererville. Dick has spent nearly 50 years dedicating his life to the interests of the residents of Schererville, Indiana. His career has allowed him the opportunity to touch the lives of numerous people. In honor of his gracious service to the community, there will be a celebration of his accomplishments on November 3, 2005.

Dick Krame has accomplished many visionary goals throughout his career. Dick was born in Chicago, Illinois and entered the United States Army in 1943, where his first mission was D-Day 1944. Dick was awarded the Croix De Guerre-with Star, which was the highest decoration a soldier could earn from French President Charles De Gaulle. He also received a number of U.S. awards for his service in the European, African, and Middle Eastern theaters. Dick felt tremendous pride for his country, and he was willing to endanger his own life to protect the lives of his fellow Americans. His courage and heroism will always be remembered, and his sacrifice will forever live in the hearts and minds of those for whom he battled.

After the War, Dick resumed his career with Inland Steel. He moved to Schererville, Indiana in 1954, and he became involved with the community in 1964. He served as an elected member of the Town Board and was Town Board President in 1970, 1971, and 1979. In 1982, Dick retired from his position as a General Foreman with Inland Steel. In 1989, he came out of full-time retirement from Inland Steel to fill many positions with the Town of Schererville. He served as Chairman of the Schererville Planning Commission, a member of the Police Commission, President of the Chamber of Commerce, Chairman of the Chamber of Commerce Corn Roast, a member of the Chamber's Economic Development Commission, and a member of the Quad Town Economic Commission. In 1998, Dick became the Schererville Town Manager.

While Dick has dedicated considerable time and energy to his work, he has always made an extra effort to give back to the community. Dick has been an active member of the Schererville Lions Club for over 42 years, and he was named President of the Lions in 1973 and 1986. Some other of his involvements include the Parade Picnic Committee and the St. Michael Church Council. The Rotary Club of Schererville also presented Dick with their 2004 Outstanding Citizen Award.

His work has been improving his community for over forty years. Though Dick is dedicated to his career and the community of Schererville, he has never limited his time and love for his family. Dick and his wife, Eleanor, have been happily married for thirty years.

Mr. Speaker, I respectfully ask that you and my other distinguished colleagues join me in congratulating Mr. Richard Krame for his outstanding devotion to Indiana's First Congressional District. His unselfish and lifelong dedication to those in need is worthy of the highest commendation, and I am proud to represent him in Congress.

HONORING THE GEMPERLE FAMILY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the Gemperle Family of Turlock, California upon receiving the 2005 Distinguished Citizens Award from The Greater Yosemite Council, Boy Scouts of America. The family will be honored on Wednesday, October 26, 2005 at The Greater Yosemite Council, Boy Scouts of America 2005 Distinguished Citizens Award Dinner in Modesto, California.

As a leader in the egg production business in the Turlock area since the 1950's, the Gemperle Family has transformed a small family business into an industry-leading, technology driven company. In addition to the great successes achieved in business, the Gemperle Family has distinguished itself through its leadership and generosity to many communities throughout California's Central Valley.

Ernie T. Gemperle, the family patriarch, has served in many positions, including President, on his local Boy Scouts of America Executive Board. For over 35 years, the Gemperle Family has hosted an annual fundraising event to benefit the Boy Scouts of America. Moreover, the Gemperle Family has earned a well deserved reputation for supporting numerous causes, including Catholic Charities, California State University-Stanislaus, and the arts.

Mr. Speaker, I rise to honor the Gemperle Family upon receiving the 2005 Distinguished

Citizens Award from The Greater Yosemite Council, Boy Scouts of America. I invite my colleagues to join me in congratulating and thanking the Gemperle Family for their leadership and tremendous generosity.

RECOGNIZING THE 25TH ANNIVERSARY OF AKAL SECURITY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. WILSON of South Carolina. Mr. Speaker, I am proud today to congratulate Akal Security, the second largest U.S-based security guard company, on its twenty-fifth anniversary. Since 1980, Akal Security has grown from just a handful of earnest entrepreneurs to almost 15,000 employees in 48 States and around the world.

Today, the company provides 80 percent of guards for the Department of Justice's Marshals Service and, through a subsidiary, 80 percent of cleared American guards for embassy construction. Akal's employees work in several Bureau of Immigration and Customs Enforcement detention centers, airports and military installations; Federal Protective Service operations; and local government and commercial properties.

Although the tremendous growth of this company is important, I am also impressed by the unique inspiration of its founders and their continued record of hiring disabled veterans.

Gurutej Khalsa and Daya Khalsa, the founders of Akal Security, incorporate the practices of Sikh Dharma into their day-to-day business lives. They describe Sikh Dharma as a peaceful, monotheistic religion brought to the West from India by Yogi Bhajan, who was only the fourth religious leader to receive a joint resolution of recognition from Congress.

Akal Security also has a distinguished history of hiring veterans of law enforcement and the military, including many decorated heroes and even a few U.S. Marshals. These veterans are patriotic, experienced, and committed to their jobs. This year, Akal Security received the Large Employer of the Year Award from the Disabled American Veterans organization for the company's continued commitment to serving disabled Veterans.

Today, I am pleased to congratulate Akal Security on its remarkable record of accomplishment over the past 25 years.

ANNOUNCING PASSING OF FORMER CONGRESSMEN ED ROYBAL AND BOB BADHAM

SPEECH OF

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. DREIER. Mr. Speaker, yesterday, a dear friend, a great man and the father of one of our colleagues, former Congressman Ed Roybal, passed away.

Ed was a man of tremendous passion and compassion. He saw no limits, only possibilities. He was a trailblazer for the Hispanic community who aimed high without fear of failure.

Ed moved to Los Angeles when he was a child, and he became as much a part of the city as it became part of him. Upon returning from service in World War Two, Ed became director of health education for the Los Angeles County Tuberculosis and Health Association. Healthcare and the well-being of his fellow citizens would be a hallmark of Ed's long career of public service.

When Ed was elected to the first of his nearly 30 years in Congress in 1962, he was only the second Hispanic-American to represent California. While Ed was at the center of issues facing Los Angeles, he was a strong advocate for the region and all of California.

Ed's sincerity and heartfelt speeches on the floor of this body are legendary, and so was his decency. The attention and care he devoted to his constituents, he also paid to his colleagues.

Through Ed's example, we learned patience, kindness and generosity. He was unfailingly gracious, determined and effective, all at once.

His legacy is found in the successes of his constituents who were inspired by his example. His legacy is found in community programs in Los Angeles. And his legacy is found right here in the Capitol.

Our thoughts and prayers are with Ed's daughter, Congresswoman LUCILLE ROYBAL-ALLARD, as she carries on his example of public service, and also with the entire Roybal family.

INTRODUCTION OF THE FEDERAL DISASTER PROFITEERING PREVENTION ACT OF 2005

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. CONYERS. Mr. Speaker, today I am introducing the "Federal Disaster Profiteering Prevention Act of 2005," legislation that imposes tough new criminal and civil penalties on would-be profiteers who intentionally overcharge the Federal Government for the provision of goods or services tendered in response to a presidentially declared major disaster or emergency. I am joined by Representatives EMANUEL, DEFAZIO, GRIJALVA, HINCHEY, KILPATRICK, SERRANO, MCDERMOTT, MALONEY and SANDERS.

One need not look beyond the ongoing reconstruction efforts in Iraq and the current controversy surrounding Halliburton to understand the need for such legislation. To date, Halliburton has been accused of overcharging the Federal Government by more than $1.4 billion in "questionable" and "unsupported" reconstruction costs. Nearly two-thirds of these costs have been characterized as "questionable" because, according to government auditors, they are "unreasonable in amount" and "exceed that which would be incurred by a prudent person." Such costs include, but are in no way limited to, $617,000 in overpriced and double-billed soft drinks; $152,000 in movie rental charges; $1.5 million in excessive tailoring and seamstress charges; and over $560,000 in unnecessary heavy equipment charges.

The "Federal Disaster Profiteering Prevention Act of 2005" is designed to prevent such acts from occurring in the future. It achieves this objective by cracking down on anyone who, in a matter involving a contract with the Federal Government, develops a "scheme or artifice to defraud the United States." The civil penalties associated with a violation of this prohibition are the greater of $1 million dollars or triple the gross profits or received proceeds.

The potential for additional future abuse of the Federal contracting and procurement process is quite clear. According to recent press reports, FEMA and the Army Corps of Engineers already have awarded at least seven no-bid contracts to several politically well connected firms, including Halliburton. For example, Kellogg, Brown & Root, a subsidiary of Halliburton, is currently repairing damaged naval facilities under a $500 million Defense Department contract. Additionally, no-bid housing contracts have been awarded to the Fluor Corp, a major Republican Party donor, and to the Shaw Group, a client of the lobbying and consulting firm run by friend of the president and former FEMA chief Joe Allbaugh. With such large sums being spent in this manner, it's more important than ever that we send a clear message that we will not tolerate the overcharging of our government during times of federal emergencies.

I am hopeful that Congress can move quickly to enact this worthwhile and timely legislation.

CONGRATULATING LUCAS FLEMMING

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Mr. Lucas Flemming for receiving the Gold Medal of Achievement in Royal Rangers.

Royal Rangers is an achievement program of the Assemblies of God which utilizes an outdoor theme to teach positive character, responsibility, leadership, citizenship and service to God, men and country. The Gold Medal of Achievement is the highest achievement that can be earned in the Royal Ranger Program.

Mr. Flemming is a senior at Flower Mound High School in Flower Mound, Texas. His achievement represents many years of diligent work completing merits, camping and nature skills, leadership training camps, memorization, essays and service projects. A special service honoring Mr. Hunt's accomplishment is planned for November 27, 2005 at Grace Community Assembly of God in Flower Mound, Texas.

I extend my sincere congratulations to Mr. Lucas Flemming on receiving the Gold Medal of Achievement. His hard work and dedication to excellence warrants the highest achievement given by the Royal Rangers Program.

HONORING EDWARD CONNER

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today in honor of Edward Conner, a young

man from Falmouth, Kentucky, who has shown a tremendous appreciation for the service of many veterans in Kentucky through his involvement with volunteer activities honoring the Men and Women who served in our Armed Forces.

Edward, or ''Eddie''—as his friends call him, is an honorary member of American Legion Post 109 and despite his young age of 15, is actively involved with organizing annual Veterans Day events in Pendleton County.

Eddie often volunteers his time at the Legion Post—performing a variety of services and speaks to children at area schools about his work with veterans.

Being a Member of the American Legion, I thoroughly appreciate Eddie's hard work and commend him on volunteering his time in support of veterans everywhere.

TRIBUTE TO JOHN ZUTAVERN OF ABILENE, KANSAS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. MORAN of Kansas. Mr. Speaker, today I rise to recognize John Zutavern of Abilene, Kansas and congratulate him for receiving the 2005 Excellence in Local Government award from the League of Kansas Municipalities. I commend him for his excellence in leadership and passion for helping citizens of Abilene and the State of Kansas.

John's love for his community and his home-State is visible to everyone around him. He has been a diligent ambassador for Abilene and promotes the virtues of the city wherever he goes. He always welcomes guests with a warm greeting and hearty handshake. People like John are the ones who give small towns their good name.

John is involved in many community and civic groups, and his influence extends to all areas of the community. John has served the citizens of Abilene as a member of the City Commission since 1991, serving as Mayor on two different occasions. He is responsive to citizens and is known for being unafraid to take on new challenges. Forward thinking and innovativeness are also characteristics that John possesses, both of which help him in his leadership roles.

John's influence also extends to a statewide level. He was appointed Chairman of the Governor's Advisory Committee for Children and Families where he served from 1996 to 2000. He currently serves on the Board of Directors for the Kansas Health Institute. John has also served the League of Kansas Municipalities and is considered ''the go-to guy'' on the Governing Body. He has served with the League since 1994, taking on the responsibility of Vice President, President, and Chair of the Executive Director search committee.

I am pleased that John's hard work and dedication has not gone unnoticed by the people of Kansas. Tonight, I extend my congratulations to John for being the 2005 Excellence in Local Government Award recipient, an honor he well deserves. Thank you for your dedication to serving the people of Abilene and the people of Kansas.

TRIBUTE TO MS. AMALIA V. BETANZOS

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to a woman of great integrity and character. Ms. Amalia V. Betanzos has decided to retire from the Wildcat Service Corporation after 27 years of dedicated leadership. Tonight, she will be honored for her service in the city of New York.

Born and raised in the South Bronx, Amalia is a graduate of New York University and has extensive experience in the public and private not-for-profit sectors. She has served in a variety of positions in the administrations of several New York Mayors. As Commissioner of the Youth Services Agency she helped to shape the destinies of more than half a million New York youth and gained a reputation for being an outstanding administrator with an untiring capacity to meet new challenges. As Executive Secretary to Mayor John Lindsay she was in charge of programs for the poor and the physically and mentally handicapped. As Commissioner of Relocation and Management services in the Housing and Development Administration, Amalia was directly in charge of coordinating relocation services to families in conjunction with the City's Urban Renewal programs and emergency housing.

Amalia's extensive experience in city government provided her with the breadth of knowledge necessary to lead an organization such as Wildcat Service Corporation. Founded in 1972, Wildcat's mission is to bring the chronically unemployed, for example, ex-offenders, public assistance recipients, former alcohol and substance abusers, high school dropouts, youth involved with the criminal justice system and persons with limited English language proficiency, into the regular labor force, thus breaking their cycle of poverty, addiction and crime. Under Amalia's strong leadership Wildcat changed the lives of countless New Yorkers, providing them and their families with a new lease on life.

Mr. Speaker, it is rare to find individuals who are willing to dedicate their entire lives to uplifting others. Amalia V. Betanzos is indeed one of these special people. She has literally improved the lives of thousands of individuals. Her efforts to empower society's most vulnerable citizens will not only change their destinies but also the destinies of generations to come. Surely that is the mark of a great career.

For her unyielding service and untiring spirit, I ask my colleagues to join me in paying tribute to a dear friend, Ms. Amalia V. Betanzos.

IN HONOR AND REMEMBRANCE OF ALVA ''TED'' BONDA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Alva ''Ted'' Bonda, beloved husband, father, grandfather, great-grandfather, brother, WWII Veteran, and dear friend and mentor to many, including me. Mr. Bonda's life was framed by tenacity, integrity and heart, and although he will be greatly missed, he deeply touched the lives of everyone he knew.

Mr. Bonda will forever be remembered as a true renaissance man who possessed a high intellect, love for education and keen business savvy. He was born and raised in Cleveland and graduated from Glenville High School. He worked as a shoe store clerk and parking lot attendant before serving in the U.S. Army during WWII. Following the war, Mr. Bonda teamed up with childhood friend, Senator Howard Metzenbaum, to form their joint venture, APCOA Inc., which evolved into the world's largest parking lot company.

Though an extremely successful businessman, Mr. Bonda's unwavering dedication remained focused on his family and the Cleveland community. Together, Mr. Bonda and the late Marie C. Bonda raised their three children, Penny, Joel and Tom. Mr. Bonda's faith in the City of Cleveland and love for its people was just as steadfast. When it was largely feared that the Cleveland Indians could be whisked away to another town, Mr. Bonda stepped up to the plate and convinced more than 50 Cleveland business owners to purchase the team. As the Team President, he consistently dismissed out-of-towners looking to buy the team because they would not promise to keep the club in Cleveland. Most significantly, Mr. Bonda contributed to sports history and civil rights history by hiring Frank Robinson as the first African American Manager in the Major Leagues.

After retiring from business, Mr. Bonda renewed his commitment as a proponent of education. As a member of the Cleveland School Board during the 1980s, Mr. Bonda led the successful effort in persuading voters to support the first operating levy in many years. In 1984, he was appointed by then Governor Richard Celeste to the Ohio Board of Regents, where he served as Chairman from 1998 to 1991. Mr. Bonda was also a trustee with Brandeis University in Waltham, Mass. In 1995, Cleveland State University's College of Urban Affairs awarded Mr. Bonda an honorary Doctorate degree.

A staunch and active Democrat, Mr. Bonda's wisdom and advice was consistently sought after by political hopefuls. His leadership infused significant energy and results into the momentum of numerous local and national campaigns, including those of President Jimmy Carter, presidential candidate George McGovern, Senator Howard Metzenbaum, Ohio Governor Richard Celeste, and my own congressional campaigns.

Mr. Speaker and colleagues, please join me in honor and remembrance of Alva ''Ted'' Bonda. I offer my deepest condolences to his daughter Penny, sons Joel and Tom, daughter-in-law, Jodi; his grandchildren; great grandchildren; extended family and many friends.

Mr. Bonda left this world with a legacy that will forever shine hope and light upon his family, friends and upon our entire Cleveland community. His joy for life, caring heart and concern for the people of Cleveland defined his life and resounds every spring with the first at bat; and will live on in the hearts of all he who knew and loved well, today, and for all time.

SALUTE TO HURRICANE VOLUNTEERS AT DFW AIRPORT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. BURGESS. Mr. Speaker, I rise today to salute those individuals and organizations that opened their hearts and dedicated both financial and emotional support to the evacuees of Hurricane Katrina and Hurricane Rita. All of the States along the gulf coast have endured terrible hardships during this hurricane season, and I know that the generosity of North Texans played a vital role in bringing some peace into their lives.

Today, I want to specifically thank the DFW Airport and their donation during Hurricane Katrina. Jeffrey Fegan, the CEO of DFW, and Ken Capps, the Vice President of Public Affairs, sent six DFW firefighters to relieve others at the New Orleans Airport. These firefighters were Adrian Garcia, Darren Himes, Jacob Evens, Terry Cole, Dan White and Sullivan McNulty.

I stand here today to sincerely thank the DFW Airport for their hard work and help during the devastation of Hurricane Katrina. It is people like them that I am proud to call fellow Texans. Through their contribution, they not only stand as devoted and giving American citizens, but they serve as an inspiration to others.

PROTECTION OF LAWFUL COMMERCE IN ARMS ACT

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. ETHERIDGE. Mr. Speaker, I voted against S. 397, the Protection of Lawful Commerce in Arms Act. After careful consideration off the bill and its impact on the citizens of North Carolina and the United States, I determined that it would unacceptably infringe on their constitutional right to legal redress in our Nation's courts, as well as subvert North Carolina law, which already prohibits frivolous lawsuits against the firearms industry.

Although I voted in favor of similar legislation in the 108th Congress, S. 397 is a much different bill. This bill extends unprecedented immunity to many groups beyond federally licensed firearms dealers and manufacturers, and it sets the bar of proof so high as to prohibit meritorious suits against unscrupulous dealers and manufacturers. This bill allows the firearms industry to put profits ahead of safety; under this bill manufacturers do not have to ensure that the dealers and wholesalers to whom they sell weapons are acting in good faith and within the parameters of the law. Law-abiding gun owners do not want more gun control laws. What we need is more vigorous enforcement of the gun laws that are already on the books.

As a lifelong gun owner, I take seriously my commitment to upholding the Constitution and our Second Amendment right to bear arms. I am also committed to the right of individuals to freedom and safety, as well as their day in court, and this bill would subvert those rights.

IN TRIBUTE TO THE LIFE OF BROTHER DELOCH

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. CLAY. Mr. Speaker, I rise today to pay tribute to the life of Mr. Brother Deloch, a constituent of mine and well-beloved and respected husband of 75 years, father, grandfather, great-grandfather, and uncle. I was saddened to recently learn of his passing on Friday evening, October 14, at the age of 97.

Mr. Deloch was born January 20, 1908 in Macon, Mississippi to the late Mr. Israel and Mrs. Cora (Grey) Deloch. After the death of his father, Brother Deloch, along with his mother and siblings, moved to Kinloch, Missouri. During the late 1920's Brother Deloch met Emma Lou Dailey and on January 22, 1930 they were joined in holy matrimony. He remained faithfully married his whole life; Brother and Emma Lou had nine children together. Brother and Emma Lou were together as husband and wife for 75 years, Mr. Speaker.

Soon after getting married and making it through the great depression, Brother Deloch worked for several years installing and repairing motors as an employee of the French, Gerleman Electric Company. From there, he became a clerk for the Missouri Kansas Texas (MKT, Katy) Railroad Company and later for the Missouri Pacific Railroad Company. He retired in 1973 and moved to Mulberry Grove, Illinois where he played a vital role in developing the infrastructure of the Royal Lakes Sub-Division. A little over a decade and a half later he returned to St. Louis where he served the pastor and the church family of Bostick Temple Church of God in Christ. He also worked in the Church Pantry and kept up his active and faithful service to the church and his community until his health began to fail earlier this year.

Brother Deloch leaves behind Emma Lou, his lovely wife of 75 years, four sons and three daughters: Marvell Aaron; Mozell Jr; Frederick Douglas; Walter James; Anetta Bernice Carter; and Annabelle Ireland of Flint, Michigan, and Anita Louise Hyshaw of St. Louis. He also leaves behind fourteen marvelous grandchildren, and twenty-four wonderful great grandchildren.

Mr. Speaker, I ask those assembled here today to pay tribute to Brother Deloch and celebrate his long life, his faithful and loving marriage of seven and half decades, and the family and friends who remember him with great affection.

IN HONOR OF MORRIS HABITAT FOR HUMANITY OF NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor Morris Habitat for Humanity of New Jersey, a vibrant organization I am proud to represent. On October 29, 2005 the Board of Directors celebrates its Twentieth Anniversary.

Through both volunteer labor and donations of money and materials, Morris Habitat for Humanity builds and rehabilitates houses in partnership with families in need. Hundreds of volunteers and partner families have allowed Morris Habitat for Humanity to provide affordable homeownership opportunities to low income families. There is no profit added to the sale price of the home and mortgage payments are returned to a revolving fund that is used to build more houses.

Morris Habitat for Humanity was formed in 1985 when a group of local residents traveled to New York City to hear former President Jimmy Carter and Millard Fuller, the founder of Habitat for Humanity International, speak at the first Jimmy Carter Work Project. The group returned and incorporated Morris Habitat for Humanity as a charitable nonprofit that same year, attaining, affiliate status in 1986.

Since its formation, Morris Habitat for Humanity has completed 26 homes in seven municipalities throughout the 11th Congressional District. The hard work and efforts donated by private corporations, non-profit organizations, local governing officials, schools, and citizens with whom Morris Habitat has built partnerships have contributed to the benefit of more than 110 individuals of which 70 are children.

Mr. Speaker, I urge you and my colleagues to join me in congratulating the members of Morris Habitat for Humanity on the celebration of its 20 years of service to the Morris County area. Special praise is due to their dedicated staff and active volunteers who work cooperatively to provide affordable housing to families in need.

IN HONOR OF DR. I. KING JORDAN ON HIS RETIREMENT

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Ms. WOOLSEY. Mr. Speaker, I rise to honor Dr. I. King Jordan upon his retirement as president of Gallaudet University on December 31, 2006. Dr. Jordan is an accomplished, respected leader and someone I consider a personal friend.

Dr. Jordan became the Nation's first deaf university president when appointed in 1988 and the first deaf president to preside over Gallaudet University. During his tenure there he has proven to be an able, caring leader propelling the university forward as well as becoming a strong advocate for deaf students on the Federal level.

Among his accomplishments, he led the university's first ever capital campaign, raising nearly $40 million, which supported the construction of the state-of-the-art Student Academic Center and contributed to the extraordinary increase in the university's endowment, which paved the way for an increase in scholarships and more academic programs. He also established a fellows program to provide support for deaf college graduates to complete their terminal degrees and become faculty members.

Dr. Jordan was not only a strong advocate for the Gallaudet community, but for individuals with disabilities across this Nation. Another proud accomplishment of Dr. Jordan's is the work he did to assist with the passage of

the Americans with Disabilities Act, ADA, in 1990. He was a lead witness in support of the ADA during a joint session of Congress and delivered significant testimony in Congress and across the country during the deliberations of this bill.

Before coming to Gallaudet Dr. Jordan's life was filled with many other accomplishments. A native of Glen Riddle, PA, a small town near Philadelphia, Dr. Jordan earned a B.A. in psychology from Gallaudet University and M.A. and Ph.D. degrees in Psychology from the University of Tennessee.

Upon receiving his doctorate, Dr. Jordan joined the faculty of Gallaudet's Department of Psychology. Before his appointment as President, Dr. Jordan served as Chair of Gallaudet's Psychology Department and as Dean of the College of Arts and Sciences. He has been a research fellow at Donaldson's School for the Deaf in Edinburgh, Scotland, and an exchange scholar at Jagiellonian University in Krakow, Poland.

Dr. Jordan holds 11 honorary degrees and is the recipient of numerous awards, among them: the Presidential Citizen's Medal, presented by Bill Clinton in 2001; the Washingtonian of the Year Award; the James L. Fisher Award from the Council for Advancement and Support of Education, CASE; the Larry Stewart Award from the American Psychological Association and the Distinguished Leadership Award from the National Association for Community Leadership. President George H.W. Bush appointed Dr. Jordan vice chair of the President's Committee on Employment of People with Disabilities, PCEPD, in 1990, and President Clinton reappointed Dr. Jordan to that role in 1993. In the summer of 2005, Dr. Jordan was presented the George Bush Medal for the Empowerment of People with Disabilities from President George H.W. Bush.

Mr. Speaker, I wish Dr. Jordan much happiness in his retirement as he looks forward to traveling with his wife Lynda and spending more time with his family. His compassion and service will be greatly missed. I am proud to have had a chance to work with him these past years.

SALUTE TO HURRICANE VOLUNTEERS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. BURGESS, Mr. Speaker, I rise today to salute those individuals and organizations that opened their hearts and dedicated both financial and emotional support to the evacuees of Hurricane Katrina and Hurricane Rita. All of the States along the gulf coast have endured terrible hardships during this hurricane season, and I know that the generosity of North Texans played a vital role in bringing some peace into their lives.

Today, I want to specifically thank one woman, her organization and her donation. Bonnie Gardner, from Friends of the Library in Fort Worth, donated various books for all ages to Hurricane Katrina victims.

Friends of the Fort Worth Library is a nonprofit membership organization which exists to improve the quality of life in the community by providing advocacy, funding, and volunteer services to the Library. The organization also serves as a conduit for organizations and corporations which are restricted from making donations directly to government entities.

I stand here today to sincerely thank Bonnie Gardner for her donation. It is people like her that I am proud to call a fellow Texan. Through her contribution, she not only stands as a devoted and giving American citizen, but she serves as an inspiration to others.

HAPPY BIRTHDAY, JEANETTE CANTRELL RUDY

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mrs. BLACKBURN. Mr. Speaker, Tennesseans have long been known for giving back more to their community than they take. Jeannette Cantrell Rudy exemplifies our State's proud tradition of contributing to the betterment of both community and country.

This year as Jeanette celebrates her 78th birthday, we should take a moment to recognize her good works and thank her for enriching our lives.

In 1985, Jeanette helped create and fund the Dan Rudy Cancer Center at Saint Thomas Hospital in honor of her husband. With her sisters' help, she honored her parents by founding the Felix A. and Edna L. Cantrell Endowment Fund. The fund has given nurses the opportunity to continue their education at Saint Thomas Hospital. As a former nurse, Jeanette knows just how important nurses are to our quality of life.

It's clear that Jeanette's work has had a tremendous impact on the lives of people across our State. Her life is a testament to the power each of us have to help others.

The list of Jeanette's achievements and interests is a long one. She's a sportswoman, a member of several boards including those serving the Nashville Zoo and Cumberland University. She's even written a book, A Bend in the Cumberland, chronicling the history of her longtime home community in the Pennington Bend area.

It's impossible to capture the many friendships and contributions Jeanette has been responsible for over the years, but we owe her a debt of gratitude for choosing to live in and serve our community. All our best to Jeannette and her family on her 78th birthday.

REGARDING THE INTRODUCTION OF LEAD LABELING ACT LEGISLATION

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. UDALL of New Mexico. I rise today to introduce an important piece of legislation designed to strengthen our existing laws regarding lead in consumer products.

Currently, we have laws that pertain to lead-containing paint and its many applications. The laws are explicit and focus mainly on the paint used in public housing around the United States. In the last three decades we have seen the rate of lead poisoning plummet and than plateau. These laws, though effective, are specific only to paint. We must do more to protect our consumers.

That is why I am introducing the Lead Labeling Act of 2005 today, to direct the Consumer Products Safety Commission to establish regulations to require the labeling of dishware products sold in the United States that may contain hazardous amount of lead within them. Labeling these products will help consumers identify products that are potentially hazardous to their children through a simple labeling process.

Mr. Speaker, there are many products imported every year and these imports are a vital part of our economy, but because they are manufactured outside the United States, they are not subject to the same stringent regulations that our products must meet. This is a concern, because many of the products that we eat out of, drink out of, and cook with are made of materials that contain levels of lead that we do not normally ingest. These products can release these leads into our foods and our water and the affects can be very damaging, especially to the development of our children.

According to the National Institute of Health, lead, even in very low levels, can have damaging effects on our children. The Center for Disease Control states that approximately 310,000 U.S. children aged 1–5 years have blood lead levels greater than the CDC recommended level of 10 micrograms of lead per deciliter of blood. Also, lead can affect every system in our bodies. It has been linked to learning disabilities, behavioral problems, and, when our bodies are exposed to very high levels, lead causes seizures, coma, and even death.

Lead in our products is a concern in our households. Labeling products containing lead will help ease these concerns and allow consumers to make more informed decisions. I urge my colleagues in the House to support this legislation for the health of American consumers.

TRIBUTE TO VETERANS

HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. CHANDLER. Mr. Speaker, it is with great honor that I rise today to pay tribute to the veterans of this country. November 11, 2005 is Veteran's Day. On this day, there will be ceremonies across our Nation honoring the service and sacrifice of the men and women who have served in our armed forces. In honor of these heroes, there will be a ceremony at the VA Medical Center on Leestown Road in Lexington, KY.

Kentuckians have always been willing to make the ultimate sacrifice for their country. Currently, there are more than 370,000 veterans who call Kentucky home. These men and women have inspired our citizens for generations. As our men and women continue to return home from battle in Iraq and Afghanistan, we must honor their service and pay tribute to those who served before them.

Armistice Day, the original name of Veteran's Day, was established on the anniversary of the signing of the Armistice, which

ended the first World War. The men and women who sacrificed and served during WWI were honored and remembered, in hopes that their service would be the last time American soldiers were called upon for such duties. Regrettably, our men and women continue to answer the call. Fortunately, our VA Medical Centers continue to provide the care that our veterans so desperately need.

It is the spirit of those who work at these centers, the spirit of the American people and the will of the American armed forces that keep this country strong. Veteran's Day should serve as a reminder to every American that our armed forces, both of past and present, are made up of individuals of great courage, character and honor.

It is our duty to ensure that our children and grandchildren never forget our country's finest heroes and always know their sacrifice. We must take the time to pay tribute to our fallen heroes, not just on Veteran's Day, but everyday. Their sacrifices and those of our military families are freedom's foundation. Without the brave efforts of all the soldiers, sailors, airmen, and marines and their families, our country would not stand so boldly, shine so brightly and live so freely.

The United States has attained its position of strength and prosperity thanks to the dedication of our veterans and our armed forces. No other group of Americans has stood stronger and braver for our democracy than our troops and veterans. We must always celebrate, honor and remember these courageous and faithful men and women.

SALUTE TO HURRICANE VOLUNTEERS AT JPS HEALTH NETWORK

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. BURGESS. Mr. Speaker, I rise today to salute those individuals and organizations that opened their hearts and dedicated both financial and emotional support to the evacuees of Hurricane Katrina and Hurricane Rita. All of the States along the gulf coast have endured terrible hardships during this hurricane season, and I know that the generosity of North Texans played a vital role in bringing some peace into their lives.

Today, I want to specifically thank one company and their donation. JPS Health Network registered 1011 Hurricane Katrina evacuees and admitted 230 to the hospital for radiology, lab work, or other services.

Committed to improving the health of families and individuals in Tarrant County, JPS Health Network includes John Peter Smith Hospital, the JPS Institute for Health Career Development, a network of community-based health centers, home care and psychiatric services at Trinity Springs Pavilion.

I stand here today to sincerely thank JPS for their help and donation. It is people like them that I am proud to call fellow Texans. Through their contribution, they not only stand as devoted and giving American citizens, but they serve as an inspiration to others.

PERSONAL EXPLANATION

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. HONDA. Mr. Speaker, on Tuesday, October 25, 2005, I was unavoidably detained and missed rollcall votes on that day.

Had I been present I would have voted the following: "yea" on rollcall vote number 536, the American Spirit Fraud Prevention Act, and "yea" on rollcall vote number 537, Recognizing the 40th anniversary of the White House Fellows Program.

HONORING SAINT JOHN OF THE CROSS PARISH OF WESTERN SPRINGS, ILLINOIS, AS THEY CELEBRATE THE 45TH ANNIVERSARY OF THE PARISH

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. LIPINSKI. Mr. Speaker, I rise today to honor the Catholic Community of Saint John of the Cross of Western Springs, Illinois on celebrating their 45th Anniversary of the parish.

St. John of the Cross was created in May 1960 with the appointment of Rev. William J. Bennett. In September of 1961 the one million dollar building was completed, which included the living quarters for the parish priests, the worship space, and the classroom space for 600 students. The parish was built on 5.5 acres of land but over the years through fundraising, the parish doubled to the present size of 11 acres.

In 1980, Father Bennett retired, and Rev. Joseph McDonnell became the second pastor of the parish. The parish began to expand through various programs such as religious education, liturgical ministries, and other social organizations. Additional space was then needed to accommodate for the growing number of organizations within the parish, so in 1988, Father McDonnell and the Parish Council agreed to construct a Parish Center. This Parish Center included space for daily worship, private prayer, the day school, religious education, parish meetings, staff offices, choir rehearsal and many more activities.

After 16 years as pastor, Father McDonnell retired in August of 1996 from the parish. Reverend Richard Hynes, the current pastor, was appointed by Cardinal Bernardin to succeed Father McDonnell. Father Hynes has been committed to spreading the awareness of the Catholic tradition to the parish community.

It is quite obvious that over the 45 years of Saint John of the Cross, the parish community has grown stronger through their worship, formation, and charity.

It is my honor to recognize Saint John of the Cross of Western Springs, Illinois on celebrating 45 years of service to spreading the Catholic faith throughout the community.

H.R. 3824, THE THREATENED AND ENDANGERED SPECIES RECOVERY ACT

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. McKEON. Mr. Speaker, I rise in strong support for Threatened and Endangered Species Recovery Act, TESRA. This legislation is needed to make important changes to the Endangered Species Act, ESA, which, after 30 years of implementation, has been unable to return endangered species to healthy and sustainable populations and has caused turmoil for landowners and local communities across the country, especially in my district in California.

As you know, recent U.S. Fish & Wildlife Service, FWS, studies indicate that ESA has successfully recovered less than 1 percent of species listed in the original law. Frankly, this is far from being an exemplary model of effective legislation.

TESRA offers a new emphasis on recovery, which will require the identification of lands important to the conservation and resurgence of species. The bill provides numerous tools to promote preservation on private lands without further increasing the size of the federal estate.

TESRA also lists specific difference to distinguish between endangered and threatened species. TESRA requires rules, which will regulate that threatened species be disseminated on a case by case basis rather than by some overarching rule for all threatened species. By these requirements, TESRA provides a flexibility that can be central to effectively promoting conservation.

I would like to commend Chairman POMBO for his efforts in this legislation and would like to express my full support for the underlying bill.

HONORING MR. CHARLES O. WRIGHT FOR HIS SERVICE TO THE OAKLAND CHAMBER OF COMMERCE

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. GARRETT of New Jersey. Mr. Speaker, the duty of promoting, developing and preserving the economic environment and quality of life of a community is a personal contribution to the democracy that has made America the great country it is today. Leaders are looked upon for advice, ideas and stability to sustain the growth and security of our communities.

In recognition of the outstanding dedication and personal leadership to a community, I am pleased to extend my warmest commendation to Mr. Charles O. Wright for his services to the Oakland Chamber of Commerce in Oakland, New Jersey.

For the last 25 years, businesses as well as prospective college students in Oakland, NJ have flourished on his behalf. In 1981, Mr. Wright was selected to join the Chamber's Board of Directors. Soon after, he served as

Vice President and Treasurer. In 1984, as President of the Oakland Chamber of Commerce, he established the Chamber Scholarship, benefiting students of the community. His respected leadership qualities resulted in his Chairmanship of four Standing Committees: Scholarship, Membership, Election and Technology.

Mr. Wright has enjoyed a career focused on providing service and intellect to the Borough of Oakland, NJ. The community will thrive for years to come because of his leadership and dedication to society.

It is therefore with great honor that I offer my sincerest appreciation and congratulations to Mr. Charles O. Wright for his committed service to the Oakland Chamber of Commerce and I wish him a future filled with continued success.

LOBBYISTS REPRESENTING REPRESSIVE REGIMES

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. WOLF. Mr. Speaker, I submit for the CONGRESSIONAL RECORD an article from Harper's Magazine titled ''Spin Doctors without borders: how one Washington lobbyist administers to dictatorships.''

Robert Cabelly, managing director of C/R International, was recently hired to represent the Government of Sudan. As disturbing as this is, the Harper's article below reveals the lengths that lobbyists will go to represent some of Africa's most repressive regimes.

The U.S. Congress has not forgotten that genocide is still taking place in Sudan. The administration should not allow an American citizen to represent a government guilty of genocide. I call on the State Department to immediately revoke the waiver allowing this lobbying to continue.

[From Harper's Magazine, Mar. 1, 2004]

SPIN DOCTORS WITHOUT BORDERS: HOW ONE WASHINGTON LOBBYIST ADMINISTERS TO DICTATORSHIP

(By Elisabeth Eaves)

Lobbyists in Washington, D.C., don't just serve such U.S. interests as the oil industry and the tobacco corporations; they also solicit work from foreign governments. In an extreme, though not uncommon scenario, Americans, many of them former diplomats and public servants, make their fortunes by advancing the interests of dictatorships against those of their own nation. Take Robert Cabelly, managing director of the lobbying and P.R. from C/R International, who last August signed a contract with the small African nation of Equatorial Guinea. Cabelly has every reason to expect that he will succeed in preventing any sanctions the U.S. Congress might wish to impose on Equatorial Guinea and in other ways shaping American policy to the liking of this repressive regime.

Equatorial Guinea, governed by President Teodoro Obiang Nguema Mbasogo, might seem like a public-relations problem. In 2002 more than 150 of the president's political opponents were arrested for allegedly plotting a coup. Blindfolded for long periods, some of the prisoners were hung in positions designed to break their bones, and at least two died. A democracy only in name (the president ''won'' 97 percent of the vote in 2002), Equatorial Guinea did little to improve its human-rights record in 2003, during which a journalist was detained for reporting rumors of a coup, an outspoken pastor was arrested without charges, and an opposition-party member was moved to solitary confinement, chained to a wall, and denied badly needed medical care. But Washington, as well as ExxonMobil and ChevronTexaco, now has an interest in trade with Equatorial Guinea: oil was discovered offshore there in 1995, making it the third largest petroleum producer in Africa.

Cabelly's firm, C/R International, may have won its contract with Equatorial Guinea because of its service to African nations with even more oil. In 1995, after Sani Abacba, then dictator of Nigeria, executed nine prominent political activists, members of the U.S. House and Senate introduced bills laying the groundwork for an international oil embargo. Africa's top oil producer fought back by hiring nine U.S. lobbying and P.R. firms, including C/R (to which Base Petroleum, owned by Abachals son, paid an estimated $1 million). The bills died, and only trifling penalties against the regime—limiting sales of military equipment and restricting visas for senior officials—were enacted. From 1996 to 2002, C/R received $6 million from Angola. In 2001 the United States gave Angola $2.8 million in military assistance, a marked increase from $0 in the previous three years and a total of $200,000 between 1962 and 1997. While C/R served Angola, the government's troops beat and raped civilians, and killed suspected rebel sympathizers.

Because of its sudden oil wealth, Equatorial Guinea has the world's fastest-growing economy, but the nation qualifies as ''stable'' only in that President Obiang has ruled since 1979, when he overthrew and executed his even more despotic uncle. While most of its citizens earn about $1 a day, President Obiang neglects infrastructure and misappropriates oil revenue in favor of lavish personal expenditures. (He recently paid $2.6 million in cash for a mansion near Washington, D.C.) As the United States tries to reduce its dependence on the Middle East, African oil has taken on greater geopolitical significance. Because of work by C/R and others, Washington will likely continue to ignore the fact that Africa's oil producers are ruled by dictatorships that continually violate human rights.

For Cabelly, daily contact with U.S. officials includes talking to old colleagues from his years at the State, Department, where he helped to negotiate the 1994 peace agreement between Angola and its UNITA rebels. Many lobbyists have worked previously in public service: in 1997, Burma hired Jefferson Waterman International, a firm run by former assistant secretary of state far international narcotics Ann Wrobleski in an unsuccessful attempt to end U.S. trade sanctions. (Since 1997, Burma has been one of the top two producers of opium in the world.) With his connections, Cabelly may urge the Bush Administration to grant Equatorial Guinea preferential trade status and will likely lobby the State Department to issue MPRI, a Virginia-based military contractor, the license it has been seeking to train the Equatoguinean military. His work for the country began on a promising note: in October, two months after the deal between Equatorial Guinea and C/R, the U.S. embassy in Malabo reopened after being shuttered far eight years.

C/R's fee of $300,000 is a small price to pay far favorable U.S. policy. In 2002, payments to the lobbyists and P.R. firms registered under the Foreign Agents Registration Act—a total of $408 million—covered a range of projects, from touting Caribbean beaches to urging the removal of sanctions against pariah nations. Oil-industry insiders and excited energy experts have nicknamed Equatorial Guinea ''the Kuwait of Africa'' for its tiny population (500,000) and its vast oil reserves (1.1 billion barrels). Perhaps Cabelly will be so successful as to further the parallel. In 1990 and 1991, Citizens for a Free Kuwait, funded by the emir's government, paid Hill & Knowlton a record $10.8 million over six months to create a media and lobbying campaign widely credited with convincing the U.S. public that its soldiers should defend the tiny, distant monarchy. As long as the dictatorship in Equatorial Guinea finds lobbyists to take its oil money, it has every reason to expect preferential trade policies, if not, one day, U.S. troops to defend it.

ANNOUNCING PASSING OF FORMER CONGRESSMEN ED ROYBAL AND BOB BADHAM

SPEECH OF

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. BACA. Mr. Speaker, yesterday, our Nation lost a public servant who demonstrated conscience and commitment. The Honorable Edward Ross Roybal was a pioneer and a fighter for the disadvantaged. As a Mexican-American man in 1930s and 40s in Los Angeles, he personally experienced brutality because of his color. He fought that racism with political activism. As a city council member, activist, and 30 year Congressman in this great House, he broke barrier after barrier.

But it wasn't enough for him to break barriers simply by his presence in American political life, which was remarkable in its own right. He worked to actively pave the way for those behind him, never losing passion for giving voice to the voiceless.

He co-founded the Congressional Hispanic Caucus, dedicated to voicing and advancing, issues affecting Hispanics in the United States.

He founded the National Association of Latino Elected Officials, which empowers Latinos nationwide to participate in the democratic process.

He remained active in California politics, mentoring the next generation of young leaders.

Congressman Roybal was more than an asset to the Hispanic Community. He was an asset to the American community. In these chambers, he was a role model to us all. He voted his conscience and stuck to his principles. And America is better off because of him.

I offer heartfelt condolences to my colleague and friend, the Honorable LUCILLE ROYBAL-ALLARD, and I join the Nation in mourning this great man.

HONORING AMERICA'S FALLEN HEROES

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Ms. BORDALLO. Mr. Speaker, I rise today to somberly note the 2,000th death of an

American servicemember in Iraq. Having reached this unwelcome milestone, I realize that the important number, however, is and remains, one. Each loss of a servicemember in Iraq is a loss to one unit, to one family, to one mother and one father and it is a loss we all suffer together as one Nation. Each loss represents the supreme sacrifice of one more American hero, a hero that now stands forever alongside the American heroes who gave their lives in forging this great Nation in the war of independence, that preserved our Union in the Civil War, that defeated the fascists and the Nazis in World War II and that fought communism in Korea and Vietnam. Among these men and women we honor today are four from my community in Guam. These four fallen heroes are a reflection of our island's patriotism, valor and sacrifice. I mark this new milestone with great sadness but take comfort in knowing that another generation of Americans, included among them another generation of Guam's sons and daughters, has answered the call of duty to protect freedom and the American way of life. We owe a deep gratitude to these fallen men and women and to their families. May God bless them and may God bless our country.

THE INTRODUCTION OF A RESOLUTION RECOGNIZING THE LIFE AND WORKS OF WELLINGTON MARA

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. PASCRELL. Mr. Speaker, I rise today to honor the life of fellow Fordham University alumnus Wellington Timothy Mara, who succumbed to cancer yesterday at the age of 89. To football fans in the New York/New Jersey Metropolitan Area, Mara is synonymous with our beloved New York Giants, and has been for decades.

Born in New York City on August 14, 1916, Mara was introduced to professional football in 1925, when his father purchased the rights to establish a team in New York. It was that year that Mara had his first job with the Giants, as a ball boy. He would later recount a story from that inaugural season of overhearing head coach Robert Folwell telling his team to ''give them hell out there.'' It was at that moment that 9-year-old Mara realized what a tough game football must be, and fell in love with the game forever.

In 1930, Timothy Mara, Wellington's father, gave the team to his two sons, Jack, 22, and Wellington, who was just 14. He became the youngest owner in the league.

In the late 1930's, Wellington Mara attended Fordham University. By now an avid football fan, Mara befriended many of the university's football players. At that time, Fordham was a formidable national powerhouse, at one point winning 25 straight games. It was here Mara befriended legendary player, coach and fellow NFL Hall of Famer Vince Lombardi.

Upon graduation in 1937, Mara joined the New York Giants operation full-time. With his brother in charge of the business, Wellington Mara soon took control of the player personnel decisions. In this role he drafted or traded for some of the all time great NFL players. He integrated the Giants at a time when much of the league remained all-white. He drafted running back Frank Gifford and Roosevelt Brown and traded for quarterback Y.A. Tittle, all future Hall of Famers. He was the architect of the dominant Giants teams of 1958–1963 when they appeared in five NFL championship games, winning one championship. The first of these championship appearances in 1958 is known as ''the greatest game ever played,'' against the Baltimore Colts, the NFL's first ever sudden death overtime in a championship game.

During World War II Mara joined the United States Navy. He served honorably in both the Atlantic and Pacific theaters, earning the rank of Lieutenant Commander.

In the early 1960's, Jack and Wellington Mara agreed to give up lucrative television revenue and allow it to be equally split among all NFL teams. As the owners of the most valuable team in the league at the time, their decision to put the good of the entire league above their self-interest set the league on a path to the enormous prosperity it is enjoying today.

When the Giants hit lean times during the 1970's, Mara placed most of the blame on himself. To respond he hired George Young as General Manager, who then was the architect of the dominant Giants' teams of the late 1980's. These teams won Super Bowl XXI (1987) and Super Bowl XXV (1991). Young won five NFL Executive of the Year awards in his 19 seasons with the Giants.

All told, in Mara's 81 years with the Giants, they appeared in 26 postseasons, won 16 division championships and six NFL titles. Those six championships represent the third most of any franchise, behind only the Green Bay Packers and the Chicago Bears.

In addition to his service to the Giants, Mara also worked hard for the league as a whole to ensure collective prosperity. He served on the league's Competition Committee, the Hall of Fame Committee, and the Executive Committee, including a term as chairman from 1971–1977. He has been widely lauded by his fellow owners for his invaluable service to the league.

In 1971–72, Fordham University inducted Mara into their Athletic Hall of Fame. Mara has continued his close ties to the university throughout his life, and in 2002 he was honored at the Fordham Founder's dinner, the university's highest honor.

In 1997 Mara was inducted into the National Football League Hall of Fame, an honor he reluctantly accepted. He was a strong advocate of leaving the Hall of Fame for just players and coaches, insisting it was they, and not owners, who made the game great.

Wellington Mara served his community as a member of the board of the Giants Foundation, a charitable organization founded by the New York Giants involved with providing financial and social support for disadvantaged youth in the New York/New Jersey Metropolitan Area.

Mr. Speaker, I would 1ike to offer my deepest condolences to his wife of 61 years Ann, his 11 children and 40 grandchildren.

Today I am proud to have introduced a House Resolution honoring the life and work of Wellington Timothy Mara. I respectfully urge that all my colleagues join me in paying our respects, and offer their support for this resolution.

EULOGY FOR KENNY SWYGERT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. RANGEL. Mr. Speaker, tomorrow I will be attending the funeral of Kenny Swygert, beloved husband of my long-time staff assistant and friend, Brenda. I submit to the record the remarks I will be making at the service.

At times such as this we find that words can never adequately provide a true expression of the sympathy we feel, and words seem so unlikely to provide comfort, but we gathered here this morning to show Brenda and her family that we are grieving with you over the loss of your beloved Kenny.

Having known Kenny from the time Brenda met him, and remembering that it was in my first Congressional office that they met due to the matchmaking efforts of brother Pat, I have always felt partly responsible for the success of their marriage, and, Brenda, you two found such happiness together that I came to believe that your marriage was one of the best things I have ever been a part of.

Over the years Brenda and Kenny have defined a good marriage for me and for all who know them, so we know how difficult this loss will be for you, Brenda, and how difficult it will be for you to be without your life partner.

Please know that your many friends, and all of those whose lives you and Kenny have touched over the years, are with you in spirit at this time of sorrow and that you and your family are in our thoughts and prayers.

I believe that it is often the case that those who work with someone on a daily basis have a very good opportunity to know of the quality of a marriage. It is on a daily basis that one has, particularly in a small Congressional office, to see what the people with whom you work are experiencing in their lives away from the office. With Brenda, I could tell that she was married to a man who supported her and enabled her to devote herself to the demands of a Congressional career as well as give of herself to friends and family as generously as she has over the years.

And give of herself Brenda has, so much so that I knew Kenny must be a wonderfully supportive husband to tolerate her missing so many evenings at home while she was working late with me. I have benefited so much over the years from Brenda's professionalism and dedication that I haven't thought enough of thanking Kenny for allowing her to be as devoted as she is.

When Brenda was sick a couple of years we were able to see the kind of love and support that Kenny provided and how his prayers and his strength and determination that she survive was a force that encouraged and sustained Brenda in her fight to breathe and restore her health. We all worried about the illness that threatened her life and the capacity of her doctors and medicine to overcome it, but we had absolutely no worry about Brenda's will to live and her fighting spirit and that she was not alone because Kenny was there fighting with her.

Brenda, I hope that you and your family will be comforted at this time by the memories of the many good times you shared and by the knowledge that you were able to care for and comfort him at the end of his life, at his side

as he was with you. By being with him as he passed you truly fulfilled your wedding vow "until death do us part."

I once heard a Pastor of a younger congregation, who counseled many couples before marriage and continue in touch with them through a Married Couples club in the church, tell the story of the death of an elderly male member of cancer and saw at his bedside at the moment of his death his wife beside him holding his hands, mopping his brow, and giving him comfort. He said to the young people that evening that he knew there were many good ways for a marriage to begin, but there was no better way for a marriage to end.

I know, however, that what is important to you and your family at this time is that Kenny has been taken from you. May God give you the strength and courage at this time of sorrow to help you bear your burden of grief, and may He strengthen your faith in the resurrection promised by Jesus to provide hope of reunion in Heaven.

IN RECOGNITION OF BREAST CANCER AWARENESS MONTH

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. CLEAVER. Mr. Speaker, I rise today in recognition of Breast Cancer Awareness Month and the brave survivors of this disease. The statistics for breast cancer are staggering. One out of every eight women in the United States will be diagnosed with breast cancer in their lifetime, and 1 out of every 229 women in their 30s will be affected by the disease at some point in their lives. The unfortunate truth behind these numbers is that there is a limited amount of information available on women under 35 with breast cancer. The general sentiment is that women in their 20s and 30s are too young to contract the illness, but the reality is that women of this age are not immune.

Four young women have shared their stories of survival with each other as part of a support group called Nordie's at Noon, and they recently published a book of the same name documenting their stories. These women were in the first stages of their lives when they were diagnosed with breast cancer, and their stories, although different, are bound together by a common challenge. These courageous women are Patti Balwanz, Kim Carlos, Jennifer Johnson, and Jana Peters.

Patti Balwanz fought a long and brave battle against breast cancer. She was diagnosed with breast cancer at the age of 24, while working as an IT consultant. Her cancer metastasized to her bones, lungs and liver, but she used her experience to educate women about the disease. Patti stayed active in breast cancer awareness outlets during her treatment by serving as a Board Officer of the Ribbons of Pink Foundation and being honored with the foundation's "You Are an Inspiration" award. Patti also continued her education by receiving a Bachelor of Arts degree trom Southwest Missouri State University and remaining active in the Alpha Sigma Alpha sorority. Until her death in 2003, Patti continued to educate women about breast cancer while bravely facing her own fight.

Kim Carlos was diagnosed with breast cancer during the planning of her son's second birthday party. After three years of extensive treatment including eight rounds of chemotherapy, a mastectomy with breast reconstruction, and treatments for lymphedema, Kim is now cancer-free. Currently Kim serves as President of the Board for the Greater Kansas City Affiliate of the Susan G. Komen Breast Cancer Foundation, and she was recently selected to serve on the Komen National Public Policy Council. Kim is also a member of the American Cancer Society State Advocacy Committee. She has been honored by Lifetime Television and SELF Magazine for her efforts in educating women about breast cancer. Kim now focuses on advocacy full-time with her business, K.C. Consulting, where her focus is governmental and public relations and grassroots avocacy.

While five months pregnant with her first child, Jennifer Johnson was diagnosed with breast cancer at the age of 27. Her treatment involved chemotherapy and a mastectomy during her pregnancy. Jennifer completed her final chemotherapy treatment in 2000, and the next day delivered a healthy baby boy, Parker Matthew. Three years later, Jennifer had a daughter, Emma Grace, and she has been cancer-free for six years. Jennifer is active in several breast cancer advocacy groups including the American Cancer Society, the Susan G. Komen Association, the Ribbons of Pink Foundation, and the Pregnant with Cancer organization.

Jana Peters was 27 and engaged to be married when she received her breast cancer diagnosis. She has undergone several treatments since then including a mastectomy and chemotherapy. In 1999 Jana founded the Ribbons of Pink Foundation, a non-profit organization with the goal of promoting breast health and serving as a support for young breast cancer survivors. She is a member of the United Methodist Church of the Resurrection, and she is a volunteer for several breast cancer organizations and events. Jana continues her career in the clinical research industry in San Francisco, where she resides with her husband Chris.

We celebrate these courageous women who have battled breast cancer and those who continue their fight against this illness. Breast cancer survivors and supporters gather to raise awareness and encourage the access of information for breast cancer in young women. Thank you to Patti, Kim, Jennifer and Jana for sharing their stories of bravery and determination.

THE 9/11 COMMISSION FINAL REPORT ONE YEAR LATER

HON. CYNTHIA McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Ms. MCKINNEY. Mr. Speaker, I wish to enter the following into the CONGRESSIONAL RECORD:

THE 9/11 COMMISSION REPORT ONE YEAR LATER

A CITIZENS' RESPONSE: DID THE COMMISSION GET IT RIGHT?

A Congressional Briefing Convened on the First Anniversary of the Release of the 9/11 Commission Report, Friday, July 22, 2005

EXCERPTS FROM THE TESTIMONY

Opening Remarks: Rep. Cynthia McKinney: 9/11 Families Report

Lorie Van Auken, 9/11 Family Steering Committee "Unanswered Questions and The Call for Accountability"

Behind the 9/11 Commission: Flaws in the Process

John Judge, staff and 9/11 Citizens Watch: "Staff Report—A Citizens' Critique"

Mel Goodman, former CIA, Center for International Policy: "Conflicts of Interest—A Commission Investigates Itself"

Omissions and Errors in the Commission's Final Report

Paul Thompson, author of *Terror of Timeline*, "NORAD/FAA, P–56 Responses, Pre-9/11 Exercises"

John Newman, former NSA: "The $100,000 Transfer—Pakistan ISI, bin Laden and U.S. Intelligence"

9/11 in Historical Perspective: Flawed Assumptions

Loretta Napolione, author of *Modern Jihad:* "The Underground World of Terrorist Financing"

Anne Norton, author of *Leo Strauss & the Politics of American Empire:* "The Rise of the Neo-Conservatives"

Peter Dale Scott, author of *Drugs, Oil & War*: "Deep Politics: Contragate, Drug, Oil, Covert Operations & Terrorism"

Nafeez Ahmen, author of *The War of Truth*, "Afghanistan Mujahedin—Covert Operations, Creating Terrorism"

Foreign Policy: Immediate Response and Recommendations

Wayne Smith, former diplomat, Center on International Policy, "The End of International Law?"

Bob McIlvaine, September 11 Families for Peaceful Tomorrows, Alternatives to Pax Americana and Permanent War

Domestic Policy: Immediate Response and Recommendations

Elaine Cassel, author of *The War on Civil Liberties*

Rebecca Daugherty, Reporters Committee on Freedom of the Press: "The Rise of Secrecy After 9/11"

William Michaels, author of *No Greater Threat*, "The Patriot Act—Sunset of Freedom?"

Intelligence Reform: Immediate Response and Recommendations

David MacMichael, former CIA: "'The Wall': Breaking Down the Division of Intelligence, Military and Law Enforcement"

John Nutter, author of *The CIA's Black Operations*, "Covert Operations and Increased Intelligence Budget—Solution or Cause?"

Opening Remarks

Rep. CYNTHIA MCKINNEY: Last year, we got the final report, an extensive, prosaically impressive report, but as some of us sat down to read it, the errors and omissions immediately jumped out at us. How was it that it took over an hour after the first transponder went off before planes were scrambled to meet the threat, all of them too late? What happened to those reports that surfaced within months of September 11th stating that seven or more of the alleged hijackers had come forward and claimed they were victims of stolen identities and were alive and well, living in Saudi Arabia, Morocco,

and Tunisia? Why did the Commission choose not even to address this? What about Osama bin Laden and his role in the Mujahedin backed by the CIA in the 1980s to fight the Soviets? The Commission didn't go there . . . We cannot afford to shy away from inconvenient truths. Many of you may find what you hear today to be inconvenient information. Dr. Martin Luther King, Jr. said the ultimate measure of a man is not where he stands in moments of comfort and convenience, but times of challenge and controversy. I encourage you to engage with the issues that are raised. If you don't agree or don't like what you hear, challenge it. I believe that we should take in what every reasonable person has to say, to inform our decisions, because that is the best way to find the truth. In our pursuit of the truth, I encourage you to emulate the courage and the determination of the September 11th families in their struggle to know what really happened.

9/11 Families Report

Ms. LORIE VAN AUKEN: A thorough and definitive investigation by the Commission . . . would have subpoenaed for the information it required and examined the plethora of information that other citizens and groups responsibly provided. . . . it would have reported all of its findings with its redactions blacked out and submitted to the American people. In essence, the Commission could have produced a final product where the resulting conclusions and recommendations could be trusted. Instead, at the end of the day, what we got were some statements that truly insulted the intelligence of the American people, violated our loved ones' memories, and might end up hurting us one day soon.

One such statement was that 9/11 was a failure of imagination: a failure of whose imagination? What exactly does that mean? When you have a CIA Director with his hair on fire, a system blinking red, 52 FAA warnings, an August 6, 2001 PDB entitled ''Bin Laden Determined to Strike in the United States,'' leads on several 9/11 hijackers . . . warnings from many foreign governments, a Phoenix memo, warning of Islamic extremists taking flying lessons, the arrest of would-be terrorists Zacarias Moussaoui, facts imparted to one agent, Agent Frasca, at the RFU of the FBI, 9/11 was truly a failure, all right, but I would certainly not call it a failure of imagination. Another outrageous statement made at the time of the release of the 9/11 final report that got a fair amount of media coverage was the one ''Everyone's to blame, therefore, no one's to blame.'' The problem with that assumption is that it creates a no fault Government, and a no fault Government does nothing to ensure that things will be different or better in the future. When you hold people accountable, it serves as a deterrent for those that would repeat that same behavior in the future. For the record, I would like to see that assumption restated to read ''Everyone's to blame, therefore, everyone's to blame.'' In fact, the fact that there has been no accountability for the failures that led to the deaths of almost 3,000 people is truly unconscionable and irresponsible on the part of all of our nation's leaders. The tools of democracy available to the citizens of America to address these issues are incredibly limited. We asked for an independent commission to investigate 9/11 because that was the only tool that we, as American citizens, had access to, and hoped that our leaders, the members of Congress and the American public, would ensure its validity and that its ensuing recommendations would make us all safer, as safe as we could reasonably expect to be in the event of another attack. Sadly, as Americans, we have all been let down.

Behind the 9/11 Commission: Flaws in the Process

Mr. JOHN JUDGE: This Commission's report is not a rush to judgment. It's rather a rush to exoneration. It fails to really hold people to accountability . . . By approaching the whole matter as an intelligence failure in the report, it obscured the evidence that what was normally a standard operating procedure in the period prior to 9/11 fell apart, apparently, in the months around and on that day. It led to them pursuing leads and suspects, basically accepting earlier reports without doing further follow up, blaming certain suspects, even though the evidence is we don't yet clearly know who the suspects were that got onto the plane, and that's because several people have come forward saying that their identity was stolen, basically, by these people. We are left with a story that comes from people that we can't get to, and we are left with a story that perhaps is giving us the wrong direction in terms of how we are looking. Until we open up the report and until we can look at the actual evidence and compare it, and begin to actually investigate further on many of the areas that the Commission ignored, then we have a report that doesn't eventually serve the mandate that this Commission was required to take care of, looking at the truth of terrorist acts upon the United States.

Mr. MELVIN GOODMAN: The most important individual to me, other than a commissioner, was the staff director, Philip Zelikow. His conflicts of interest were so great that you do have to wonder why this individual was appointed to head this important staff of over 80 people. He had very strong ties to the George Herbert Walker Bush Administration. Very strong personal and political and policy ties to Condoleezza Rice. More importantly, Philip Zelikow was running the case study program at Harvard which took millions of dollars from the Central Intelligence Agency over a ten year period to write case studies on the CIA, to establish a record that was essentially untrue with the facts about the work of the CIA. Of course, the classic case study that Philip Zelikow chaired, along with Ernest May, who was his patron at the Harvard Kennedy School, was the case on the Soviet Union, how the CIA got it right. You know, the politics of getting it right. Of course, as we all know, one of the greatest disasters of politicization of intelligence that occurred even before the Iraq war was over the politicization of intelligence on the Soviet Union. Who did Philip Zelikow bring into the staff structure as a team leader on his staff? None other than Douglas MacEachin, who was serving a tour up at the Harvard Kennedy School. Who was Douglas MacEachin? Douglas MacEachin was the head of the Soviet analysis job during the 1980s . . . responsible for most of the politicization of intelligence. Here you have Philip Zelikow from Harvard and the case study program, and Douglas MacEachin, as a team leader on Zelikow's staff, making serious decisions about the need for change within the intelligence community.

Omissions and Errors in the Commission's Final Report

Mr. PAUL THOMPSON: The 9/11 Commission claims it wasn't until 9:20 when Indianapolis communicated with the FAA command center and notified them that Flight 77 was missing, and then the information started to get out to other command centers, but still, NORAD wasn't notified. We are talking over half an hour later, the plane has been missing, still no one notifies NORAD, until finally 9:34, three minutes before the plane crashes, and then it was only mentioned inadvertently in passing when talked about with something else.

In order for this to be true, the 9/11 Commission is making the claim essentially that the Indianapolis flight control center and the local FAA center that they contacted were in complete lack of contact with the outside world during this time, that they were unaware, unlike the tens of millions of people who had been watching CNN, that there was an ongoing crisis, that planes had crashed into the World Trade Center, two planes. They are saying that all the way until 9:20, there has been over half an hour now where this has been the breaking news, that nobody in this entire Indianapolis flight control center or the FAA center had any idea that any of this had been happening.

We know that just isn't true. In fact, there was one news report saying that other centers such as theirs had been notified of the crisis long before the first plane even crashed into the World Trade Center. What we see is an account coming from the 9/11 Commission that in my opinion is just frankly impossible.

Mr. JOHN NEWMAN: An FBI team working with cell phone numbers provided by Indian intelligence uncovered a new smoking gun. They learned that the chief of the ISI, Mahmood Ahmed, had ordered Saeed Sheikh to send $100,000 of the kidnapping ransom to Mohamed Atta a month before the 9/11 attacks. This ugly detail emerged when the FBI team ran traces on Saeed Sheikh's cell phone number beginning in July; the ISI chief's number was among the regular people that Saeed Sheikh communicated with. On October 7th, President Musharraf sacked Ahmed for this notorious act. This story was widely covered in the press around the world, not covered here in the United States . . . It's hard to imagine a revelation more damaging than the fact that Pakistan's intelligence service and most powerful Army commanders were behind the 9/11 attacks and the paymaster, a known terrorist who had been able to carry out his mission because the U.S. and U.K. had set aside justice for his crimes . . . that a sovereign government and supposed ally was so directly involved in the 9/11 atrocity must have stunned and deeply embarrassed the American Administration . . . The story of Saeed Sheikh and the generals are only lightly covered in western media, and only one American newspaper, the Wall Street Journal, carried it on October 10th.

The 9/11 Commission report which carries Mustafa al-Hawsawi as the paymaster and Sheikh Saeed as the al-Qaeda CFO, has dodged the issue, and does not say if the two are the same or not. Thus, technically, even if the Commission staff knew the truth, they have not told a bald lie. The Administration officials speak on terms of anonymity and were told that the Justice Department had pressed the National Security Council to have Saeed Sheikh extradited. One might be justified in asking the question why would the National Security Council have to be pressed to extradite a murderer of U.S. citizens? By late February [2002], the issue was moot. Pearl was murdered, and Musharraf swore he would personally hang him [for Pearl's murder] before turning him over to the Americans, unlike Khalid Shaikh Mohammed and Ramzi bin al-Shibh, whom he did turn over. Of course, they had not been western penetrators of al-Qaeda . . . We can no longer say we are protecting sources and methods about a story known to the rest of this planet. We are now mocked for our ignorance about this story, and even members of Britain's Parliament poke fun at us. It is long past time to come clean about Saeed Sheikh.

9/11 in Historical Perspective: Flawed Assumptions

Ms. LORETTA NAPOLIONE: . . . we need to implement a forward looking anti-terrorist policy, one which predicts the enemy's next move. . . . a forward looking anti terrorist financing policy should look at the situation in Congo, isolated as a potential area where terrorist financing could take place. In order to prevent that, it should dismantle this business of smuggling gold . . . Of course, a forward looking approach in the fight against terrorism will require the full participation of the private sector, and a multilateral policy. One country alone, not even if it is the United States, can actually fight this war on terror alone. Among other things, this policy, if implemented, will then cut the link between crime and terror. Terror will not any longer be a very profitable partner for crime. Breaking the link between crime and terror would already be a step forward, which you have not yet made.

Ms. ANNE NORTON: Neoconservative foreign policy centers on a fear of world government and the international institutions that might lead to it, most notably, the United Nations, a rejection of multilateralism, and as they say, above all, the ability to distinguish friends from enemies. . . Europeans regard neoconservatism with special skepticism, and they do so, as you might have already realized, because they know its progenitors all too well, the desire for the combination of traditional values, the desire for an expansion of executive power, the ambition to create a new world order, and the identification of a providential enemy are all parts of a very familiar past, the shadows of German national socialism and 19th Century European empires fall very heavily on the neo conservative project. As the Administration responded to 9/11, this influence became increasingly evident.

Mr. PETER DALE SCOTT: The 9/11 report describes Ali Mohamed as ''a former Egyptian Army officer who had moved to the United States in the mid 1980s, enlisted in the U.S. Army, and became an instructor at Ft. Bragg, as well as helping to plan the bombing of the U.S. Embassy in Kenya.'' In fact, Ali Mohamed was a very important al Qaeda agent who, as the 9/11 Commission was told, ''trained most of the al Qaeda's top leadership, including persons who would later carry out the 1993 World Trade Center bombing.'' Ali Mohamed clearly enjoyed U.S. protection. In 1993, he was detained by the RCMP in Canada, and a single phone call to the United States secured his release. This enabled him to play a role in the same year in planning the bombing of the U.S. Embassy in Kenya in 1998. Eventually, he was allowed to plea bargain and receive a secret sentence. We don't know what the sentence is . . . The amazing thing, although he was named as a conspirator in that bombing, he was not an indicted conspirator, which itself is evidence of something going on behind the scene. Congress should determine the true relationship of the U.S. Government to Ali Mohamed, who was close to Bin Laden and above all, al Zawahiri, who has been called the main player in 9/11. This is very important, I think, whereas the report focuses almost uniquely on Khalid Shaikh Mohammed and Ramzi bin Al Shibh. Many other sources independently say the main figure and the top brains in al Qaeda was al Zawahiri, who Ali Mohamed was clearly close to.

Mr. NAFEEZ AHMED: In April 1991, according to a classified U.S. intelligence report, then head of Saudi Intelligence Services, Prince Turki al Faisel, struck a secret deal with Bin Laden, despite his being under house arrest for his opposition to the presence of U.S. soldiers. Under this deal, although the regime would publicly disown him, Bin Laden was permitted to leave Saudi Arabia with his funding and supporters. Moreover, the regime would continue to fund his activities on the condition that he does not target the Saudi kingdom himself. Posner's accounts of a secret agreement between Bin Laden and Saudi intelligence is significant because he argues this was known to U.S. intelligence, this wasn't something that we didn't know. Levivier also interviewed a CIA analyst about the role of the Mujahedin. This CIA agent said ''The policy of guiding the evolution of Islam and of helping them against our adversaries worked marvelously well in Afghanistan against the Red army. The same doctrines can still be used to destabilize what remains of Russian power, and especially to counter the Chinese influence in Central Asia.'' When I read this, I was quite surprised. Could this really be possible?

Suffice it to say in conclusion, this is a phenomenon I have discovered to be paraded throughout many regions in the Middle East and Central Asia. It is a very worrying phenomenon. It fundamentally challenges the whole paradigm of the war on terror. If we are allying ourselves in some manner with al Qaeda in this rather direct way, how can we fight a war and win? It just doesn't make any sense.

Foreign Policy: Immediate Response and Recommendations

Mr. WAYNE SMITH: The 9/11 Commission report says that the United States should engage its friends to develop a common coalition approach toward the detention and humane treatment of captured terrorists. New principles might draw upon Article 3 of the Geneva Conventions on the law of armed conflict. That article was specifically designed for those cases in which the usual laws of war did not apply. In other words, these cases in which our Government tells us the Geneva Conventions don't apply. The minimum standards are generally accepted throughout the world as customary international law. What does Article 3 call for? Well, among other things, it prohibits outrages . . . upon personal dignity, in particular, humiliating and degrading treatment. All these practices of stripping the prisoners naked, putting women's underwear or perhaps even men's underwear on their heads, is degrading treatment. It is prohibited by international law. . . . I'm not ageless, but I have lived a long time, and I don't remember ever having been ashamed of what we were doing to foreign prisoners. In World War II, we treated prisoners well, let's say soldiers. Even German spies arrested in the United States were not treated in a degrading manner . . . This is not an intelligent way to proceed in our struggle against terrorism. We ought to get back to full respect for international law, and fully humane treatment of all prisoners, without any exception.

Mr. ROBERT McILVAINE: I had an unbelievable opportunity to go to Bogota. I haven't flown since 9/11. Not that I'm necessarily afraid, but I just won't fly. I've learned too much about the shoe bomber. I'm just not going to leave the country. Bogota, they have an international conference on violence and terrorism, and they called me to speak down there. I decided to do it. There were probably about 2,000 people in the auditorium, the first two rows were all victims. 13 year olds with legs missing. Burn victims. I had dinner with one burn victim, 75 percent of her body, an African/Colombian. She lost her three children and her husband. I said, I feel sorry for myself sometimes. That woman could sit there and laugh with me, because you have a bond with people who have suffered. That is what we have to think about. It's the civilians, the 25,000 civilians in Iraq that have died, and 500,000 people in Iraq that have died in the 1990s. What is this foreign policy that we have? We talk about Pax Americana. In Latin, does that not mean American peace? Have we perpetrated peace in this world? Have we, since 1945? I think not.

Domestic Policy: Immediate Response and Recommendations

Ms. ELAINE CASSEL: Four years since September 11th, almost four years, and one year since the 9/11 Commission's report, critical infrastructures and resources are unprotected, and protections are unplanned, as far as I know. Co-Chair of the panel, Lee Hamilton, mentioned that this morning in a press briefing. He was very frustrated by that, and he mentioned these are difficult tasks to take on. Yes . . . it's hard to try to assess the risk to our critical infrastructure and to intervene and prevention . . . It's easy to open a file on demonstrators against the Administration's policies and conduct surveillance on the ACLU and Greenpeace, as the Washington Post reported last week. I seriously doubt that the ACLU and Greenpeace are terrorist organizations. In fact, if they were, the Government would have shut them down. Why are we paying the FBI's counterterrorism unit to amass thousands of files on these organizations and individuals?

Mr. C. WILLIAM MICHAELS: I still do not think the case has been made that civil liberties of any sort must be compromised so we can get to the bottom of what terrorist conspiracies may or may not be operating within the United States. All of this plus the scope and approach of the 9/11 Commission recommendations, which deal with everything from the FBI, passports, driver's licenses, airline passengers, brings me to the final points. And that is the effect we may be seeing as these varied parallel developments, including, of course, the conflicts in Iraq and Afghanistan, the situation in military commissions in Camp Delta, Guantanamo Bay, which continue to unfold as we dispense with the legal preliminaries, and U.S. citizens held as enemy combatants, come to a single point, which should be considered as we continue with this national debate as what might be on the horizon at that point. Here they are, 12 common characteristics of a national security state:

1. Visible increase in uniformed security personnel.
2. Lack of civil accountability for the actions of law enforcement and security personnel.
3. Reduced role of the judiciary and executive treatment of suspects.
4. Secrecy of ruling authority and momentum of the threat.
5. Media in the service of the state.
6. Public and national resources called to service against security threat.
7. Patriotism moving to nationalism.
8. Lack of critical response by religious denominations.
9. War time mentality and permanent war economy.
10. Targeted individuals or groups.
11. Direct attack against dissent.
12. Increased surveillance of citizenry.

Intelligence Reform: Immediate Response and Recommendations

Mr. DAVID MACMICHAEL: The quote I want to give you is from a book written by a very interesting man, now deceased, Arthur Macy Cox, who was George Kennan's principal assistant when George Kennan, post World War II, was head of the State Department's Planning Office . . . His book is called The Myths of National Security, the Peril of Secret Government . . . published by Beacon Press in 1975:

''The drafters of the Constitution provided us with an ingenious system of Government based on machinery to check and balance the use of power, but they did not anticipate the problem of secret Government, nor has that problem been dealt with in subsequent constitutional amendments. Despite a lack of safeguards, a large consensus of the American public since World War II, has granted to succeeding presidents extraordinary secret powers to protect the security of the nation. The people felt that in matters of national survival, the President should be given total trust. He should be allowed to make decisions in secret to protect our national security, but democracy and secrecy are incompatible and it has now become clear that secret powers should never have been delegated without guarantees of accountability to the people's representatives in the Congress.''

Mr. JOHN NUTTER: As I listened to David, I was struck by the various documents that I've read in my scholarship, documents like the Tower Commission report on Iran Contra, the Church Committee, the Pike Committee, and its recommendations, the Taylor Committee, which some of you may recognize as the postmortem on the Bay of Pigs . . . One could very easily take the recommendations from any of those reports, cut and paste them into the 9/11 Commission, and you wouldn't be able to tell the difference.

Closing Remarks

Rep. CYNTHIA MCKINNEY: I would just like to say after we have heard all of the testimony that has been presented to us today, there is one thing that is very clear, and that is that we must know what our Government is doing in our name. The American people have to inform themselves, despite the failure of the corporate press, to investigate the information in the public domain that provides answers to our questions. Today is a very special day because we have brought truth to Capitol Hill.

INCREASING THE AUTHORIZED PERIOD OF STAY FOR THE GUAM VISA WAIVER PROGRAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Ms. BORDALLO. Mr. Speaker, today I have introduced legislation to increase the period of authorized stay for the Guam Visa Waiver Program to mirror the period of authorized stay established in law for the nationwide Visa Waiver Program. I have introduced this bill at the request of both the Governor and the Lieutenant Governor of Guam.

The Guam Visa Waiver Program was authorized by the Omnibus Territories Act of 1986 (Public Law 99–396). This program was established to largely complement the nationwide Visa Waiver Program, which was permanently authorized by Congress in 2000 (Public Law 106–396), and to strengthen economic and cultural ties with nations in East Asia and the Pacific Rim.

Today there are currently 27 countries participating in the nationwide Visa Waiver Program, while an additional ten countries are authorized to participate in the Guam Visa Waiver Program. These ten countries, admitted into the program as participants through the State Department rulemaking process, are as follows: Brunei, Indonesia, the Republic of Korea, Malaysia, Nauru, Papua New Guinea, the Solomon Islands, Taiwan, the possessions of the United Kingdom, Vanuatu and Western Samoa.

Under current law, nonimmigrant visitors arriving in the United States, including Guam, through the nationwide Visa Waiver Program are permitted entry for business or pleasure for a period not to exceed 90 days. However, nonimmigrant visitors arriving in Guam from any of the ten countries currently participating in the Guam Visa Waiver Program are permitted entry for business or pleasure for a period not to exceed 15 days. The bill I have introduced today would increase the period authorized for stay in Guam under the Guam Visa Waiver Program from 15 days to 90 days, a period equal in length to that established in law for the nationwide Visa Waiver Program.

I believe that establishing consistency in the authorized periods of stay under both programs will improve the administration of the Guam Visa Waiver Program. Additionally, extending the period of authorized stay for the Guam Visa Waiver Program could potentially boost tourism for Guam.

Tourism is a key sector of Guam's economy, and the Guam Visa Waiver Program has been central to increased international travel to Guam since its implementation in 1998. I believe this program can be strengthened with an increased authorized period of stay.

This bill has been co-sponsored by the Chairman and the Ranking Member of the House Small Business Committee, Mr. MANZULLO and Ms. VELÁZQUEZ, respectively. Their support is especially appreciated given the fact that this bill will support many small businesses in Guam which are a part of the visitor industry. Additionally, Mr. ABERCROMBIE, Mr. BURTON, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, and Mr. FARR are original cosponsors of this bill. I look forward to building more support for this bill in the 109th Congress and to working with the leadership of the House Judiciary Committee on this issue.

CONGRATULATING THE CHICAGO WHITE SOX ON WINNING THE WORLD SERIES

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. HASTERT. Mr. Speaker, I rise today to congratulate the players, owners and staff of the Chicago White Sox on their tremendous victory in the 2005 World Series. Loyal White Sox fans across Illinois have been waiting 88 long years for this moment and it is every bit as satisfying as any of us could imagine.

Not many picked the Chicago White Sox to win the World Championship when the season started. After all, they had not won a playoff game in more than a decade, they did not have a group of high-priced superstars on their roster, and they are from the city of Chicago—which had not even seen a World Series game in nearly half a century. But this team never stopped believing in itself and quickly showed the experts and the Nation that championships are won through tireless effort, consistent teamwork, and a spirit that says anything is possible.

History will record that the 2005 Chicago White Sox marched through the season with a 99–63 record, the best in the American League. It will further show that this team went on to dominate in the postseason with an 11–1 record that included an unimaginable World Series sweep. But no historic record can convey the excitement this team created in a city desperate for a baseball championship, or the joy felt in the hearts of White Sox fans everywhere. And it certainly cannot capture the pride felt throughout our state in having this tremendous group of young men represent us in the World Series.

It is my honor to congratulate owner Jerry Reinsdorf, General Manager Kenny Williams, Manager Ozzie Guillen and the White Sox players for this extraordinary accomplishment. From the first day of this season, you have conducted yourself with class on and off the field and truly exemplified what it means to be a champion. In the process, you have set a standard of excellence for others to follow and provided cherished memories that so many dreamed of, but feared impossible.

HONORING MAJOR GENERAL WILLIAM E. POTTS FOR FAITHFUL SERVICE TO STATE AND NATION

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. DAVIS of Tennessee. Mr. Speaker, during a ceremony on November 11, 2005 in Columbia, Tennessee, the late Major General William E. Potts will be recognized for his service to his state and nation. The Veteran's Plaza on the grounds of the Maury County Courthouse will be named the Major General William E. Potts Veterans Memorial Plaza, with a plaque placed as a permanent memorial to his memory.

General Potts was born December 9, 1935 in Nashville. He later moved to Columbia with his parents, Mr. and Mrs. Thomas Madden Potts. General Potts graduated from Columbia Central High School and Vanderbilt University. Having played football in high school and college he helped his Commodores defeat Auburn in the 1955 Gator Bowl.

Upon graduation from Vanderbilt in 1958, General Potts was commissioned a second lieutenant in the U.S. Army. He studied Turkish at the Army's language school and graduated from both the Command and General Staff College and the Industrial College of the Armed Forces. He also earned a master's degree in public administration from Middle Tennessee State University.

General Potts was company commander of the 801st Maintenance Battalion, 101st Airborne Division, served as an adviser in Vietnam and Army Attaché in Ankara, Turkey, and battalion commander of the 702nd Maintenance Battalion, Second Infantry Division in Korea. After being assigned to the Pentagon he was made Deputy Commanding General for research and development, Army Missile Command, Redstone Arsenal in Huntsville before assuming command of the Army's Ordnance Center and School at Aberdeen Proving Ground, Maryland.

General Potts passed away February 29, 2004 at Walter Reed Army Hospital, and was

buried with full military honors in Arlington National Cemetery.

In attendance for the November 11th ceremony will be General Potts's wife, Peggy; his sons, Colonel Gary Potts, who is currently serving in Afghanistan, Neil Potts, a former Army Captain, Airborne Ranger, Special Forces, now a restaurateur in Dallas, and their respective families. The General's only surviving sibling, Irene Morris of Columbia, will also be in attendance.

The ceremony will include color guards from the Vanderbilt University Army Reserve Officer Training Corps, the Tennessee State Guard, Spring Hill Junior Army ROTC and the Columbia Central Junior Navy ROTC.

TRINITY RAILWAY EXPRESS—SALUTE TO HURRICANE VOLUNTEERS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. BURGESS. Mr. Speaker, I rise today to salute those individuals and organizations that opened their hearts and dedicated both financial and emotional support to the evacuees of Hurricane Katrina and Hurricane Rita. All of the states along the Gulf Coast have endured terrible hardships during this hurricane season, and I know that the generosity of North Texans played a vital role in bringing some peace into their lives.

Today, I want to specifically thank one company and their donation. Trinity Railway Express helped senior citizens and other residents of the Houston-Galveston area flee from Hurricane Rita. They donated their time and equipment when it was most needed.

TRE is a service provided jointly by Dallas Area Rapid Transit and the Fort Worth Transportation Authority and it links downtown Fort Worth, downtown Dallas and DFW Airport.

I stand here today to sincerely thank Trinity Railway Express for their help and donation. It is people like them that I am proud to call fellow Texans. Through their contribution, they not only stand as devoted and giving American citizens, but they serve as an inspiration to others.

HONORING THE MONASTERY OF THE GLORIOUS CROSS AS THEY CELEBRATE THEIR 50TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Ms. DELAURO. Mr. Speaker, it is with great pride that I rise today to join the Benedictines of Jesus Crucified of the Monastery of the Glorious Cross as they celebrate their 50th Anniversary—a milestone for this community of nineteen.

Seventy-five years ago, Father Maurice Gaucheron, a priest on the staff of the Basilica of Montmatre in Paris and Suzanne Wrotnowska, the future Mother Marie des Deouleurs, began plans to open the doors of monastic life to women who, though interested in pursuing this path, were unable to do so due to their fragile health. From the very beginning, the Monastery of the Holy Cross formed on the Rule of Saint Benedictine which emphasizes a listening heart, obedience, silence, and humility. In 1930, during a Mass celebrated in the crypt of Montmatre, Mother Marie des Douleurs and the first sisters were consecrated and their journey began.

The Monastery of the Glorious Cross in Branford, Connecticut was established just fifty years ago and is the only order of the Benedictines of Jesus Crucified in the United States. Houses of worship play a critical role in all of our communities. It is to these walls that so many turn in times of their greatest need. The Congregation at the Monastery of the Glorious Cross has always opened its doors to those in need of spiritual guidance and comfort. The public is welcomed to celebrate their daily Mass, the community sponsors a monthly day of recollection, and they also provide Mass cards and spiritual bouquets. It has been through their generosity and compassion that the Monastery of the Glorious Cross has become a local treasure. Every community should be so fortunate.

Today, as they celebrate their Golden Jubilee, the Sisters of the Monastery of the Glorious Cross will reflect on their own history as well as all that they have given to our community. It is my great pleasure to join Sister Mary Agatha, the Superior of the community, and all of the sisters of the Monastery of the Glorious Cross as they celebrate this very special occasion. I am honored to extend my deepest thanks and appreciation to them for all of their good work.

HONORING MR. FRANK D. LINN, SR ON HIS 50TH ANNIVERSARY AS SANTA CLAUS

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. HOLDEN. Mr. Speaker, I rise today to honor Mr. Frank D. Linn, Sr. of Lower Swatara Township, Middletown, Pennsylvania as he celebrates fifty years of selfless and heartfelt service to the children and families of Dauphin County, Pennsylvania as Santa Claus.

Mr. Linn has given of his time and effort making thousands of children happy as "The Jolly Old Man with the Beard" since 1955. Acting as Santa in a shopping center and at private home parties, he also spreads the spirit of the holidays making visits and toy deliveries to around seventy-five homes at Christmastime.

A graduate of Central Dauphin High School, Mr. Linn has been employed with the House of Representatives, Commonwealth of Pennsylvania for the past forty-three years serving as Specialist in Intergovernmental Affairs to the Speaker of the House for Speaker Matthew J. Ryan and currently Speaker John M. Perzel. He has also devoted his time to the Lower Swatara Lions Club and the Middletown Area Red Cross as well as multiple local athletic teams, boy scouts troops, and fire companies.

Mr. Speaker, it is a privilege to be able to recognize a man who has been committed to bringing joy to the people of my district for fifty years. I ask you and my other distinguished colleagues to join me in congratulating Mr. Frank D. Linn, Sr. on fifty years of devoted service as our local Santa Claus and thank him for the many contributions he has made toward the well being of the citizens of Pennsylvania.

TRIBUTE TO STATE REPRESENTATIVE TOMMY CARTER

HON. ROBERT E. (BUD), CRAMER JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to Alabama State Representative Tommy Carter. Representative Carter has represented Limestone County in the Alabama State Legislature for thirty-six years. He plans to retire from public service at the conclusion of his current legislative term in 2006.

I consider it a privilege to have worked with Representative Carter on a wide variety of issues facing Limestone County. He has done a great deal to help further the quality of life for all individuals in our community.

During his many years of service in the State Legislature, Representative Carter was elected by his peers to numerous legislative leadership positions. Most notably, he served as the Chairman of the House Rules Committee for over twelve years. Representative Carter currently serves on the Education Finance and Appropriations Committee and the Agriculture and Forestry Committee.

Mr. Speaker, Representative Carter is well respected throughout our local community and the entire State of Alabama. He is a past recipient of the Athens Limestone County Chamber of Commerce Citizen of the Year Award and was the Conservationist of the Year Award winner in 1978. Representative Carter is also a former Scout Master and member of the Alabama National Guard.

After he steps down from the Alabama State Legislature, he will continue to serve on the Board of Directors for Community Bank and Athens State University Foundation Board.

Mr. Speaker, on Thursday, October 27th, the North Alabama community gathered to honor and celebrate all of Representative Carter's achievements. I rise today, to join in their celebration and to thank Representative Carter for his many years of dedicated service.

HAPPY BIRTHDAY TO JEANETTE CANTRELL RUDY—HEALTHCARE PHILANTHROPIST

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. COOPER. Mr. Speaker, I rise today to honor and celebrate the birthday of a dear friend and a distinguished member of the Nashville community, Mrs. Jeanette Cantrell Rudy. Mrs. Rudy is a generous philanthropist, an accomplished sportswoman and a true friend to many in Tennessee and across the nation. She celebrates her 78th birthday on October 27th, 2005.

When you look at everything Jeanette has accomplished in a mere 78 years, it is clear she is a woman of fierce commitment, incomparable energy and true generosity. As someone fortunate to have worked with Jeannette on various community initiatives, I can tell you there is no one you would rather have on your team when you launch a new project.

Born October 27th, 1927 in Sheffield, Alabama, Jeanette enrolled in the Saint Thomas Hospital School of Nursing in Nashville following high school graduation. She received her nursing degree in 1948. That occasion changed her life—along with the fact that she also met her future husband, Mr. Daniel Clees Rudy, about this time.

Daniel Clees Rudy, cofounder of the Rudy's Farm Sausage Company, and Jeanette married on February 20th, 1949. The Rudys made their home in the Pennington Bend area on the Cumberland River until Mr. Rudy's death in 1984.

Jeanette served her community as a public health nurse for seven years. But that was just the beginning to her commitment to better health care for all of Nashville. In memory of her late husband, Jeanette helped to establish and fund the Dan Rudy Cancer Center at Saint Thomas Hospital in 1985. Also in 1985, Jeanette and her sisters, founded the Felix A. and Edna L. Cantrell Endowment Fund in honor of their parents. This special endowment has helped a host of nurses reach their educational goals and advance in the nursing field. A long-time supporter of the nursing program at Cumberland University in Lebanon, Tennessee, Jeanette was recognized for her efforts with an honorary doctorate of humanities from Cumberland University in 1990.

In addition to her commitment to public service, Jeanette is a passionate hobbyist. She has assembled the finest privately held collection of State and Federal duck stamps, including the very first stamp issued in 1934. Jeanette served as a judge of the Federal duck stamp competition in Washington, D.C. in 1992. In 1996, the Smithsonian Institution established, in her honor, the Jeanette Cantrell Rudy Duck Stamp Gallery at the National Postal Museum.

Jeanette's energy and zest for life do not stop there. An avid sportswoman, she held the title of Ladies State Trapshooting Champion for nine years, was named to the women's all-American trap team twice, and has been an ardent hunter and angler since 1949 over much of North America. Jeanette has also spent endless hours helping many organizations and educational institutions in Middle Tennessee. She served on the boards of Cumberland University, the Saint Thomas Hospital Auxiliary, the Saint Thomas Foundation and the Nashville Zoo, and she is a major supporter of the Nashville Police and Fire Department and the National Police Memorial in Washington, DC.

She is the recipient of the 1992 Seton Medal for her service to patients of Saint Thomas Hospital. She authored a book, "A Bend in the Cumberland," which traces the history of the Pennington Bend area, where, for many years, her husband and his brother operated the Rudy's Farm Sausage Company. And, now, as a Commissioner of the Tennessee Wildlife Resources Agency since 2001, Jeannette is dedicated to raising funds for projects that will help preserve, conserve and enhance Tennessee's population of fish and wildlife.

Jeanette's devotion to public service and her long-standing advocacy for nursing are truly remarkable. I thank this spirited American for her unwavering compassion and desire to make life more positive for others in her community.

Today, I join my distinguished colleagues—Representatives BART GORDON and JOHN TANNER—and all Tennesseans in congratulating and extending our warmest and best wishes to Jeanette Cantrell Rudy for a happy 78th birthday. Jeannette, may you have many more rewarding and life-enriching experiences ahead.

WILDERNESS CHALLENGE

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. RAHALL. Mr. Speaker, on Saturday, October 8, 2005 46 teams of active-duty men and women from military installations around the U.S. converged in West Virginia's Gauley and New River Gorge to compete in the sixth annual "Wilderness Challenge." I am proud to have such an event in West Virginia that allows our armed forces the chance to display their skills of physical endurance and of course, bragging rights. There is not a better place to host the Wilderness Challenge than the New River Gorge National Park. It has superb overlooks, historic scenery, rugged Appalachian trails and peaceful valley flats, not to mention the world class whitewater. Rafting the waters is no easy task, as one could imagine by the names of some of our rapids such as "Big Nasty", "Even Nastier" and "Heaven's Doors," just to name a few.

The Challenge begins with a 20-mile mountain bike race which precedes a half-mile swim on the Lower Gauley River, and ends with each team tackling a 13-mile stretch of Class III to V whitewater. The next day the competitors start with a run, paddle a section of the New River in inflatable rubber kayaks called "duckies," and finish with a 14-mile hike that entails the steep slopes of the New River Canyon. The whole event is sponsored by a whitewater outfitter Class VI River Runners, which supplies the event with the rafts and equipment used in the outdoor extreme sports match.

It is really a pleasure for me to see such a group of well trained, highly motivated soldiers compete. I know that there is friendly competition between the branches of service and West Virginians as well as all Americans hold them all in the highest regard.

PERSONAL EXPLANATION

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. HIGGINS. Mr. Speaker, due to an excused absence, I missed 3 rollcall votes on the night of Tuesday October 25, 2005. I would like to enter into the record how I would have voted if I had been able to attend the session:

On H.R. 3675, the American Spirit Fraud Prevention Act, I would have voted "yea."

On H. Con. Res. 269, a resolution recognizing the 40th anniversary of the White House Fellows Program, I would have voted "yea."

On H.R. 3256, a bill to designate the facility of the United States Postal Service located at 3038 West Liberty Avenue in Pittsburgh, Pennsylvania, as the "Congressman James Grove Fulton Memorial Post Office Building," I would have voted "yea."

CONGRATULATIONS FOR ABINGTON

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. SCHWARTZ of Pennsylvania. Mr. Speaker, as the proud congressional representative of Abington Township, a township that was recently named one of the 100 best communities for young people by America's Promise—the Alliance for Youth.

The Alliance for Youth and its Founding Chairman, General Colin Powell, launched this first-ever national competition to pay tribute to the communities working to empower and advance our Nation's youth. And, there is no doubt that Abington Township worked hard to earn this honorable distinction.

I have had the privilege of representing Abington; first from my seat in the Pennsylvania State Senate and now as a member of Congress. Over the years, I have seen first-hand the community's unity, especially when it comes to advancing the lives of its young people.

Together, Abington's school district, police department, community organizations, businesses, and residents have worked hand-in-hand to create an environment that embraces its young residents. They've established the Abington Community Taskforce, which is comprised of parents, caregivers, religious and civic leaders and has launched programs to teach effective parenting skills, create tolerance and respect, and promote community safety. They've successfully established cooperative agreements between the school district and police department, including an anti-drug program and joint fundraising challenges. And, they've created the Community Partnership of Youth and Adults to mobilize community spirit and participation.

Abington was included on the America's Promise list because it has demonstrated true public leadership with regard to the needs of children. And, we in Congress must make sure to encourage and support these kinds of grassroots, community-based efforts, like that in Abington, because they play an important role in ensuring that our young people have the strength of character and tools necessary to succeed.

Mr. Speaker, I couldn't be prouder of Abington for the outstanding work it has done on behalf of young people, and I look forward to working too with area officials to make sure our neighborhood remains a safe and caring environment.

So again, congratulations to Abington on their selection as one of the 100 Best Communities for Young People. Keep up the good work!

TRIBUTE TO ROSA PARKS

SPEECH OF

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. HOYER. Mr. Speaker, in February of 1913, an extraordinary lady was born and 42 years later she refused to give her seat up on a bus in Montgomery, Alabama. Her actions had an extraordinarily positive impact on America and on focusing Americans' attention on the fact that they were, as Dr. Martin Luther King, Jr., said, not fulfilling our Nation's promise of equality and justice. And so we note the passing of Rosa Parks at the age of 92. She made an extraordinary contribution, not just to our country, but to the concept of equality and dignity of human beings around the world.

Rosa Parks was a civil rights icon and a national treasure. Her simple, dignified act nearly half a century ago—defiance of a racist law that denied her humanity—helped galvanize the civil rights movement and delivered a moral body blow to segregationist laws that stain our Nation's history.

Ms. Parks' life is a testament to the truth that one person with courage and an unshakable will can change a Nation and begin to right wrongs. Her legacy will endure not only through her personal acts of courage and strength, but also through the thousands of activists who were inspired by her.

Ms. Parks risked everything, including her life, for a cause that she knew in her heart was right. We are a better Nation today as the result of her courage and vision. And, we should honor her memory by continuing the fight for equality, decency and basic human rights.

HIAWTHI WILLIAMS—SALUTE TO HURRICANE VOLUNTEERS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. BURGESS. Mr. Speaker, I rise today to salute those individuals and organizations that opened their hearts and dedicated both financial and emotional support to evacuees of Hurricane Katrina and Hurricane Rita. All of the States along the gulf coast have endured terrible hardships during this hurricane season, and I know that the generosity of North Texans played a vital role in bringing some peace into their lives.

Today, I want to specifically thank one man, his company and his donation. Hiawthi Williams, the owner of Williams Chicken donated 200 pieces of chicken for volunteers during hurricane Katrina.

Williams Chicken was first opened in 1987 and has rapidly grown since. Today, with over 50 stores in operation, the company continues to grow. Notwithstanding the market research, the chain admits the real secret to the company's success is staying true to their philosophy, "To Serve, Grow and Give Back to the Community."

I stand here today to sincerely thank Hiawthi Williams for his donation. It is people like him that I am proud to call a fellow Texan. Through his contribution, he not only stands as a devoted and giving American citizen, but he serves as an inspiration to others.

HONORING HERMAN WOLF FOR HIS LIFETIME OF PUBLIC SERVICE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Ms. DELAURO. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to the remarkable life and legacy of a dear friend, Herman Wolf. In a career that spanned eight decades, his influence on State and national politics garnered him a respected reputation with Democrats and Republicans alike. At the age of 93, Herman passed away this past week, marking the end of an era in Connecticut politics.

A gifted public relations guru and a talented political strategist, Herman spent a lifetime working to improve the quality of life for all people. His dedication and commitment to social justice never wavered—in fact he never stopped, working up until the time of his passing. Herman was an activist, advocate and leader who provided a strong voice to those most in need.

In his earliest years in Connecticut, Herman was best known as a top advisor to Governors Abe Ribicoff, John Dempsey, and Ella T. Grasso. He served as an executive aide to then Governor Ribicoff and was an integral part of his successful election to the United States Senate. In addition to his involvement with local campaigns, Herman was also an advisor to State and National Democratic Party Chairman John Bailey. Working with some of our State's most powerful modern political leaders, Herman helped to shape decades of public policy.

In addition to his role as a political strategist, Herman also ran a successful public relations firm, Herman Wolf Associates. He represented over 100 clients including prominent labor unions like the AFL–CIO, businesses such as United Technologies and Guiness Stout, and non-profit organizations such as the Ford Foundation, the NAACP, and the American Shakespeare Festival. Herman would later become executive vice-president of the Design Science Institute of Washington, DC, a group dedicated to furthering the work of inventor and philosopher R. Buckminster Fuller. Local projects also received the attention of Herman. He was involved with a number of projects in the Bridgeport area including several at Action for Bridgeport Community Development where he had been working up until the time of his passing.

For Herman, his work was about more than promoting an agenda. He had deep convictions and indisputable integrity. His work reflected his strong belief in leveling the playing field for all Americans. He firmly believed that the government had a responsibility to provide for our most vulnerable citizens and ensure that their needs received the same attention as those more fortunate. Herman's energy, enthusiasm, and excitement not only made him a success but inspired others to greatness as well. He left an indelible mark on our communities, the State of Connecticut, and our Nation—a legacy that will undoubtedly be remembered by history.

I extend my deepest sympathies to his wife, Monica; his children, David, Bill, Fay, and Louise; and their families. Herman Wolf was an extraordinary individual with a unique dedication to public service that touched the lives of many. Though he will be missed, his legacy will continue to inspire generations to come.

IN RECOGNITION OF DR. N. RAO CHAVA

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to Dr. N. Rao Chava of Montgomery, Alabama. Dr. Chava is a highly accomplished medical doctor and administrator, and will soon be retiring as Director of the Central Alabama Veterans Health Care System hospital in Macon County.

In 1974, Dr. Chava began his career with the Department of Veterans Affairs as an internal medicine resident. As a naturalized United States citizen, he has devoted himself to VA Medical Centers in both West Virginia and Alabama. Dr. Chava was certified by the American Board of Internal Medicine and received a Certificate for Added Qualifications in Geriatric Medicine. He is also a Fellow for the American College of Physicians and a member of the American Geriatrics Society, the American College of Physician Executives, and the American College of Healthcare Executives.

Our nation's veterans deserve the highest quality care available, and I know Dr. Chava has spent much of his career caring for their needs. He will be missed. I congratulate Dr. Chava for his many accomplishments over the years, and wish him all the best in his retirement.

IN RECOGNITION OF HISPANIC LEADERS AND IN COMMEMORATION OF HISPANIC HERITAGE MONTH

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Ms. VELÁZQUEZ. Mr. Speaker, I rise today on the floor of the U.S. House of Representatives in commemoration of Hispanic Heritage month to recognize and celebrate the outstanding achievements of remarkable leaders of the Hispanic community. I am honored to acknowledge the wonderful contributions of Margarita Rosa Esq., Frances Lucerna, Dr. Maria Montes, Elizabeth C. Yeampierre and Rev. Jorge L. Roa, Jr. These individuals have been a true inspiration, working tirelessly to better the lives of New Yorkers and the Hispanic community by making a positive impact in our community.

Through devotion and commitment, these enthusiastic role models have excelled in their strong community service and diligent work to improve the quality of life in many disenfranchised neighborhoods, encouraging

the next generation of Latino leaders. A living example of this arduous dedication is Ms. Margarita Rosa who is the Executive Director of Grand Street Settlement, a New York based community organization whose primary vision is to improve the lives of those less fortunate or disadvantaged by encouraging self-determination through learning advocacy, support and community building.

Margarita has been a steadfast, passionate advocate of human rights, as the first Hispanic woman to be appointed to the New York State Commission on Human Rights in the early 1990's. Working at the local government level gave her the unique perspective of understanding how public policy affects diverse communities. Margarita's accomplishments have been plentiful—being honored for her eager public service dedication, she received a prestigious teaching fellowship award, and is currently an active member of several Boards of Directors for organizations such as the Public Interest Law Foundation at New York University (NYU) Law School, the New York Civil Liberties Union, and the Lower Union East Side Family Union. These endeavors are a mere representation of Margarita's achievements and willingness to continue empowering those in need.

Another notable and distinguished leader has been an energetic force and true pioneer in the world of cultural and performing arts. Ms. Frances Lucerna founded the Williamsburg Arts and Cultural Council for Youth, a community performing and visual arts program for youngsters. She later became the co-founder and Executive Director of El Puente Academy for Peace and Justice, a Brooklyn youth-based community development organization nurturing leadership for peace and social justice. Frances' leadership and artistic vision motivated her to develop one of the most comprehensive Latino arts and cultural center, which provide young students with the opportunity to express themselves artistically.

As a strong advocate for education and a loving artist, Frances has broken barriers by channeling the talent and skill of thousands of youngsters into a bright path and a hopeful future for many within the community. As a visionary with an artistic soul, Frances has achieved many high recognitions highlighting her efforts, such as the 1998 Heinz Award for the Human Condition, and being appointed to the Advisory Committee to the President's Committee on the Arts and Humanities, and the Community School Task Force for the White House Conference on Character Building for a Democratic, Civil Society. She has also served on the Boards of Directors of the Arts Center of the Brooklyn Academy of Music and the Community Youth Development Guide Team of the National Network for Youth.

Among the list of remarkable thinkers impacting higher education is Dr. Maria Montes Morales, Vice-President and Dean of Academic Affairs at Boricua College. Dr. Montes Morales understood the critical value of education and how peoples' lives could be transformed. She lived and realized the educational injustices faced by Latinos, which allowed her to make a difference and change the traditional college learning environment. Her vision and commitment to educate and empower Latinos in New York City motivated her to help establish the first Boricua College campus in Williamsburg, Brooklyn which opened in 1974.

This was a tremendous achievement for the community, especially since many of the Williamsburg residents were Spanish speaking and interested in furthering their education at an institution that was culturally sensitive, community based, competitive and accessible. Since its creation, thousands of students have graduated from this Boricua College campus, with many remaining in the community and providing professional human services.

Maria's contribution to higher education for all students, especially Latinos, is highly commendable. Her leadership at Boricua College successfully promotes student learning through active participation in meaningful and planned service experiences in the community that are directly related to course content. With a humanistic approach, such as a sense of civic responsibility, self-awareness, and commitment to the community, Dr. Montes Morales makes Boricua College an outstanding and unique higher learning institution in New York City.

Mr. Speaker, I am also proud to celebrate Hispanic Heritage Month by recognizing the great efforts of Mrs. Elizabeth C. Yeampierre, Executive Director of the United Puerto Rican Organization of Sunset Park (UPROSE), Brooklyn's oldest Latino community-based organization. Under Elizabeth's leadership, UPROSE has become the frontier organization on multiracial environmental justice issues impacting the community. Its "Youth Justice" program has set the path to several victories advocating on behalf of low-income and minority communities that are environmentally overburdened.

Elizabeth's dedication and endeavors at UPROSE have included promoting youth, family and community empowerment, and creating awareness for environmental issues impacting the living conditions of residents in Sunset Park. Her accomplishments range from successfully leading UPROSE in opposition to the Sunset Energy Fleet 520—a power plant proposal to place two power plants in the area—to campaigning against the placement of a sewage sludge treatment plant in Sunset Park, and advocating the prevention of child lead paint poisoning.

Elizabeth has also created an effective "Youth Justice" program which provides young environmental activists across the country with opportunities to promote environmental issues. As a result, these young leaders were able to organize the first environmental justice conference in Sunset Park. The outstanding work and contributions of UPROSE under Elizabeth's leadership has had a valuable impact on the residents of Sunset Park.

Mr. Speaker, I would also like to commend and acknowledge the highly regarded work of Reverend Jorge L. Roa, Jr. a native of Brooklyn and a devoted pastor who committed his life to God, and assisting those most in need, including youngsters and the Hispanic community. Rev. Roa has been a true inspiration who has excelled in promoting youth programs within his church, "the Missionary Christian Church," in Manhattan where he preaches and is very pro-active on social and justice issues.

Rev. Roa has touched many lives by helping his community seek spiritual guidance and a path, collaborating in missionary projects such as rebuilding churches, and collecting donations for relief efforts for the victims of Hurricane Katrina. He has been a humanitarian champion in this country and abroad, taking part in missions providing food, water, medicine and other resources to impoverished communities throughout different countries, including Latin America and Africa.

Rev. Roa, is also the program director of a radio and TV show known as "En sus Pasos" or "In Your Steps," which is transmitted in Manhattan. He is also the author of a renowned book, "Una Luz de Dios, La Historia de la Iglesia Cristiana Misionera," "A light of God, the History of the Christian Missionary Church." Rev. Roa's true vocations have enlightened the community and changed the lives of many youngsters throughout his 24 years of ministry. His excellence in leadership and service is laudable for Latinos and residents of the Manhattan community and beyond.

Mr. Speaker, it is truly an honor for me to rise today and recognize these wonderful Hispanic leaders who I firmly believe possess key elements that strengthen our culture, community and nation. In commemoration of Hispanic Heritage Month, it is essential and truly important to emphasize the life-time commitment these remarkable persons have demonstrated in breaking down stereotypes about Latinos, and empowering the Hispanic American community.

TRIBUTE TO REV. DR. HENRY McGILL, JR.

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. CLYBURN. Mr. Speaker, it is my honor to pay tribute today to the extraordinary pastor of Mt. Pisgah Baptist Church of Marion, South Carolina. For more than 40 years of dedicated service and compassionate leadership, Reverend Dr. Henry McGill, Jr. has served his parishioners and community with great respect and dignity. He has spent decades reaching out to those in need of strengthened faith and fellowship.

Reverend McGill grew up the son of a deacon and quickly incorporated strong values and understanding of others in his everyday life. His education started in a one-room schoolhouse in Lake City, South Carolina. He went on from that meager beginning to achieve degrees in social studies and divinity at Morris College in Sumter, South Carolina. He heard and heeded the call to the ministry at an early age and focused his life on the teachings of peace and cooperation among all people. Reverend McGill's expertise on theology has also earned him positions among some of the most prestigious public service boards, as well as university and ministerial committees. He continues to be a devout advocate of the church in sharing his thoughts on fairness and finding the good in every person. Because of his widely-honored achievements in academia and religious education the Manhattan School of Theology in New York awarded him an honorary degree.

A successful businessman, Reverend McGill owned the funeral home founded by his father-in-law, Henry L. Jackson, for many years. He has since passed the family business, Jackson & McGill Funeral Home Service, to the third generation of owners.

I am pleased to join the parishioners of Mt. Pisgah Baptist Church and so many other

grateful members of the community in thanking Reverend McGill for always searching to find what is best for his church, his community and his state. He continues to respond to the needs of the less fortunate and putting education at the forefront of his message. His saying, ''Everyone is someone special,'' embodies his considerate and personal nature.

Mr. Speaker, I ask that you and my colleagues join me in paying tribute to Reverend Dr. Henry McGill, Jr. He is special to the people of his church and community, and I wish him good luck and Godspeed.

PERSONAL EXPLANATION

HON. SANFORD D. BISHOP

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. BISHOP of Georgia. Mr. Speaker, I regret that I was unavoidably detained yesterday, October 26, 2005, due to a death in my family. As a result I missed rollcall votes Nos. 539 through 547. Had I been present I would have No. 541 ''no''; rollcall No. 542 ''no''; rollcall No. 543 ''no''; rollcall No. 544 ''no''; rollcall No. 545 ''no''; rollcall No. 546 ''aye''; rollcall No. 547 ''aye.''

RECOGNIZING FORMER STATE REPRESENTATIVE JOE BATTISTO AS HE RECEIVES THE FIRST LIFETIME ACHIEVEMENT AWARD FROM THE MONROE COUNTY, PENNSYLVANIA, DEMOCRATS

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to former Pennsylvania State Representative Joe Battisto, of Monroe County, on the occasion of receiving the first annual Lifetime Achievement Award from the Monroe County Democrats.

Joe Battisto distinguished himself during 18 years of public service in the Pennsylvania House of Representatives following a career as public school teacher and chairman of the language arts department of the Pocono Mountain School District.

Despite moving to the realm of public service, Joe was well known for maintaining his connection with the youth in his community and frequently served as mentor for young people who were behaviorally troubled.

Prior to being elected to the State House of Representatives, Joe served in the public arena first as a borough councilman in the Borough of Mount Pocono, rising to become the council president. He also served as mayor of Mount Pocono Borough.

Joe Battisto subsequently was a driving force in the formation of the Pocono Mountain Library and in the construction of a municipal sewage system.

He founded the Monroe County Litter Control and Beautification Task Force.

During his nearly 2 decades of service in the State House of Representatives, he served on the Education and Appropriations Committees and rose to become chairman of the Transportation Committee.

While serving as a State Representative, Joe launched the reconstruction of the Pocono Mountains Welcome Center, led the efforts to build the badly needed Marshalls Creek Bypass, and ensured the environmental cleanup of major industrial and disposal sites in Monroe County.

He also obtained funding for an open space trail system and for highway safety and signalization projects. He fought to preserve rights of way for possible future rail service to major metropolitan destinations.

In addition, he obtained funding for street lights in downtown Stroudsburg and streetscaping work in the Delaware Water Gap.

Joe Battisto was the first lawmaker to receive the prestigious East Stroudsburg University's ''Legislative Fellow'' award created to establish a stronger bond between the university and elected state officials. The award was especially meaningful to Joe because he graduated from ESU in 1956.

Mr. Speaker, please join me in congratulating Joe Battisto on this auspicious occasion. The quality of life in Monroe County, Pennsylvania, has been made far better due to the achievements of Joe Battisto and others like him. His integrity and commitment to his community serve as wonderful examples of what it means to be a true public servant.

DAVIS MOORE—SALUTE TO HURRICANE VOLUNTEERS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. BURGESS. Mr. Speaker, I rise today to salute those individuals and organizations that opened their hearts and dedicated both financial and emotional support to the evacuees of Hurricane Katrina and Hurricane Rita. All of the States along the Gulf Coast have endured terrible hardships during this hurricane season, and I know that the generosity of North Texans played a vital role in bringing some peace into their lives.

Today, I want to specifically thank one man, his office and his donation. Davis Moore, a dentist in Euless, donated 150 adult toothbrushes, 50 children toothbrushes, 150 tubes of toothpaste and floss for victims of Hurricane Katrina.

I stand here today to sincerely thank Davis Moore for his donation. It is people like him that I am proud to call a fellow Texan. Through his contribution, he not only stands as a devoted and giving American citizen, but he serves as an inspiration to others.

OXI DAY SPEECH

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mrs. MALONEY. Mr. Speaker, I rise to join the Hellenic-Americans and Philhellenes in my district and throughout the country in celebrating ''OXI Day (No Day),'' which falls on the 28th of October. This year marks the 65th anniversary of a very important day in Hellenic history, the day on which brave Greek patriots said ''NO'' to fascism, ''NO'' to injustice, and ''NO'' to slavery.

For those individuals who lived through that momentous period and their descendants, many of whom live in the 14th Congressional District of New York, ''OXI Day'' is more than a memory: it is the embodiment of Hellenism and its highest ideals.

On October 28, 1940, a terrifying sound went up throughout all Greek cities and towns, the sound of sirens and klaxons announcing the invasion of Greece by the Nazis. Walls that before had echoed only with the tolling of church bells now reverberated with the din of alarms.

At a time when Europe was descending into the inferno of another world war, the people of Greece did not panic. Men went calmly to their closets and retrieved their military uniforms and weapons. Women went about their necessary tasks, and the children assisted as they were able. With level-headed determination and steadfast resolve, the citizenry of Greece mobilized against the coming invaders and delivered their resounding ''NO!'' to the Axis aggressors.

On OXI Day, the people of Greece chose the harder path, the path of resistance. If they had opened their gates to the invaders, much bloodshed and many deprivations might have been avoided. That brave generation of Hellenes, refused to submit to oppression, even at the cost of their homes, their land, and their lives. They chose to fight and even to die so that their children and the children of other nations might live in liberty. Theirs was an act of self-sacrifice that clearly proclaimed the humanitarian ideals of their Orthodox Christian faith and their ethnic heritage.

Demonstrating poise under pressure, the heroes of that period fought against tyranny and delayed the Axis onslaught in the Balkan Peninsula. The Greek nation which said ''OXI'' contributed to the eventual downfall of the Fascist powers in Europe.

This year the Hellenic community is celebrating another great moment in their history, having successfully hosted a magnificent and peaceful Olympics at a time when terrorism imperils every public gathering. The smallest nation to ever host the Olympics, Greeks once again showed that they always rise to the occasion.

Mr. Speaker, I ask my colleagues to join me in saluting the heroes of OXI Day. In their brave words and deeds we see all of the highest virtues of Hellenic heritage: passion for justice, courage at a time of trial, unity in the midst of conflict, and willingness to sacrifice one's life for the good of others. On this day, we thank Greece for saying ''OXI.''

CONGRATULATIONS TO CARY CRANE

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mrs. EMERSON. Mr. Speaker, I rise today to congratulate Cary Crane—the recipient of the 2005 Bill Emerson Good Samaritan Award. Mr. Crane and his company, Apple &

Eve, have for years been generous enough to provide juice beverage products to the nation's less fortunate through Rock and Wrap It Up! Inc., a nonprofit, nonpartisan hunger relief organization Bill helped to found.

Mr. Crane has been a true public servant in supplying nutritious food to those in need. He is the Cofounder and Executive Vice President of Apple & Eve, LLC a manufacturer of premium fruit juices, which donates heavily to Rock and Wrap It Up! to further their cause. This is just one area of service and philanthropy in Mr. Crane's life. He is also involved with many other charitable organizations, such as the Education Assistance Corporation, the American Diabetes Association, and Big Brothers/Big Sisters.

Through his efforts, Mr. Crane is helping to advance the vision of my husband, Bill Emerson, for domestic food aid programs when he worked to pass the Good Samaritan Food Act, a law protecting these donations from liability. Bill's hopes for hunger relief in America were very high when he worked to make Rock and Wrap It Up! possible in 1990. Following in his dream, Mr. Crane is an ideal recipient of the Bill Emerson Good Samaritan Award.

Rock and Wrap It Up! is a volunteer hunger relief charity, which has fed over 20 million since its inception. With over 4,000 volunteers in 500 cities across America, its dedicated supporters recover food in schools, colleges, music concerts, sporting events, and political and corporate functions. Rock and Wrap It Up! was adopted by resolution in 2003 by the United States Conference of Mayors to teach its successful strategies to cities to fill America's food pipeline to feed the indigent.

Cary Crane and Apple & Eve are a major reason the program continues to gain notoriety and grow. They are proof that our commitment to feed America's hungry can always use new initiative and better ideas. As long as there are men, women, and children who need the helping hand of other Americans, we are glad that there are gentlemen like Mr. Crane.

Thank you for your kind service to our nation, Mr. Crane. Congratulations on earning the 2005 Bill Emerson Good Samaritan Award. Best of luck to you as you continue your noble work helping to improve the lives of the less fortunate in our great nation.

IN MEMORY OF DONALD STATHOS

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. BLUMENAUER. Mr. Speaker, this week we mark the passing of a unique and important figure in Oregon politics and civic life. Donald Stathos was a small-business man, state legislator, and a creative and vibrant force in our community. He was best-known as the father of Oregon's Bike Bill in 1971 which created an allocation for cycling, long before the cycling craze hit this country. The bill was a typical act of foresight on behalf of an extraordinary man which led to our states leadership in promoting cycling for all ages.

Mr. Stathos was a creative legislator not bound by narrow ideology or partisan interests. When there was a rash of campus and other violence and bombings during his career he had the courage to sponsor legislation dealing with the control of explosives and as a result had his office firebombed. Either a right-wing extremist or a printing error left his information out of the voting pamphlet in the state's most populous county. Had this not of happened he might well have gone on to a statewide elected office; however, the man was not defined by the offices he held but rather by his beliefs.

Donald Stathos' zest for life and his friendship will be sorely missed.

HONORING PHYLLIS CIMINELLO UPON HER NINE YEARS OF VOLUNTEERING FOR THE FOSTER GRANDPARENTS PROGRAM

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor the exemplary community service of Phyllis Ciminello, a resident of Chautauqua County, Village of Fredonia, in recognition of her nine years of volunteering for the Foster Grandparent Program.

Ms. Ciminello works every day helping children to increase motivation, academic skills, daily living skills, and positive behaviors. Ms. Ciminello has served with the FGP since 1996 and is a vocal fan of this program. She is also involved with the Head Start program, where she volunteers in a Head Start classroom at Connections North in Dunkirk.

Ms. Ciminello has donated countless hours towards improving her community. She is hard working, and dedicated. Her leadership and generosity sets an example for us all. That is why, Mr. Speaker, I rise to honor her today.

FREEDOM FOR JORGE LUIS GONZÁLEZ TANQUERO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Jorge Luis González Tanquero, a political prisoner in totalitarian Cuba.

Mr. González Tanquero is a courageous pro-democracy activist and president of the Carlos Manuel de Cespedes Independence Movement. His pro-democracy activities have helped the world to learn the facts about the nightmare that is the Castro regime. Unfortunately, those who believe in truth are targeted by the tyrant's machinery of repression.

On March 19, 2003, as part of Castro's condemnable crackdown on peaceful pro-democracy activists, Mr. González Tanquero was arrested. In a sham trial, he was sentenced to 12 years in the totalitarian gulag.

Mr. González Tanquero is currently languishing in the abhorrent gulag because of his belief in liberty for the Cuban people. According to CubaNet, Mr. González Tanquero's family has been harassed and threatened by the dictatorship's thugs. His wife, Marlene González, said that she had been threatened by the dictatorship's organized mobs and that her neighbors have been warned not to let their children play with her daughter Melisa.

Mr. González Tanquero is an excellent example of the heroism of the Cuban people. No matter how intense the repression, no matter how horrifically brutal the consequences of a dignified struggle for liberty, no matter how often their families are harassed and threatened, the totalitarian gulags are full of men and women of all backgrounds and ages who represent the best of the Cuban nation.

Mr. Speaker, it is as inconceivable as it is unacceptable that, in the 21st Century and only 90 miles from our shore, brave men and women are locked in dungeons because they believe that all people have basic human rights. It is a profound embarrassment for mankind that the world stands by in silence and acquiescence while political prisoners are systematically tortured because of their belief in freedom, democracy, human rights and the rule of law. My Colleagues, we must demand the immediate and unconditional release of Jorge Luis González Tanquero and every political prisoner in totalitarian Cuba.

KRISTI CHRISTIANSON—SALUTE TO HURRICANE VOLUNTEERS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. BURGESS. Mr. Speaker, I rise today to salute those individuals and organizations that opened their hearts and dedicated both financial and emotional support to the evacuees of Hurricane Katrina and Hurricane Rita. All of the states along the Gulf Coast have endured terrible hardships during this hurricane season, and I know that the generosity of North Texans played a vital role in bringing some peace into their lives.

Today, I want to specifically thank one woman, her company and her donation. Kristi Christianson, from Town Place Suites by Marriott donated a case of shampoo for victims during hurricane Katrina.

Town Place Suites by Marriott is an extended stay hotel that takes pride in their friendly staff and neighborhood feel. Helping hurricane victims is certainly a good demonstration of the friendly staff.

I stand here today to sincerely thank Kristi Christianson for her donation. It is people like her that I am proud to call a fellow Texan. Through her contribution, she not only stands as a devoted and giving American citizen, but she serves as an inspiration to others.

FEDERAL HOUSING FINANCE REFORM ACT OF 2005

SPEECH OF

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1461) to reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes:

Ms. KILPATRICK of Michigan. Mr. Chairman, it is with some reluctance I rise now in

opposition to H.R. 1461, the Federal Housing Finance Reform Act. In its amended form, the legislation no longer puts the best interest of our Nation at heart, but instead holds a precious resource hostage for the sake of partisan politics.

The provision restricting non-profit organizations, and their affiliates, from using their own funds to engage in non-partisan voter registration or get-out-the-vote activities if they want to apply for the much-needed affordable housing funds is entirely inappropriate. The inaptness is compounded by the fact that the language still allows for-profit institutions to engage in voter advocacy, even conducted in a partisan, biased manner. If the threat of misuse of these funds is so apparent as to warrant this amendment, why would we only restrict charitable organizations and not those whose fundamental goal is to swell business profits?

It is extremely apparent that the leadership's priorities are backwards. Congress should be encouraging election activities promoting good citizenship conducted by unbiased, non-profit organizations, not restricting the types of aid these groups are allowed to provide. To add insult to injury, the new provision imposes a new burden of requiring these groups to list housing assistance as their ''primary purpose'' if they want to apply for funds. The effect of this constraint will be to reduce the diversity of assistance that will be available.

With such a growing need for affordable housing, and for competent groups capable of connecting people with the already scarce resources, I cannot imagine why my colleagues would want to handicap these organizations from providing assistance to our Nation's most vulnerable populations. It is for these reasons I cannot support this otherwise sound and reasonable measure to improve the regulation of our Nation's largest source of mortgages. I urge my colleagues to vote no on H.R. 1461.

IN HONOR OF OFFICER DAVID PERRY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. FARR. Mr. Speaker, I rise today to honor Police Officer David Perry for his service to our community. Mr. Perry has dedicated his life to protecting his country as well as his community, and for that I am grateful.

David Perry heroically served in the United States Marine Corps from 1983 to 1989. His service included a meritorious promotion to Corporal and assignment to the Marine Security Guard Detachment in Calcutta, India. While serving in Rio de Janeiro, Brazil, he was promoted to Sergeant and honorably discharged from active duty on January 6, 1989. He has maintained Reserve status while serving as a Patrol Officer in the City of Santa Cruz. Furthermore, Mr. Perry had dedicated his time to serving the city as a Field Training Officer and is a member of the Santa Cruz Police Department Honor Guard.

Mr. Perry is known for his allegiance to the enforcement of law, the prevention of crime, and his deep sense of community. Respectfully, David Perry has volunteered to return to active duty with the United States Marine Corps. He will be deployed to Iraq in January of 2006. Mr. Perry's voluntary service is truly appreciated and highly valued.

Mr. Speaker, the service of local members of the community is an asset to this Nation, and I applaud Mr. Perry's contributions. We all look forward to the safe return of Officer Perry, and wish him well in his service in Iraq. Mr. Perry is an outstanding member of the community, and his dedication is appreciated.

FEDERAL HOUSING FINANCE REFORM ACT OF 2005

SPEECH OF

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill. (H.R. 1461) to reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes:

Mr. GREEN of Wisconsin. Mr. Chairman, I supported Chairman OXLEY'S Manager's Amendment to H.R. 1461, the Federal Housing Finance Reform Act of 2005, because it maintains progress on several key issues Congress has been working on this session. I was pleased to see that the manager's amendment gave the victims of Hurricane Katrina priority in receiving grants from the Affordable Housing Fund for the first two years after its inception. I continue to urge my colleagues to look for ways to ease the burden of recovery that currently rests on the taxpayers. I also support the sunset provision of this amendment so that a future Congress can revisit this issue and again evaluate the needs of affordable housing recipients. Finally, I would like to express my full support for the ability of non-profit organizations to compete for the funds created by H.R. 1461.

I agree that there must be full oversight of the groups receiving grants from the Affordable Trust Fund, and that no dollars from the fund may be used for lobbying, travel, or election activities. However, I do have concerns that some of the language included in the manager's amendment was overly broad. Some have argued that the amendment may prohibit groups like Catholic Charities, Lutheran Services in America, and Habitat for Humanity from receiving Affordable Trust Fund grants. I would strongly urge House conferees to revisit and narrow the language included in this amendment so that these organizations, along with other well-meaning non-profit groups, can access the funds and grow their affordable housing programs.

IN HONOR OF FIRE CHIEF KERRY SHERIDAN

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. WELLER. Mr. Speaker, I rise today to honor Fire Chief Kerry Sheridan of the Troy Fire Protection District in Shorewood, Illinois. On Saturday, Sheridan will celebrate 45 years of service as the Fire Chief with the local volunteer fire protection district:

Since first being elected in 1960 to the Fire Chief position, Sheridan has seen major changes from not only the size and scope of the fire protection district, but also advances in technology and equipment. In 1960, his equipment consisted of a used 1929 REO Speedwagon and a dispatch that was a phone call to the Chief to sound the siren. Now, the department consists of multiple engines, an enhanced 911 dispatch center and the protection district has grown to over 18,000 residents compared to the 800 residents in 1960.

Within Sheridan's impressive 45 years of services, the Chief has provided a classroom in the Joliet Junior College to teach fire services, started one of the first cadet programs in Illinois and organized an Ambulance service that recruits and trains new EMT's every year. Chief Sheridan is still actively serving on the Joliet Junior College Fire Science Advisory Board which he has served on since 1974 and is very involved with the local government.

The most impressive part of his service as a volunteer for the fire department is that he achieved all of these great accomplishments while being a full time employee with Illinois Bell Telephone and now AT&T.

With 45 years of dedication to his township and the safety of its residents, Kerry Sheridan provides an example to all of what they can do to better their community. When we hear young children having aspirations of becoming firemen when they grow up, we should all point to the example Kerry Sheridan has set.

A TRIBUTE TO ROGER MILLIKEN

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. HUNTER. Mr. Speaker, I rise today to honor and pay tribute to a true American patriot who has maintained a reputation as a protector of American manufacturing—Mr. Roger Milliken. Roger recently celebrated his 90th birthday and, not to the surprise of many, continues to faithfully sit at the helm of Milliken & Company, one of the largest and most successful textile and chemical manufacturing companies in the world.

On the special occasion of his 90th birthday, I feel it prudent to ensure that my colleagues in the House are made aware of Roger's immeasurable commitment to the protection and development of our domestic manufacturing base. Roger has long deflected the enticements of outsourcing and importation, believing the divestment of American industry in foreign markets is not conducive to economic growth and detrimental to our nation's productivity and ingenuity.

Roger's personal success can be credited to his entrepreneurial spirit and his strong work ethic, both professionally and academically. He received a Bachelor of Arts degree from Yale University in 1937 and was named President of Deering Milliken in less than ten years. Under Roger's leadership, Deering Milliken officially became known as Milliken & Company and gained its status as a nationally recognized textile manufacturer. He served as President of Milliken & Company until 1988, when he was named Chairman and Chief Executive Officer, the title which he continues to hold today.

Roger maintains an inclusive relationship with his employees and each Milliken associate is encouraged to share their thoughts on how quality and excellence can be achieved. As a matter of fact, much of Milliken & Company's success can be attributed to its network of faithful employees who tirelessly strive for nothing less than perfection.

Mr. Speaker, President Ronald Reagan once said, "My goal is to keep America the premier job-creating nation on Earth and we must unleash the full power of entrepreneurship. We can make our land that of the future, offering unlimited opportunity to all Americans who dare to live for their dreams." We are fortunate to have individuals like Roger Milliken, who never relent in their quest to foster and protect American industry, and believe the industrial climate envisioned by President Reagan is achievable.

Roger is recognized as someone who takes pride in the craftsmanship of the American workforce and fights for the preservation of those jobs. In an interview with the Wall Street Journal in 1995, Roger said, "I'm going to keep on doing what I'm doing. I'm going to die in the saddle, fighting for American manufacturing supremacy." While this statement is certainly indicative of Roger's tenacity and entrepreneurial ambition, it more importantly demonstrates the elements of selflessness and confidence that need to be revived within our industrial community. Roger's desire for American manufacturing supremacy is not unrealistic and one in which I believe we can achieve.

Mr. Speaker, I ask that my colleagues join me in honoring Roger Milliken's contribution and commitment to American industry and manufacturing. In celebration of his 90th birthday, I wish him many more years of good health and happiness.

JERRY AND SHIRLEY McCORMICK—SALUTE TO HURRICANE VOLUNTEERS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. BURGESS. Mr. Speaker, I rise today to salute those individuals and organizations that opened their hearts and dedicated both financial and emotional support to the evacuees of Hurricane Katrina and Hurricane Rita. All of the states along the Gulf Coast have endured terrible hardships during this hurricane season, and I know that the generosity of North Texans played a vital role in bringing some peace into their lives.

Today, I want to specifically thank one family, their company and their donation. Jerry and Shirley McCormick, from Texas Manhole Company donated a refrigerator and dinner for 100 volunteers during hurricane Katrina.

I stand here today to sincerely thank Jerry and Shirley McCormick for their donation. It is people like them that I am proud to call fellow Texans. Through their contribution, they not only stand as a devoted and giving American citizens, but they serves as an inspiration to others.

TRIBUTE TO LANCE CORPORAL BRIAN PARRELLO

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. GARRETT of New Jersey. Mr. Speaker, today I honor Lance Corporal Brian Parrello, a heroic young man from my district who died while bravely serving his country in Iraq. I am proud that this week we will name the United States Post Office in his hometown of West Milford, New Jersey after Brian, the very post office where his father has spent many years working for the Postal Service.

On January 1 of this year, Lance Cpl. Brian P. Parrella, 19, of West Milford, N.J. was killed in Al Anbar Province, Iraq as a result of hostile fire. Lance Cpl. Parrello was assigned to Small Craft Company, Headquarters Battalion, 2nd Marine Division, II Marine Expeditionary Force, Camp Lejeune, N.C. Parrella was attached to a Marine Swift Boat unit that patrolled the Tigris and Euphrates rivers.

A resident of West Milford, New Jersey, Parrello attended West Milford High School where he was a member of both the football and hockey teams. Following high school, he was so deeply affected by the attack on the World Trade Center and Pentagon that he proudly enlisted in the U.S. Marine Corps. His teachers, coaches and peers have called him a real leader and a role model, someone who always gave 150 percent, and a person who led by example with a big heart.

This loss causes us to reflect on the bravery demonstrated by our men and women in uniform as they carry out their obligations in the face of danger. When their Nation called them to duty to preserve freedom and the security of our neighbors, they answered without hesitation.

Mr. Speaker, it is my sincere privilege to recognize the life of a proud soldier and heroic representative of the State of New Jersey. Lance Cpl. Brian P. Parrella was an honorable defender of liberty and he deserves our gratitude and respect.

I am pleased that we could recognize Brian's sacrifice in this manner and I hope that years from now the citizens of West Milford can remember the courage and sacrifice of this brave young man. We will continue to keep Brian's family and the families of all our men and women serving around the world in our thoughts and prayers.

PERSONAL EXPLANATION

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Ms. PRYCE of Ohio. Mr. Speaker, on vote No. 535 regarding a Motion to Instruct Conferees on H.R. 2744—the Department of Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for Fiscal Year 2006—my vote was recorded in a manner inconsistent with my intent. Let the RECORD show that my vote should have been recorded as "nay" not "yea."

REMEMBERING DON F. GILBERT

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. BOYD. Mr. Speaker, I ask unanimous consent to enter into the RECORD my comments on the life of a great Floridian from my district who passed away recently.

Born on December 26, 1930, in Peekskill, New York, Don F. Gilbert gave tirelessly of himself to his family and community. A veteran of the Korean Conflict, Don served in the United States Marine Corps from 1951–1952.

Following his tour in the Corps, Don attended Texas Western College, now the University of Texas at El Paso. During that time, he worked for the FBI and later began a career in court reporting.

Throughout his professional career, Don had many interests and was active in the Masonic Order, Job's Daughters and the International Order of the Rainbow for Girls. After his service in Korea, Don joined the Coast Guard Auxiliary, where he helped organize Flotilla 12 and served as its commander.

Don passed away at his home in Tallahassee, Florida, on August 28, 2005, and is survived by his children and wife, Gwen, whom he shared 49 years of marriage.

TRIBUTE TO ROSA PARKS

SPEECH OF

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. SCHIFF. Mr. Speaker, I rise today to honor the life of Ms. Rosa Parks who died on October 24, 2005 at the age of 92.

In 1955, Rosa Parks was a seamstress, housekeeper and volunteer at the local NAACP chapter in Montgomery, Alabama. One winter evening, the 42-year-old was riding a city bus home after a long day of work. Rather than give up her seat to a white person, she chose to be arrested, setting off a 381-day boycott of the bus system organized by a young Rev. Martin Luther King, Jr. Her simple act of defiance was an important catalyst in the Civil Rights Movement. She was arrested and later found guilty by a local court of violating segregation, but her case eventually went to the U.S. Supreme Court which overturned the Jim Crow-era laws.

Many civil rights pioneers would fight against injustice, helping advance genuine equality among citizens. Yet Rosa Parks was unique; a true American icon who embodied the notion that one person can make a difference, that a snowball can turn into an avalanche. She was the anonymous victim of discrimination whose fame quickly spread; a woman of profound inner-strength and deep conviction who selflessly volunteered herself for the greater cause of liberty. Her bravery galvanized thousands to use non-violent means to move Congress to pass landmark civil rights and voting rights legislation.

Two years ago, I joined a civil rights pilgrimage to Selma, Montgomery and Birmingham, Alabama. Led by Representative JOHN LEWIS and the Faith in Politics Institute, the pilgrimage took Members of the House and Senate

to the sites of many of the civil rights struggles of the 1950s and 1960s. It was an unforgettable experience. All of the Members of Congress felt as I did, how lucky we were to visit these sites: the Edmund Pettus Bridge, the Dexter Avenue King Memorial Church, the 16th Street Baptist Church, the Civil Rights Institute and the Rosa Parks Museum, with some of the activists who led the movement. To see these places through their eyes, to hear them describe what it was like when the very church we were sitting in was under siege by an angry mob of segregationists, to witness tears come down their cheeks as they thought of where they had been and where we were standing.

As we reflected on the moving events of the pilgrimage, the Members of Congress—many like me, too young to remember well the civil rights movement—kept asking ourselves two questions: What would I have done? Would I have been an activist, or, like so many Americans, simply indifferent? And what about today? What is the contemporary relevance of the civil rights movement?

The more we pondered what we would have done, black or white, had we been born into 1960's Alabama, and the more we asked ourselves about what we could do to advance the civil rights movement today, the more I began to realize that the two questions were really interconnected.

The best window into what we would have done, the best insight into what might have been, can be gleaned from what we do in the future. While America today provides all of its citizens with more opportunities and better protects those most vulnerable, too many still face vestiges of bigotry. We can look to the Civil Rights Movement to inspire us to build a greater and more just society, but we must learn from the example set by Rosa Parks that each of us must take an affirmative step to ensure that our country remains faithful to the ideals of its founding. If we dedicate ourselves to the cause of racial justice, arm ourselves with an appreciation of history, and commit ourselves to the provision of equal opportunity to all, we will stand on the frontier of the new civil rights movement. And that would be the most fitting pilgrimage of all.

THE DEATH OF RICHARD PENN KEMBLE

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. ISRAEL. Mr. Speaker, all too seldom we are blessed with a person of extraordinary talent, vision and blinding commitment to social justice who devotes his entire life—selflessly and completely—to the public interest, and to spreading the values of his nation all across the planet. Penn Kemble, who died October 15th after a fierce year long struggle with brain cancer, was that rare kind of American.

Penn devoted his life to ideas. He fought with passion for what he believed, and he sometimes fought alone. He was a college socialist who battled against the Stalinists who led the Soviet Union; a hardliner on defense and foreign policy issues who came to become a leader in the fight to negotiate an end to the war in Vietnam. He was a Scoop Jackson Democrat, a Hubert Humphrey Democrat, a Bill Clinton Democrat—always a Democrat working within our Party to make it more committed to social and economic justice and more committed to a strong and realistic national security policy. Some talked change—Penn caused it: a civil rights leader who put his life on the line fighting for racial equality, but confident enough in himself and his values to lead the fight against racial quotas; an internationalist who was not afraid to confront and challenge what he perceived to be dangerous isolationism within his Party. Through the difficult decades of the 1970s and 1980s, some chose to cut and run when they did not have their way. Penn Kemble chose to stay and fight. No one fought harder and with more conviction.

And nothing exemplified his commitment to values, to ideas and to the strength of the American experience more than his work as Deputy Director and Acting Director of the United States Information Agency, where he created and executed the brilliant and unique international CIVITAS program to promote civil society and civic education around the world. Like so many things that Penn developed, he created CIVITAS to break out of the worn mold of traditional West-to-East assistance in democracy building by replacing it with an innovative participatory network to develop civil society and free markets in emerging democracies through civic education and grass roots civic participation. CIVITAS was thinking ''outside the box.'' It was, in the words of one of its Russian participants, ''a unique possibility to see the full context of what we can do to support democracy, in concrete terms, now and in the future.'' CIVITAS is an international dialogue, not a monologue by the U.S.

Penn's vision can best be summarized in his own words. In Prague, in 1995, Penn Kemble said that ''today there is an emerging recognition that what we usually think of as the civic realm and the economic realm are interlinked, and that when one is strong the other is generally strong, and that when one is weak or broken the other is in danger, too . . . One thing we surely have neglected is education. Education is the principal means for transmitting and strengthening the values and understandings—the subjective element, the culture—on which the institutions of all societies rest. Perhaps democratic society more than any other depends on the quality of its education.''

At USIA Penn Kemble saw that our embassies and public diplomacy posts abroad would work with local NGOs to foster civic education as a transformative element to grow democracy from the grass roots. He understood that a truly international movement for civic education could take an issue and give it life, a place on the international agenda of the community of democratic nations—whether it was human rights, sensible environment polices, or equal protection, treatment and opportunity for women in modern society. He internationalized national issues. He was nobly committed to the globalization of social democracy.

Participants in the most recent gathering of the CIVITAS consortium in Amman, Jordan in June 2005, were struck with the realization that the group that Penn Kemble first convened in Prague 10 years before was still at it, plugging away in the trenches to build support for teaching democracy in schools and building a culture of democracy from the bottom up.

Robert F. Kennedy once said that ''the future does not belong to those who are content with today, apathetic toward common problems and their fellow man alike, timid and fearful in the face of new ideas and bold projects. Rather it will belong to those who can blend vision, reason and courage in a personal commitment to the ideals and great enterprises of American Society.''

That future—the future of the universal dream of social justice that should be the dream of all people everywhere—belongs to Penn Kemble. The very definition of CIVITAS is Penn's legacy: ''the concepts and values of citizenship that impart shared responsibility, common purpose and a sense of community among citizens.'' He will be missed, but the power of his ideas makes him immortal. Time, justice and the forces of history are on Penn's side.

AMERICAN INGENUITY AND ENTREPRENEURSHIP

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. STARK. Mr. Speaker, I rise with my colleagues Representative BEN CARDIN of the Third Congressional District of Maryland and Representative STENY HOYER of the Fifth Congressional District of Maryland today to bring to our colleagues' attention an excellent article that appeared in the Inside Annapolis Magazine this month about a family business in Galesville, MD. The business, Smith Brothers, Inc., is an excellent example of American ingenuity and entrepreneurship. We are proud to know Kenneth Smith and his son Jeff Smith and would like to congratulate them on the recent acknowledgement of their value to the community. America needs more people like the Smiths, who have a can-do attitude and are willing to work hard to excel. We have attached a copy of the article, which explains some of the history of the company and family and how their attitude has helped them in business and life.

SMITH BROTHERS: BUILDING ON A FIRM FOUNDATION

(By Kathy Bergren Smith)

When the makers of the upcoming romantic comedy starring Matthew MacConaughney and Sarah Jessica Parker came to Maryland scouting locations and resources, one of their first stops was in the quiet village of Galesville; just south of Annapolis. The film includes multiple scenes of frolicking dolphins and the marine coordinators needed a way to transport the radio-controlled ''stand-ins'' as well as millions of dollars worth of camera and sound equipment around the Bay. They found what they were looking for at Smith Brothers, an eighty-seven-year-old family business that provides tugboat and barge services for customers as diverse as Paramount Pictures, the Lincoln Tunnel and the Calvert Cliffs Nuclear Power Plant. The company's extensive fleet of charter equipment is the largest between Baltimore and Norfolk. Marine contractors rent Smith Brothers equipment to build piers and bulkheads, dredge channels and shoot off fireworks. The story of how Smith Brothers became the ''one stop shop'' for tugs, barges, cranes, anchors and chains goes back . . . way back . . . and is best told by the company's president, Kenneth Smith, the last of the Smith Brothers.

''Our family had been here in Galesville for several generations when my older brothers began the business in 1918,'' says Smith. Indeed, an occupancy notice dated 1952 is tacked to the bulletin board in the office on Tenthouse Creek, notes that the premises has been legal since 1862. Back then, the Smiths, like most of their neighbors in southern Anne Arundel County, were oystermen. But they were also entrepreneurs, operating a lime kiln which reduced the oyster shells into fertilizer for other major industry of the area, farming. In 1916, the eldest of the seven Smith Brothers, J. Edward ''Eddy'' and Nelson began to freight oysters by truck to Washington's dandies.

''Eddy and Nelson made a great team,'' recalls the much younger Kenneth, who is now ninety. He and his older sister Agnes, are the only siblings of the original nine that remain. Agnes, a former post-mistress in Galesville, at 101 still serves as a social and historical center for the community. Kenneth comes to work each day and remains active in the business.

''After World War I, when Eddy came home, he and Nelson and Captain Oscar Hartge began to build docks around the river, that is how they got started,'' says Kenneth Smith. As the city dwellers from Washington began to take drives in their new automobiles, the face of bay country began to change. Boarding houses and marinas were built to accommodate the new tourist trade and summer homes with docks sprang up along the West River. Pile driving overtook oystering as the Smiths' primary occupation. Captain Oscar Hartge, a member of a family whose name is synonymous with yachting on the Bay, sold his portion of the business to his friends, the Smiths, for $1 to take a position as captain aboard a private yacht. Ultimately, six of the seven brothers and one close friend, Robert Leatherbury, became Smith Brothers, Inc. The brothers were very hard-working and quickly built a reputation as high quality contractors. Throughout the 20's and 30's taking meager salaries and putting every spare cent into the business, the brothers grew the company. World War II took Kenneth and many of the workers overseas, but when they returned, the business began to thrive. Crews worked on the land as well as the water, building bridges for the Baltimore Beltway (695), the West Virginia Turnpike and up and down the Eastern Shore.

Many Annapolis waterfront landmarks were built on the firm foundation of Smith Brothers. A railway at Trumpy's was installed by Carroll Smith who forged a long-lasting relationship with the fabled boat builder. On the city dock, pilings under the Marriott were driven by Carroll's crew alongside other larger contractors. Bulkheading was built near what is now Fawcett's by the brothers. Kenneth remembers the unusual payment scheme developed for that project.

''That land was owned by Bert Spriggs (a car dealer) and when we finished up the bulkhead, one of my brothers said to him, ''Say, how about instead of paying us with a check we just pick out some new cars?'' and darned if he didn't go along with that,'' says Kenneth chuckling at the thought. ''Who would go along with that today?''

Today, there is a quiet dignity- to Kenneth Smith as he recalls the old times. He is a man who has spent well over half a century both as a crack crane operator and a respected businessman. Kenneth bought out his brothers one by one and today he and his son, Jeff, have moved the company in a new direction.

''Competition for the type of bridge building and pile driving we always did got very stiff in the late 80's,'' says Jeff Smith. He and his father made the tough decision to stop bidding and let the crews go. ''We had no alternative at the time,'' he says.

There were also creative ways of dealing with overdue bills that would not fly today . . . like the time that the owner of a large vacation home in south county balked at paying for a pier built by Nelson and his crew. Before taking the rig back to Galesville, Nelson confronted the owner about payment. When the owner refused to pay, Nelson gave the signal to the crane operator to crank up the pile driver. He then positioned the crane to begin tearing out the pier. Kenneth cannot control his laughter as he recalls the man ''running down the pier waving a check!''

Instead of doing the contracting themselves, Kenneth and Jeff began to rent equipment to other contractors. Their six-acre construction yard in Galesville has gradually become a ''rent it'' center for those engaged in heavy construction. Jeff and his father have built an inventory of barges and tugboats and cranes, plus the intangible asset of Kenneth's vast experience.

The tug and barge fleet has grown in size and scope and the Smith Brothers' red and white colors can be found from New York to Florida. Around the Bay, the newest addition to the fleet is the Megalodon, a 50′ tugboat named for the prehistoric shark that roamed the local waters. Megalodon was the product of the latest Galesville collaboration between the Smiths and Hartges. Capt. Oscar Hartge's grandson, Preston, is the operations manager at Smith Brothers. When the company decided it was time to build a new tug, Preston took the project on with vigor.

''It has come full circle here, our families have both been part of the maritime history of this county and Jeff and I are both committed to continuing our legacy,'' says Hartge.

Kenneth is moving into a supporting role at the yard, and he too is pleased to see the company continuing to thrive.

''You know, very few family businesses survive, all too often the hard work of one generation is squandered on young people, but the Smith Brothers philosophy has always been to work hard and not to ask anyone to do something you would not be willing to yourself. I see that same quality today here at the yard when Jeff and Preston are out there together arguing, it reminds me of the old days when the brothers would cuss and fuss and then go out and have dinner together.''

REMEMBERING ROSA PARKS

SPEECH OF

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. CUMMINGS. Mr. Speaker, when Mrs. Rosa Parks, "mother of the civil rights movement" died last Monday at the age of 92, she left America an inspiring legacy—a vision that can transform this country if we have the wisdom and courage to grasp it as our own.

December 1 will mark the 50th anniversary of that bus ride in Montgomery when Rosa Parks refused to give up her seat to a white man, as then required by the laws of segregation.

"I felt that I had a right to be treated as any other passenger," Mrs. Parks recalled in 1992. "We had endured that kind of treatment too long."

Rosa Parks was jailed and fined for defying the Jim Crow laws—a principled act of human dignity and determination that sounded an alarm that carried far beyond her home of Montgomery, Alabama.

Rosa Parks' action was the genesis of the Civil Rights Movement. Without Rosa Parks' heroic act of principle, there would have been no Montgomery bus boycott in 1955. A minister named the Rev. Dr. Martin Luther King, Jr., may not have been thrust upon the national stage.

Mr. Speaker, Mrs. Parks, one woman—one demure, diminutive and determined woman altered American history. It is important that we all remember that one person can make a difference during the difficult and dangerous times that we now must face and overcome.

President Clinton affirmed the truth of this proposition when he presented Rosa Parks with the Presidential Medal of Freedom in 1996. The Congress concurred in 1999, when I was proud to join my colleagues in awarding her the Congressional Gold Medal—America's highest civilian honor.

Mr. Speaker, these honors were well-deserved. Yet, a desire for public acclaim was not the foremost objective in Rosa Parks' mind.

"I am leaving this legacy to all of you," she declared during a 1988 celebration in her honor, ". . . to bring peace, justice, equality, love and a fulfillment of what our lives should be."

"Without vision, the people will perish," she continued, quoting Scripture, "and without courage and inspiration, dreams will die—the dreams of freedom and peace. "

Rosa Parks was pleading with us to stand up for what is right when we are faced with the challenges to our shared humanity that, all too often, confront us in our daily lives.

To win these struggles, it is readily apparent that we first must address the issue of the continuing disparities that plague our national progress.

Consider the findings of the National Urban League's "State of Black America for 2005," the annual report that so graphically contrasts the health, education and general welfare of African Americans in relationship to the majority Caucasian population of this country.

Fifty years after Rosa Parks boarded that Montgomery bus, African Americans still are twice as likely to die before our time—reflecting the unequal treatment that African Americans receive from this nation's disparate system of health care.

African American unemployment rates remain twice those of White Americans. Our average net worth is ten times less, and our rate of home ownership (a critical component of wealth creation in this country) still lags far behind.

Inexperienced teachers are twice as likely to be teaching our children in minority schools.

We need not belabor the connection between these harsh facts of everyday life for Americans of color and the reality that our voting rights continue to be disproportionately attacked and denied.

For any nation that proclaims "liberty and justice for all," there is something fundamentally wrong with these pictures.

Mr. Speaker, if we are to advance Rosa Parks' vision of justice, equality and opportunity, we must remain vigilant in creating a color-blind level playing field for all Americans.

That would be America's way of keeping alive the legacy of the great Rosa Lee Parks.

I thank my friend and Mrs. Parks' friend, Rep. JOHN CONYERS, for leading this effort to honor this exceptional American heroine. I extend my sincerest condolences to her family and loved ones.

REGISTERING OPPOSITION TO H.R. 1461

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. GEORGE MILLER of California. Mr. Speaker, I would like to register my opposition to H.R. 1461. Yesterday, while rushing between two Committee markups I inadvertently voted in favor of H.R. 1461. I intended to vote against it.

While I supported the underlying premise of the bill, its aims of helping new homebuyers were hijacked by right-wing extremists who inserted language into the bill that will restrict non-profit organizations that apply for Federal housing grants from engaging in nonpartisan voter registration. That provision is undemocratic and completely misplaced.

I would like to associate myself with the remarks of Rep. BARNEY FRANK of Massachusetts. As the senior Democrat on the House Financial Services Committee, he was originally a supporter of the bill. But, like me, he could not look the other way and support one aspect of the bill while ignoring other noxious provisions that are unjustified.

Rep. FRANK said yesterday that, ''The restrictive language being put forward, which would say no faith-based group could participate, has never been debated in this committee. . . It was brought up in a private session between the Republican Study Committee and the then-majority leader [DELAY]. That is not an appropriate forum to be the only place where we discuss things.''

I regret the error that has occurred but wish the RECORD to clearly reflect my views on this bill. If given the opportunity again, I would vote to defeat H.R. 1461 in its present form.

CONDEMNING THE INTOLERANT AND INAPPROPRIATE STATEMENT BY IRANIAN PRESIDENT MAHMOUD AHMADINEJAD

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today to condemn the venomous words spewed by Iranian President Mahmoud Ahmadinejad towards one of America's closest allies and a true companion in the War on Terrorism, Israel.

Yesterday's statement by President Ahmadinejad confirms his country's station among the most radical and dangerous in the world. It is the sort of hate espoused by Mr. Ahmadinejad, cheered unwittingly by a crowd of impressionable children, that breeds new terrorists among Islamic youth. Israel has been a unwavering companion of the United States. America must stand behind them as they face such invective, and we must remain as steadfastly committed to Israel's defense and independence.

As the process moves forward to promote peace between Israel and their Arab neighbors, this declaration by the Iranian leader potentially takes us two steps backwards.

I call on any citizen of Iran who is peaceful and freedom loving, to reject the sentiments of their close-minded and hateful leader.

I urge the State of Israel to trust that when the rhetorical smoke of their enemies clears, the United States will, as always, be standing strong as a proud ally.

IN RECOGNITION OF DR. WAYNE GILES

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. CLEAVER. Mr. Speaker, I proudly rise today in recognition of the achievements of Dr. Wayne Giles, Chancellor Emeritus of the Metropolitan Community Colleges (MCC) in the Greater Kansas City area. Dr. Giles retired as Chancellor on June 30, 2005 after 22 years of distinguished service to MCC and our community. He served as Vice-Chancellor for Educational Services for the first ten years and the past twelve as Chancellor. He has been a tireless advocate for urban education and has implemented programs that have brought national recognition to the Community College system. For this reason and many more, I rise today to honor and celebrate his achievements.

Wayne Giles' tenure with the Metropolitan Community Colleges has been fruitful for the bi-state area, the State of Missouri, and our entire Nation. Dr. Giles has overseen the establishment of two new campuses during his tenure, bringing the total to five community colleges in a system that serves approximately 43,000 students each year. The Longview campus was the first community college in the United States to be recognized as a College of the Year by Time Magazine and the Princeton Review. The Business and Technology College is the first community college in the country to earn ISO 9002 certification, which places it within a select group of companies and organizations worldwide that have achieved this quality standard.

Dr. Giles has brought many innovative enhancements to MCC, most recently with the development of writing intensive and diversity courses as part of the general education learning requirements. To best serve MCC's increasingly diverse population, he initiated a faculty internship program, which will be featured at this year's American Association of Community Colleges national conference. This program has significantly increased the number of MCC faculty of color in the last two years.

Wayne Giles has served on numerous committees, including: Member of the Presidents Advisory Council, NCATC from 2000 to present—a national network of resources that advocates and promotes the use of technology that enhances economic and workforce development programs and services; Member from 1993 to present, and President in 1994 of RC–2000—a national organization of presidents and chancellors of urban community colleges; Member of the Missouri Training and Employment Council from 2001 to present; Member from 2001 to present of the Coordinating Board for Higher Education Resource Group for Postsecondary Technical Education; and as a Member of the Missouri Coordinating Board for Higher Education Advisory Committee from 1990 to present, serving as Chair in 1998.

Mr. Speaker, please join me in expressing our heartfelt gratitude to Dr. Wayne Giles, not only for his unwavering effort to educate youth and adults in the Greater Kansas City area, but also for his courage in bringing about diversity in education and providing a vehicle for workforce training to our citizens. I urge my colleagues to please join me, in congratulating Wayne on his retirement as Chancellor of the Metropolitan Community Colleges, and in celebrating his invaluable contributions and sacrifices to provide educational and employment opportunities to constituents of the Fifth Congressional District of Missouri and throughout our region.

TRIBUTE TO AMBASSADOR TERRENCE R. TODMAN

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mrs. CHRISTENSEN. Mr. Speaker, I rise to pay tribute to a distinguished Virgin Islander and American, Ambassador Terrence R. Todman, on the occasion of his being honored by the Senate Foreign Relations Committee today. Ambassador Todman, one of the U.S. Virgin Islands best-known international figures was chosen for two years by the Organization of American States to represent the OAS their efforts to promote dialogue among political and social elements in Haiti as a prelude to the holding of elections there later this year.

Ambassador Todman was born on St. Thomas on March 13, 1926. He was raised, along with his thirteen brothers and sisters, by his mother Rachel Callwood. He retired from the U.S. Senior Foreign Service in 1993 with the title of Career Ambassador. In 41 years of diplomatic service, his postings included service as Assistant Secretary of State for Inter-American Affairs and as U.S. Ambassador to Argentina, Denmark, Spain, Costa Rica, Guinea and the Republic of Chad.

He serves on the board of directors of several organizations including the National Endowment for Democracy, a private not-for-profit entity created in 1983 to strengthen democratic institutions around the world through non-governmental efforts. He is a former trustee of the University of the Virgin Islands.

He is the recipient of numerous awards, including the Presidential Distinguished Service and Meritorious Service Awards, the National Public Service Award and the State Department's Superior Service Honor Award. He has also been decorated by the governments of Denmark, Spain, Chad, and the Virgin Islands.

Ambassador Todman is a graduate of Inter-American University in Puerto Rico and of Syracuse University. He was been awarded several honorary doctoral degrees. Before joining

the Department of State, he served in the U.S. Army as a commissioned officer in post-war Japan. He has been inducted into the Hall of Fame of the U.S. Infantry School at Fort Benning, Georgia. On behalf of the people of the Virgin Islands who I am privileged to present, I extend heartfelt congratulations to Ambassador and Mrs. Todman.

ON THE PASSING OF DR. JOHN LONG

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. BILIRAKIS. Mr. Speaker, I rise today with great sorrow to mourn the loss of one of Pasco County's finest citizens and public servants, Dr. John Long. While on a hunting trip with his wife Marsha in Montana, John unexpectedly passed away from an apparent heart attack on October 26. He was 59 years old.

Born in Wauchula, Florida, John dedicated his life to serving the residents of Pasco County and improving the quality of education that its students received. His passion and reputation would lead him to serve as a state representative and eventually to be appointed as the County's Superintendent of Schools, a position he held until his retirement last year.

John's career in public service began shortly after he completed his masters degree and doctorate in education at the University of South Florida. John seized the opportunity to work for the Pasco County School District and during heightened tension in the District in 1976, he was hired as the County's Director of Personnel. Known as a problem-solver, John quickly garnered respect and trust from the teacher's union and ironed out their labor grievances. His ability to compromise and find the middle ground would follow him throughout his career.

In 1986, John ran successfully for a seat in the Florida House of Representatives. He quickly rose to prominence within the Democratic Party and was poised to become the Speaker of the Florida House. However, another institution took precedence: his family. John retired from state politics to spend more time at home with Marsha and his two daughters, Jennifer and Jessica. Soon after stepping down, the late Governor Lawton Chiles appointed John as Pasco County Schools Superintendent in 1995.

After winning a second term in 2000, John was named Florida's Superintendent of the Year by the Florida Association of District School Superintendents, a distinction he greatly cherished. John also facilitated the enactment of the Penny for Pasco program in March 2004, which he considered one of his proudest accomplishments.

Mr. Speaker, too often in this extremely partisan business, we lose sight of the things that really matter. John looked past party politics. He placed his family ahead of his promising political career. He was a breath of fresh air in an occupation that can suffocate integrity. I am truly saddened by the loss of John, and my thoughts and prayers are with the Long family. May God bless them as they remember this great man.

ON THE LOSS OF AMERICAN LIVES IN IRAQ

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. HONDA. Mr. Speaker, this week, the U.S. Department of Defense acknowledged that the number of U.S. military deaths in Iraq has reached 2,000. Sadly, Californians represented the majority of these deaths, with 215 falling victim in the conflict. I, along with all other Americans, mourn the loss of these brave American patriots and insist that we all continue to support those courageous men and women who bear the burden of this military action in Iraq.

As we pause to remember the 2,000 patriots who gave their lives and console the families they left behind, we must demand that the remainder of our troops begin their journey home. This unfounded war began with the false belief that Iraq was in possession of weapons of mass destruction and has continued under a shortsighted and flawed military strategy. While the Administration chooses to "stay the course" and insists that there is significant progress in Iraq, the insurgency continues unabated and too many of our soldiers are returning to their families as only a memory. Others return with emotional and physical wounds that may never heal.

Let this week's grim milestone not slip away without a renewed demand that the President provide to the American public, as well as the U.S. soldiers in Iraq, a clear strategy for success. Only through the creation of a coherent and realistic plan can this Administration begin to stem the loss of American life.

INTRODUCING THE "ELIMINATION OF BARRIERS FOR KATRINA VICTIMS ACT"

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. SCOTT of Virginia. Mr. Speaker, I am pleased to join my colleagues, Congressman CONYERS of MI, Congressman RANGEL of NY, Congressman THOMPSON of MS, Congressman JEFFERSON of LA, Congressman FRANK of MA, Congresswoman JACKSON-LEE of TX, Congressman PAUL of TX, Congresswoman JOHNSON of TX, Congresswoman LEE of CA, Congressman HASTINGS of FL and Congressman AL GREEN of TX in introducing the "Elimination of Barriers for Katrina Victims Act". We are pleased to be joined by a coalition of almost 100 national, state and local organizations who have expressed their support for the legislation, such as the American Academy of Addiction Psychiatry, American College of Mental Health Administration, Drug Policy Alliance Network, League of United Latin American Citizens (LULAC), NAACP, NAADAC—The Association for Addiction Professionals, National Council on Alcoholism and Drug Dependence, and the National Urban League, and the list is growing as word of the legislation gets out.

Millions of Americans were displaced from their homes due to Hurricane Katrina and Hurricane Rita and hundreds of thousands have not been able to return and may never be able to do so. Having lost their homes, their communities, their jobs and other support systems, most have required emergency food, clothing, shelter, medical, or monetary assistance. According to FEMA reports, an estimated 2.1 million Americans have already applied for federal aid. Unfortunately, many of these individuals and their families are in desperate need, but, due to a prior drug conviction, will not be able to receive certain federal assistance available to other victims in need. While it is impossible to know for sure how many families will be denied public assistance because of drug convictions, it is likely in the tens of thousands.

More than 1.5 million Americans are arrested for drug offenses every year. Several federal laws disqualify those with felony convictions to receive certain federal benefits. A recent GAO report commissioned by myself and Congressman RUSH of IL reveals that these disqualifications are having a huge impact on receipt of federal benefits for which those with prior drug convictions would otherwise receive. For example, an estimated 41,000 students were denied college assistance during the 2003/2004 academic year because of drug conviction.

While the GAO was only able to collect data from 15 public housing agencies, out of more than 3,000, those 15 agencies denied housing to almost 1,500 families because of past drug violations in 2003 alone. That indicates that there are thousands of families and tens of thousands of individuals unable to receive housing benefits because a family member has a drug convictions.

The drug conviction ban on eligibility for federal benefits also applies to Temporary Assistance for Needy Families, or the TANF program. TANF eligibility applies to families with minor children. One study reflected that almost 25 percent of drug offenders released from prison in 2001 were eligible for TANF benefits, but were permanently barred from receiving it due to their state's application of the federal ban for a drug conviction. While some states do not apply the federal ban completely, other states, such as Alabama, Mississippi, Texas and Virginia, where many of the displaced families are staying, have fully applied the ban.

Hurricanes Katrina and Rita have inflicted suffering on millions of people. The suffering will fall even harder on victims denied aid because of past drug offenses. Parents who have lost everything and are struggling to feed themselves and their family will be denied TANF and food stamps; students who have lost their school, tuition, fees, room and board, but could continue their education in another school willing to accept them, or who were in school elsewhere when their parents lost the ability to continue paying for their education, will be denied student loans; and entire families that have lost everything in the disasters will be denied housing—all due to the federal bans for a past drug conviction.

The "Elimination of Barriers for Katrina Victims Act" applies only to past drug offenses, some of which were many years ago, and suspends the disqualification for only a 3-year period. This temporary adjustment period in federal disqualifications would allow families affected by Hurricanes Katrina and Rita a chance to put their lives back together through

the same means as other victims who suddenly lost their homes and livelihood through no fault of their own. Therefore, we are introducing this bill today and urge our colleagues to quickly enact it into law to assist families who are otherwise hopelessly destitute because of the disasters and the impact of a drug conviction.

HONORING DOROTHY MARION PETE

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Ms. LEE. Mr. Speaker, I rise today to honor the extraordinary life of Dorothy Marion Pete of Oakland, California. Dorothy was a beloved mother, wife, grandmother, great-grandmother, sister, friend, and leader in our community. She passed away on October 10, 2005 at her home in Oakland at the age of 91.

A longtime East Bay Area resident, Dorothy was known throughout her life for her devotion to her family, her church, and her community. She was born in Berkeley, California on February 28, 1914 as the ninth of thirteen children to Virginia (Jennie) Parker and Thomas Reid, Sr. After graduating from Berkeley High School, she worked as the office secretary at the then segregated West Oakland Linden Street Branch of the YWCA. She later integrated the downtown Oakland YWCA, serving first as a stenographer before becoming the administrative assistant to Executive Director Helen Grant.

In addition to the changes she affected at the local YWCA, Dorothy had an immense impact on the local faith community by integrating the staff of the Lakeshore Avenue Baptist Church in Oakland. An active member, Dorothy also taught Sunday school and served as president of the American Baptist Women's Group.

Dorothy's bright and giving spirit shaped her actions not only in the context of these institutions, but in every aspect of her life. She was known by all for her boundless generosity toward those who were close to her and also toward those she was meeting for the first time. Dorothy was especially committed to providing aid and comfort to those in need, initiating many food drives at her church and giving away blankets, quilts and dolls that she created by hand or with her sewing machine.

A bright light to many, Dorothy's role was especially profound in the lives of her loved ones. She was happily married for many years to her husband Herman Rideau Pete, who hailed originally from Crowley, Louisiana but spent most of his life in the Bay Area. Though sadly Herman preceded her in death, he and Dorothy spent many happy years together and raised three sons, Gregory, Dennis, and Geoffrey, who is a business owner and community activist in Oakland. Her guidance and unconditional support has given them the strength they have needed to confront and conquer life's challenges, and will continue to sustain them as they, along with their families, continue to celebrate her life in the years to come.

Dorothy's family and friends have come together during this time to honor, remember and cherish not only her life, but the way that she touched the lives of so many others. On behalf of the California's 9th U.S. Congressional District, I am proud to add my voice to the countless others who have united in thanks, appreciation, and joy to remember this very special woman and wonderful friend, Mrs. Dorothy Marion Pete.

CONDEMNING COMMENTS BY IRAN'S PRESIDENT

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. HOLT. Mr. Speaker, yesterday, the new president of Iran, Mahmoud Ahmadinejad, told 4,000 hardline students in Tehran that "Israel must be wiped off the map." Mr. Ahmadinejad's address was the highlight, if you want to call it that, of a forum called "The World Without Zionism," that also saw chants of "Death to America" and "Death to Israel." The Iranian President also attacked other Muslim nations for making peace with Israel and claimed that terrorist attacks by Palestinians could destroy the Jewish state.

I completely and utterly condemn the comments by Iran's president. Peace will only come to the Middle East when all parties recognize Israel's right to exist and completely renounce support for terrorism. Unfortunately, Iran's new government is turning its back on peaceful coexistence and appears bent on confrontation with Israel, the United States, and the world community. Iran also continues to bankroll terrorists, like those who killed five innocent Israelis on Wednesday. Mr. Speaker, the world must unite to denounce the hate speech of Iran's president in the strongest terms possible.

Tomorrow, Catholics, Jews, Muslims, and people of other faiths will come together to commemorate the 40th anniversary of Nostra Aetate, the Catholic Church's landmark document that called from respect for other faiths, particularly Islam and Judaism. And four months ago, the three great Abrahamic religions came together to mourn the death of the great spiritual leader, Pope John Paul II. Because of their nations' alphabetical proximity, the then-presidents of Israel and Iran sat next to each other and even shook hands. But it seems the spirit of interfaith harmony, sadly, lasted little longer than the services for the Pope.

Mr. Speaker, as long as Iran's president continues to rage hatefully against Israel and the West, there will be no peace in the Middle East. The world community will not tolerate these comments by Iran's president, and I condemn them as strongly as I can.

NEW URGENCY REQUIRED TO STOP VIOLENCE IN SUDAN

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. VAN HOLLEN. Mr. Speaker, I am alarmed and worried about recent reports coming out of Sudan describing deteriorating political conditions and an increase of violence. The world's governments, including the United States have moved too slowly to resolve the conflict in Sudan. And now, despite a negotiated ceasefire, we have received numerous reports of renewed killings and abductions, including attacks on aid workers and African Union peacekeepers.

The escalating violence is threatening humanitarian support for millions of people as international aid workers, increasingly find themselves the target of violence. Last month, a squad supported by Sudanese government helicopters attacked a camp for displaced civilians in Darfur, killing 35. Days later, in West Darfur, an Arab rebel group abducted 18 African peacekeepers. Last week, two African Union peacekeeping soldiers were killed in an ambush along with two civilian contractors. Three other African peacekeepers were wounded during the same raid.

The Bush Administration's slow response offers little hope for success and sets no deadline for resolution. We must adopt a new approach that recognizes the urgency of the situation on the ground.

If the ceasefire is to successfully progress toward a fully implemented peace agreement, the U.S. will need to play a more active role in increasing the influence and capabilities of the African Union troops. Currently there are 6,000 peacekeepers working to secure an area the size of Texas and containing a population approaching two million. By honoring its pledge to provide $50 million as part of the FY06 Foreign Operations bill for equipment and supplies, the Administration would do much to assist the efforts of the African Union.

The U.S. should also work aggressively with the AU on expanding the mandate of the African Union peacekeepers. After more than a year, peacekeeping troops are still confused about their role in the region and about their enforcement powers. While AU troops have been able to protect civilians in some instances, their mandate does not expressly include this important responsibility. As a result, their ability to protect civilians from violence has been extremely limited and varies from one contingent to the next.

Finally, the Bush Administration should pressure the Sudanese government to fully implement the Comprehensive Peace Agreement. That means the commissions and boards mandated by the peace agreement to oversee such contentious, but essential issues as petroleum production and military operations must be established.

Sudan has been the focus of organized armed conflict for 20 of the last 21 years. Given that the Administration in Khartoum has demonstrated only token commitment to the goal of establishing a lasting peace, only the active, aggressive engagement of the United States will make it possible for the Sudanese people to one day be able to return safely to their homes.

REGARDING DR. C. DELORES TUCKER

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. FATTAH. Mr. Speaker, it is never easy to lose an esteemed friend and colleague such as Dr. C. Delores Tucker. A valiant warrior in the fight for freedom and equality, she

selfishly committed herself to the work of serving others.

Dr. C. Delores Tucker was the first African American woman in the nation to serve as the Common Wealth of Pennslvania Secretary of State. During this time, she instituted the first Commission on the Status of Women in Pennsylvania. In her term, Dr. Tucker was responsible for the governor's appointment of more women and African Americans to judgeships and commissions in the history of the Commonwealth. She also led the effort to make Pennsylvania one of the first states to pass the Equal Rights Amendment. As Chief of Elections of Pennsylvania, she was a leader in instituting a voter registration by mail and reducing the voting age from 21 to 18 years of age.

Dr. Tucker was founder and president of the Bethune-DuBois Institute, Inc., which she established in 1991 to aid African American youth through scholarships and educational programs. Dr. Tucker launched and served as the publisher of the renowned publication, Vital Issues: The Journal of African American Speeches. This endeavor caught the attention of then Congressman William H. Gray and was submitted into the CONGRESSIONAL RECORD.

Dr. Tucker has received awards from numerous organizations and institutions including the NAACP, the Philadelphia Urban League, the Salvation Army, Lincoln University, the National Association for Equal Opportunity, Higher Education, Women for Good Government, the Alliance of Black Women Attorneys, the National Black Caucus of State Legislators, the Opportunities Industrialization Center, B'nai B'rith, the National Newspaper Publishers Association, the Feminist Majority Foundation, Berean Institute, and the National Association for Sickle Cell Disease. Dr. Tucker was also selected as a People magazine 1996 Yearbook Honoree and was featured in the inaugural issue of John F. Kennedy, Jr.'s George magazine for her crusade against gangster/porno rap. In addition, she has been acknowledged for her deep concern for children by First Lady Hillary Rodham Clinton in the book "It Takes a Village." The National Women's Political Caucus and Redbook Magazine also named Dr. Tucker as the woman best qualified to be ambassador to the United Nations.

Her tireless and passionate pursuits have generated many discussions over the concerns of equality and justice. Her efforts will never be lost in the hearts of those she touched and the world she labored to change. Our hearts are bowed in reverence of her memory. Please join me in honoring the legacy that is C. Delores Tucker.

NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 2005

Mr. HONDA. Mr. Speaker, I rise today in strong support of the millions of Americans whose lives have been touched by domestic violence. October is National Domestic Violence Awareness Month, and we must continue to raise awareness and address the problem of violence that still affects so many American families. One out of every four American women will experience violence by an intimate partner at some point in her life, and one out of every six women will be raped during her lifetime. Domestic violence crosses ethnic, racial, age, national origin, sexual orientation, religious, and socio-economic lines. Although great strides have been made toward breaking the cycle of violence, much work remains to be done.

During the past decade, the Violence Against Women Act (VAWA) of 1994 and 2000 have provided tremendous protections and support for victims of domestic violence 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. Both the House and the Senate have passed bills reauthorizing VAWA, which will provide important prevention initiatives that have the potential to keep millions of women and children safe.

As both chambers meet to work out differences in the respective pieces of legislation, I encourage the Committee to retain the Senate provision that addresses the needs of girls in the juvenile justice system and correct flaws in the bills, such as improving the immigrant provisions and restoring the funding stream for communities of color, including key health, housing, and economic security provisions.

I am particularly concerned about violence against women of color. In Santa Clara County, of the women killed in domestic-violence related homicides between 1993 and 1997, 7 percent were African Americans, 31 percent were Asian Americans/Pacific Islanders, 22 percent were Hispanic/Latino, and 35 percent were White. Asian American and Pacific Islander women had the highest rates of domestic-violence related homicides when compared to their proportion of the population. The Congressional Hispanic, Black and Asian Pacific American Caucuses ("Congressional Tri-Caucus") continue to work together to address issues that disproportionately affect people of color. Last month, the National Organization of Sisters of Color Ending Sexual Assault, in collaboration with the Congressional Tri-Caucus, held an educational briefing about the needs of victims of color and the importance of culturally-specific messaging that ultimately provides a more comprehensive response to addressing domestic violence, sexual assault, stalking, and dating violence in racial and ethnic communities.

The needs of immigrant women are also important to consider. Although VAWA 1994 and 2000 made significant progress in reducing violence against immigrant women, many women and children who are victims of domestic violence, sexual assault, child abuse, or trafficking are still being deported. Others remain economically trapped by abusers or traffickers in life-threatening environments. I am a co-sponsor of H.R. 3188, the Immigration Victims of Violence Protection Act, which would stop the deportation of immigrant victims of violence, extend immigration relief to all victims of family violence, and guarantee economic security for immigrant victims and their children.

Domestic violence is not solely a woman's issue—it is also a health, social, economic, and criminal justice issue, and must be addressed on multiple levels. We must all do our part to prevent and address violence in our homes, in our communities, and in our society in order to build a safe and healthy nation.

TRIBUTE TO ROSA PARKS

SPEECH OF

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 2005

Mr. SCOTT of Georgia. Mr. Speaker, I rise to address this chamber in honor of a civil rights hero, Rosa Parks. Mrs. Parks passed away on Monday evening but her legacy will continue to inspire us all. Her story is not just a civil rights story it is an American story. I am pleased to honor her here today and as a cosponsor of legislation that recognizes her courageous contributions to our nation.

On December 1, 1955 in Montgomery, Alabama, Mrs. Parks was riding the bus home from work. On that December evening Rosa Parks was asked, along with other African-Americans, to give up her seat to a white passenger. Mrs. Parks was the only one that refused to do so and she was subsequently arrested and fined. Her actions that day put the civil rights movement into motion and changed the direction of our nation. Her arrest inspired a young minister named Martin Luther King, Jr. to organize a boycott of the city's buses. The 381 day boycott eventually lead to a Supreme Court ruling that struck down the Montgomery ordinance and outlawed racial segregation on public transportation.

Rosa Parks was a humble woman who never wanted recognition, only equality. She continued to fight for equality through her local NAACP chapter. Her mother always told her to take advantage of opportunities no matter how few they are. She heeded that advice and seized opportunities and also provided a multitude of opportunities for others. Mrs. Parks will be remembered not only for her actions but for her courage. She did what so many others yearned to do. Her story catapulted the civil rights movement to the national stage and inspired many others to join the fight to end segregation.

Later in her life, Rosa Parks co-founded an organization for young people, the Rosa and Raymond Parks Institute, which enables youth to pursue educational opportunities, registers them to vote, and works toward racial peace. Mrs. Parks also hosted a special program organized through the Rosa and Rymond Parks Institute called Pathways to Freedom. This student program gives tours across the country that follows the Underground Railroad and highlights the events that spearheaded the civil rights movement. In 1996, President Clinton honored Rosa Parks with the presidential Medal of Freedom and in 1999, she received the Congressional Gold Medal.

Although parts of our history are marred with inequality, discrimination, and hate, it is also filled with individual courage, perseverance, and hope. We must learn from it so that we can continue to progress as a nation. We must never forget our history and we must never forget Rosa Parks.

Daily Digest

HIGHLIGHTS

Senate passed H.R. 3010, Labor/HHS/Education Appropriations Act.

Senate

Chamber Action

Routine Proceedings, pages S11953–S12037

Measures Introduced: Twelve bills and six resolutions were introduced, as follows: S. 1926–1937, S. Res. 289–293, and S. Con. Res. 61. **Pages S12006–07**

Measures Reported:

H.R. 797, to amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians. (S. Rept. No. 109–160)

S. 485, to reauthorize and amend the National Geologic Mapping Act of 1992. (S. Rept. No. 109–161)

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. Rept. No. 109–162)

S. 1170, to establish the Fort Stanton-Snowy River National Cave Conservation Area, with an amendment in the nature of a substitute (S. Rept. No. 109–163)

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. Rept. No. 109–164)

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, with amendments. (S. Rept. No. 109–165)

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. Rept. No. 109–166)

S. 592, to extend the contract for the Glendo Unit of the Missouri River Basin Project in the State of Wyoming. (S. Rept. No. 109–167)

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. Rept. No. 109–168)

S. 891, to extend the water service contract for the Ainsworth Unit, Sandhills Division, Pick-Sloan Missouri Basin Program, Nebraska. (S. Rept. No. 109–169)

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. Rept. No. 109–170)

S. 777, to designate Catoctin Mountain Park in the State of Maryland as the "Catoctin Mountain National Recreation Area", with amendments. (S. Rept. No. 109–171)

H.R. 1101, to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California. (S. Rept. No. 109–172)

S. 1803, to authorize appropriations for fiscal year 2006 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, with amendments. (S. Rept. No. 109–173)

S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

Pages S12005–06

Measures Passed:

Disaster Relief and Emergency Assistance: Senate passed S. 939, to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize the reimbursement under that Act of certain expenditures, after agreeing to the committee amendment in the nature

of a substitute, and the following amendments proposed thereto: **Pages S12024–26**

Martinez (for Collins/Martinez) Amendment No. 2340, in the nature of a substitute. **Page S12025**

Martinez Amendment No. 2341, to amend the title. **Page S12025**

Enrollment Correction: Senate agreed to H. Con. Res. 276, requesting the President to return to the House of Representatives the enrollment of H.R. 3765 so that the Clerk of the House may reenroll the bill in accordance with the action of the two Houses. **Pages S12023–24**

Labor/HHS/Education Appropriations: By 94 yeas to 3 nays (Vote No. 281), Senate passed H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, after taking action on the following amendments proposed thereto:

Pages S11953–76, S11978–S12002

Adopted:

Clinton/Schumer Amendment No. 2313, to provide for payments to the New York State Uninsured Employers Fund for reimbursement of claims related to the terrorist attacks of September 11, 2001, and payments to the Centers for Disease Control and Prevention for treatment for emergency services personnel and rescue and recovery personnel.

Pages S11953, S11955–57

Thune Further Modified Amendment No. 2193, to provide funding for telehealth programs.

Pages S11953, S11958

Collins/Feingold Modified Amendment No. 2265, to fund grants for innovative programs to address dental workforce needs. **Pages S11953, S11958**

Specter (for Lautenberg) Amendment No. 2269, to prohibit the use of funds to provide abstinence education that includes information that is medically inaccurate. **Page S11958**

Sununu Modified Amendment No. 2214, to provide for the funding of the Low-Vision Rehabilitation Services Demonstration Project.

Pages S11953, S11958

Specter (for Alexander) Modified Amendment No. 2308, to provide funding for a National Assessment of Educational Progress test in United States history.

Pages S11958

Bingaman Modified Amendment No. 2219, to increase funding for school dropout prevention.

Pages S11953, S11958

Bingaman/Hutchison Modified Amendment No. 2218, to provide funding for advanced placement programs. **Pages S11953, S11973–75**

Harkin Further Modified Amendment No. 2283, to make available funds for influenza preparedness.

Pages S11953, S11958–73, S11978–80

Specter (for Allen/Warner) Amendment No. 2324, to express the Sense of the Senate concerning the treatment of physician costs in the calculation of the Medicaid disproportionate share hospital uncompensated cost limit by the State of Virginia.

Pages S11980–81

Feingold/Collins Modified Amendment No. 2279, to provide funding for the Automatic Defibrillation in Adam's Memory Act. **Pages S11972, S11981**

Specter (for Cochran) Amendment No. 2299, to provide additional public health funding.

Pages S11981, S11989

Specter (for Obama) Amendment No. 2301, to increase funds to the Thurgood Marshall Legal Educational Opportunity Program and to the Office of Special Education Programs of the Department of Education for the purpose of expanding positive behavioral interventions and supports. **Page S11981**

Specter (for Coleman/Bingaman) Amendment No. 2327, to develop a strategic plan for increasing the number of foreign students attending institutions of higher education in the United States. **Page S11981**

Landrieu Modified Amendment No. 2248, to increase appropriations for the Federal TRIO programs.

Pages S11953, S11981–82

Landrieu Modified Amendment No. 2250, to provide funding to carry out the Mosquito Abatement for Safety and Health Act. **Pages S11953, S11982**

Sununu Further Modified Amendment No. 2215, to increase funding for community health centers.

Pages S11953, S11982

Specter (for Domenici) Modified Amendment No. 2276, to provide appropriations for the National Youth Sports Program, a private, nonprofit organization to provide recreational activities for low-income youth, primarily in the summer months, which employs college and university athletic facilities.

Page S11982

Bingaman Modified Amendment No. 2262, to increase funding for education programs serving Hispanic students. **Pages S11953, S11975–76, S11982–83**

Kerry Amendment No. 2216, to provide for a limitation on funds. **Pages S11985–87**

Coburn Modified Amendment No. 2230, to limit funding for travel and conferences.

Pages S11953, S11989

Specter (for Levin) Amendment No. 2282, to create a national family reunification initiative.

Pages S11989–90

Dayton Modified Amendment No. 2289, to increase funding for disabled voter access services under the Help America Vote Act of 2002.

Pages S11953, S11990

Specter (for Enzi) Modified Amendment No. 2295, to prohibit certain action with respect to redesignation of local areas. **Page S11990**

Specter (for Coburn) Modified Amendment No. 2234, to ensure fiscal integrity of the payments made by Federal agencies and to prohibit the use of funds until the Department of Health and Human Services and the Department of Education have reported specific actions taken to estimate improper payments under the Temporary Assistance for Needy Families, Foster Care and Adoption Assistance, Medicaid, and State Children's Health Insurance programs, the Child Care and Development Block Grant Act of 1990, and programs and activities under title I of the Elementary and Secondary Education Act of 1965, as required under the Improper Payments Information Act of 2002. **Page S11990**

Harkin Modified Amendment No. 2280, to authorize the Secretary of Health and Human Services to temporarily waive certain vehicle safety regulations relating to the Head Start program and to postpone the effective date of section 1310.12(a) of the Code of Federal Regulations under certain conditions. **Pages S11990–91**

Specter (for Nelson (NE)) Amendment No. 2272, to express the sense of the Senate that the Secretary of the Treasury should ensure that existing Federal employment preferences for disabled veterans and Federal policies promoting opportunities for other disabled persons are carried forward as a part of any tax collection contract program. **Page S11991**

Rejected:

By 41 yeas to 56 nays (Vote No. 280), Ensign Amendment No. 2300, to prohibit funding for the support, development, or distribution of the Department of Education's e-Language Learning System (ELLS). **Pages S11953, S11987–89**

Withdrawn:

Dayton Amendment No. 2245, to fully fund the Federal Government's share of the costs under part B of the Individuals with Disabilities Education Act. **Page S11953**

Harkin Amendment No. 2322, to prohibit payments for administrative expenses under the Medicaid program if more than 15 percent of applications for medical assistance, eligibility redeterminations, and change reports are processed by individuals who are not State employees meeting certain personnel standards. **Pages S11953, S11989**

Murray Amendment No. 2285, to insert provisions related to an investigation by the Inspector General. **Pages S11953, S11989**

Cornyn Amendment No. 2277, to increase the amount of appropriated funds available for Community-Based Job Training Grants. **Pages S11953, S11989**

Coburn Amendment No. 2233, to prohibit the use of funds for HIV Vaccine Awareness Day activities. **Pages S11953, S11989**

During consideration of this measure today, the Senate also took the following action:

By a unanimous vote of 97 yeas (Vote No. 275), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the bill. **Pages S11957–58**

By 46 yeas to 50 nays (Vote No. 278), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974, with respect to Bingaman (for Smith/Bingaman) Amendment No. 2259, to provide funding for the AIDS Drug Assistance Program within the Health Resources and Services Administration. Subsequently, the point of order that the amendment would provide spending in excess of the subcommittee's 302(b) allocation was sustained, and the amendment thus fell. **Pages S11953, S11976, S11983–85**

By 41 yeas to 56 nays (Vote No. 279), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974, with respect to Durbin (for Boxer) Modified Amendment No. 2287, to increase appropriations for after-school programs through 21st century community learning centers. Subsequently, the point of order that the amendment would provide spending in excess of the subcommittee's 302(b) allocation was sustained, and the amendment thus fell. **Pages S11953, S11988–89**

Chair sustained the point of order that the following amendments be ruled non-germane and the amendments thus fell:

Murray Amendment No. 2220, to provide stop gap coverage for low-income Seniors and disabled individuals who may lose benefits or suffer a gap in coverage due to the implementation of the Medicare part D prescription drug benefit. **Pages S11953, S11958**

Santorum Amendment No. 2241, to establish a Congressional Commission on Expanding Social Service Delivery Options. **Pages S11953 S11958**

Santorum Amendment No. 2237, to provide grants to promote healthy marriages. **Pages S11953, S11958**

Landrieu Amendment No. 2249, to require that any additional community health center funding be directed, in part, to centers in areas affected by Hurricane Katrina or Hurricane Rita. **Pages S11953, S11958**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on

the part of the Senate: Senators Specter, Cochran, Gregg, Craig, Hutchison, Stevens, DeWine, Shelby, Domenici, Harkin, Inouye, Reid, Kohl, Murray, Landrieu, Durbin, and Byrd. **Page S11999**

Honoring Rosa Parks: Senate agreed to S. Con. Res. 61, authorizing the remains of Rosa Parks to lie in honor in the rotunda of the Capitol.

Pages S12026–27

Honoring "Shoeless Joe" Jackson: Senate agreed to S. Res. 289, expressing the sense of the Senate that Joseph Jefferson ''Shoeless Joe'' Jackson should be appropriately honored for his outstanding baseball accomplishments. **Page S12027**

Honoring Former Congressman Edward Roybal: Senate agreed to S. Res. 290, honoring the life and expressing the deepest condolences of Congress on the passing of Edward Roybal, former United States Congressman. **Pages S12027–28**

Congratulations Chicago White Sox: Senate agreed to S. Res. 291, to congratulate the Chicago White Sox on winning the 2005 World Series Championship. **Pages S12028–30**

Condemning Anti-Israel Sentiments: Senate agreed to S. Res. 292, calling on the President to condemn the anti-Israel sentiments expressed by the President of Iran, Mahmoud Ahmadinejad, on October 26, 2005. **Page S12030**

Coast Guard Authorization: Committee on Commerce, Science, and Transportation was discharged from further consideration of H.R. 889, to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and the bill was then passed, after striking all after the enacting clause and inserting in lieu thereof, the text of S. 1280, Senate companion measure, after agreeing to the committee amendments, and the following amendments proposed thereto: **Pages S12030–36**

McConnell (for Snowe) Amendment No. 2343, to make certain modifications to the bill. **Page S12035**

McConnell (for Inouye) Amendment No. 2344, to authorize appropriations for fiscal years 2006 and 2007 for the United States Coast Guard. **Page S12036**

Subsequently, S. 1280 was returned to the Senate calendar. **Page S12036**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Stevens, Snowe, Lott, Smith, Inouye, Cantwell, and Lautenberg.

Page S12036

Budget Reconciliation—Agreement: A unanimous-consent agreement was reached providing that at 4 p.m. on Monday, October 31, 2005, Senate begin consideration of S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); that it be considered under a time agreement; provided further, the Senate then resume consideration of the bill on Tuesday, November 1, 2005, at 9 a.m., under a time agreement; that any votes ordered on Tuesday be postponed to occur at a time determined by the Majority Leader after consultation with the Democratic Leader; Senate then resume consideration of the bill on Wednesday, November 2, 2005 with the time from 8:30 a.m. to 6 p.m. equally divided between the Chairman and Ranking Member; provided further, that at 6 p.m. on Wednesday, all time be considered expired.

Page S12037

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaties:

Tax Convention with Bangladesh (Treaty Doc. No. 109–5); and

U.N. Convention Against Corruption (Treaty Doc. No. 109–6).

The treaties were 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 S12026**

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 97 yeas (Vote No. 276), John Richard Smoak, of Florida, to be United States District Judge for the Northern District of Florida.

Pages S11976–77

By unanimous vote of 97 yeas (Vote No. 277), Susan Bieke Neilson, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Page S11977

Nominations Received: Senate received the following nomination:

1 Army nomination in the rank of general.

Page S12037

Messages From the House: **Page S12004**

Executive Communications: **Pages S12004–05**

Executive Reports of Committees: **Page S12006**

Additional Cosponsors: **Pages S12007–09**

Statements on Introduced Bills/Resolutions:

Pages S12009–18

Additional Statements: **Pages S12003–04**

Amendments Submitted: **Pages S12018–22**

Notices of Hearings/Meetings: **Pages S12022–23**

Authorities for Committees to Meet: **Page S12023**

Privileges of the Floor: **Page S12023**

Record Votes: Seven record votes were taken today. (Total–281) **Page S11957–58, S11977, S11985, S11988–89, S11989, S11998**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 7:20 p.m., until 10 a.m., on Friday, October 28, 2005. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S12037.)

Committee Meetings

(Committees not listed did not meet)

FOREST AND RANGELAND RESEARCH PROGRAM

Committee on Agriculture, Nutrition, and Forestry: Subcommittee on Forestry, Conservation, and Rural Revitalization concluded an oversight hearing to examine the Forest and Rangeland Research Program of the USDA Forest Service, after receiving testimony from Ann Bartuska, Deputy Chief, Research and Development, Forest Service, Department of Agriculture; Steven Daley-Laursen, University of Idaho College of Natural Resources, Moscow; David Canavera, MeadWestvaco Corporation, Summerville, South Carolina, on behalf of the American Forest and Paper Association; Bob Schowalter, State Forester of South Carolina, Columbia, on behalf of the National Association of States Foresters; Robert A. Daniels, Mississippi State University, Mississippi State, Mississippi, on behalf of the Society of American Foresters; and Scott Simon, The Nature Conservancy, Little Rock, Arkansas.

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported the following business items:

S. 1803, to authorize appropriations for fiscal year 2006 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, with amendments; and

The nominations of Michael W. Wynne, of Florida, to be Secretary of the Air Force, Donald C. Winter, of Virginia, to be Secretary of the Navy, John G. Grimes, of Virginia, to be Assistant Secretary of Defense for Networks and Information Integration, William Anderson, of Connecticut, to be Assistant Secretary of the Air Force for Installations and Environment, John J. Young, Jr., of Virginia, to be Director of Defense Research and Engineering, Delores M. Etter, of Maryland, to be Assistant Secretary of the Navy for Research, Development, and Acquisition, A. J. Eggenberger, of Montana, to be a Member of the Defense Nuclear Facilities Safety Board, General Burwell B. Bell, III, U.S. Army, for reappointment as a general and assignment as Commander, United Nations Command, Combined Forces Command, and U.S. Forces Korea; and Lieutenant General Lance L. Smith, U.S. Air Force, for appointment as general and assignment as Commander, U.S. Joint Forces Command, and Supreme Allied Commander for Transformation, and 785 nominations in the Army, Navy, Air Force, and Marine Corps.

HURRICANE RESPONSE

Committee on Energy and Natural Resources: Committee concluded a hearing to examine Administration's response to hurricane recovery efforts related to energy and to discuss energy policy, after receiving testimony from Gale A. Norton, Secretary of the Interior; and Samuel W. Bodman, Secretary of Energy.

WORLD TRADE ORGANIZATION

Committee on Finance: Subcommittee on International Trade held a hearing to examine the status and direction of the Doha Round of World Trade Organization negotiations, receiving testimony from Peter Allgeier, Deputy U.S. Trade Representative; Jim Jarrett, Intel Corporation, Santa Monica, California, on behalf of the National Association of Manufacturers; Craig Lang, Iowa Farm Bureau, West Des Moines, on behalf of the American Farm Bureau Federation; Jeffrey R. Shafer, Citigroup, New York, New York, on behalf of the Coalition of Service Industries; and Edward Gresser, Progressive Policy Institute, Washington, D.C.

Hearing recessed subject to the call.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the following bills:

S. 1057, to amend the Indian Health Care Improvement Act to revise and extend that Act, with an amendment in the nature of a substitute;

S. 1003, to amend the Act of December 22, 1974;

S. 1892, to amend Public Law 107–153 to modify a certain date; and

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.

BUSINESS MEETING

Committee on the Judiciary: Committee resumed markup of S. 1789, to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of

personally identifiable information, but did not complete action thereon, and recessed subject to call.

VA'S UNEMPLOYABILITY BENEFIT

Committee on Veterans Affairs: Committee concluded a hearing to examine the rising number of disabled veterans deemed unemployable relating to the VA's individual unemployment benefit, focusing on individual unemployability, its history, the criteria used to determine eligibility, and the number of veterans receiving individual unemployability benefits, after receiving testimony from Daniel L. Cooper, Under Secretary for Benefits, and Judith Caden, Director, Vocational Rehabilitation and Employment Service Director, both of the Department of Veterans Affairs; Cynthia Bascetta, Director, Education, Workforce, and Income Security Issues, Government Accountability Office; and Rick Surratt, Disabled American Veterans, Washington, D.C.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 17 public bills, H.R. 4155–4171; and 9 resolutions, H. Con. Res. 280–285; and H. Res. 519, 521–522 were introduced. **Pages H9361–62**

Additional Cosponsors: **Pages H9362–63**

Reports Filed: Reports were filed today as follows:

H.R. 4061, to amend title 38, United States Code, to improve the management of information technology within the Department of Veterans Affairs by providing for the Chief Information Officer of that Department to have authority over resources, budget, and personnel related to the support function of information technology, (H. Rept. 109–256); and

H. Res. 520, waiving points of order against the conference report to accompany the bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, (H. Rept. 109–257). **Pages H9360–61**

Disapproving the recommendations of the Defense Base Closure and Realignment Commission: The House disagreed to H.J. Res. 65, to disapprove the recommendations of the Defense Base Closure and Realignment Commission, by a recorded vote of 85 ayes to 324 noes with 1 voting "present", Roll No. 548. **Pages H9289–H9309**

Suspensions: The House agreed to suspend the rules and pass the following measures which were debated on Wednesday, October 26th:

Hurricane Katrina Financial Services Relief Act of 2005: H.R. 3945, amended, to facilitate recovery from the effects of Hurricane Katrina by providing greater flexibility for, and temporary waivers of certain requirements and fees imposed on, depository institutions and Federal regulatory agencies, by a yea-and-nay vote of 411 yeas with none voting "nay", Roll No. 549; **Pages H9309–10**

Agreed to amend the title so as to read: "A Bill to facilitate recovery from the effects of Hurricane Katrina by providing greater flexibility for, and temporary waivers of certain requirements and fees imposed on, depository institutions, credit unions, and Federal regulatory agencies, and for other purposes"; and **Page H9310**

Congratulating the State of Israel on the election of Ambassador Dan Gillerman as Vice-President of the 60th United Nations General Assembly: H. Res. 368, to congratulate the State of Israel on the election of Ambassador Dan Gillerman as Vice-President of the 60th United Nations General Assembly, by a yea-and-nay vote of 407 yeas with none voting "nay", Roll No. 550. **Page H9310**

Department of State, Foreign Operations, and Related Programs Appropriations Act, 2006—Motion to go to Conference: The House disagreed to the Senate amendment and agreed to a conference on H.R. 3057, an act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2006. **Pages H9310–12, H9329–30**

The House agreed to the Lowey motion to instruct conferees by a yea-and-nay vote of 259 yeas to 147 nays, Roll No. 554. **Page H9330**

Later, the Chair appointed conferees: Representatives Messrs. Kolbe, Knollenberg, Kirk, Crenshaw,

Sherwood, Sweeney, Rehberg, Carter, Lewis of California, Mrs. Lowey, Mr. Jackson of Illinois, Ms. Kilpatrick of Michigan, Messrs. Rothman, Fattah, and Obey. **Page H9330**

Lawsuit Abuse Reduction Act of 2005: The House passed H.R. 420, to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, by a recorded vote of 228 ayes to 184 noes, Roll No. 553. **Pages H9282–89, H9312–29**

Rejected the Barrow 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 recorded vote of 196 ayes to 217 noes, Roll No. 552. **Pages H9327–29**

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. **Pages H9282–83**

Agreed to:

Smith of Texas Manager's amendment (no. 1 printed in H. Rept. 109–253) which includes provisions imposing sanctions for the destruction of relevant documents in a pending Federal court proceeding; provisions for setting standards for a court's determination that certain court records should be sealed; and provisions providing for a presumption of a Rule 11 violation when the same issue is repeatedly relitigated. It also includes a clarification that makes clear that, in the anti-forum shopping provisions, if there is no State court in the county in which the injury occurred, the case can be brought in the nearest county where a court of general jurisdiction is located. The manager's amendment also makes clear that it does not affect personal injury claims that Federal bankruptcy law requires be heard in a Federal bankruptcy court. **Pages H9319–20**

Rejected:

Schiff amendment in the nature of a substitute (no. 2 printed in H. Rept. 109–253) which sought to provide strong "three strikes and you're out" mandatory sanctions for attorneys who file frivolous lawsuits or engage in frivolous conduct during discovery. It enhances sanctions for document destruction, ensures that corporations can be sued in the U.S., cracks down on parties attempting to relitigate the same issue on consecutive occasions, bans the concealment of unlawful conduct, and protects civil rights claims, (by a recorded vote of 184 ayes to 226 noes, Roll No. 551). **Pages H9320–27**

H. Res. 508, the rule providing for consideration of the bill was agreed to by voice vote, after agreeing to order the previous question. **Page H9312**

Special Postage Stamp for Breast Cancer Research: The House agreed by unanimous consent to S. 37, to extend the special postage stamp for breast cancer research for 2 years—clearing the measure for the President. **Pages H9330–31**

Senate Message: Messages received from the Senate today appear on pages H9293, H9329.

Senate Referrals: S. 939 was referred to the Committee on Transportation and Infrastructure and S. 1285 was held at the desk. **Page H9359**

Quorum Calls—Votes: Three yea-and-nay votes, and four recorded votes developed during the proceedings of today and appear on pages H9308–09, H9309, H9310, H9326–27, H9328, H9329, H9329–30. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 8:43 p.m.

Committee Meetings

CYBER SECURITY

Committee on Armed Services: Asymmetric and Unconventional Threats Panel held a hearing on Cyber Security, Information Assurance and Information Superiority. Testimony was heard from public witnesses.

BUDGET RECONCILIATION

Committee on Education and the Workforce: Began markup of amendments to the Family Education Reimbursement Act of 2005 for transmission to the Committee on the Budget to comply with the reconciliation directive included in section 201(a) of the Concurrent Resolution on the Budget for Fiscal Year.

Will continue tomorrow.

BUDGET RECONCILIATION

Committee on Energy and Commerce: Approved, as amended, reconciliation recommendations for Title II, Medicaid, Katrina Health Care Relief, and Katrina and Rita Energy Relief, for transmission to the Committee on the Budget in compliance with the reconciliation directive included in section 201(a) of the Concurrent Resolution on the Budget for Fiscal Year 2006.

MISCELLANEOUS MEASURES; BUDGET RECONCILIATION

Committee on Financial Services: Ordered reported the following bills: H.R. 3909, amended, Hurricane Check Cashing Relief Act of 2005; H.R. 4133, National Flood Insurance Program Further Enhanced Borrowing Authority Act of 2005; and H.R. 4146, Hurricane Rita and Wilma Financial Services Relief Act of 2005.

The Committee also approved for transmission to the Committee on the Budget in compliance with

the reconciliation directive in section 201(a) of the Concurrent Resolution on the Budget for Fiscal Year 2006 the following recommendations: Deposit Insurance Reform; and, as amended, FHA Asset Disposition.

DHS—SECOND-STATE REVIEW: ROLE OF THE CHIEF MEDICAL OFFICER

Committee on Homeland Security: Subcommittee on Management, Integration, and Oversight held a hearing entitled ''The Department of Homeland Security Second-State Review: The Role of the Chief Medical Officer.'' Testimony was heard from Jeffrey W. Runge, M.D., Chief Medical Officer, Department of Homeland Security; and public witnesses.

NUCLEAR INCIDENT RESPONSE TEAMS

Committee on Homeland Security: Subcommittee on Prevention of Nuclear and Biological Attack held a hearing entitled ''Nuclear Incident Response Teams.'' Testimony was heard from Joseph Krol, Associate Administrator, Department of Energy; and John Lewis, Deputy Assistant Director, FBI, Department of Justice.

NORTH KOREAN HUMAN RIGHTS ACT

Committee on International Relations: Subcommittee on Africa, Global Human Rights and International Operations and the Subcommittee on Asia and the Pacific held a joint hearing on Lifting the Veil: Getting the Refugees Out, Getting Our Message In: An Update on the Implementation of the North Korean Human Rights Act. Testimony was heard from public witnesses.

U.S. COUNTERTERRORISM STRATEGY UPDATE

Committee on International Relations: Subcommittee on International Terrorism and Nonproliferation held a hearing on the U.S. Counterterrorism Strategy Update. Testimony was heard from Henry A. Crumpton, Coordinator for Counterterrorism, Department of State.

U.S. SECURITY POLICY—CENTRAL ASIA

Committee on International Relations: Subcommittee on the Middle East and Central Asia held a hearing on U.S. Security Policy in Central Asia. Testimony was heard from Representative Smith of New Jersey; and Daniel Fried, Assistant Secretary, Bureau of European and Eurasian Affairs, Department of State.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported, as amended, the following bills: H.R. 1751, Secure Access to Justice and Court Protection Act of 2005; H.R. 4128, Private Property Rights Protection Act of 2005; and H.R. 4093, Federal Judgeship and Administrative Efficiency Act of 2005.

STRENGTHENING THE OWNERSHIP OF PRIVATE PROPERTY ACT OF 2005

Committee on Resources: Held a hearing on H.R. 3405, Strengthening the Ownership of Private Property Act of 2005. Testimony was heard from Representatives Bonilla and Otter; and public witnesses.

OVERSIGHT—FISHERY CONSERVATION

Committee on Resources: Held an oversight hearing on the Operations of the Regional Fishery Management Councils and the Reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Forests and Forest Health held a hearing on the following bills: H.R. 1090, to designate a Forest Service trail at Waldo Lake in the Willamette National Forest in the State of Oregon as a national recreation trail in honor of Jim Weaver, a former Member of the House of Representatives; H.R. 3603, Central Idaho Economic Development and Recreation Act; H.R. 3817, Valle Vidal Protection Act of 2005; and H.R. 4084, to amend the Forest Service use and occupancy permit program to restore the authority of the Secretary of Agriculture to utilize the special use permit fees collected by the Secretary in connection with the establishment and operation of marinas in units of the National Forest System derived from the public domain. Testimony was heard from Representative Herger; Joel Holtrop, Deputy Chief, National Forest System, Forest Service, USDA; Ed Shepard, Assistant Director, Renewable Resources and Planning, Department of the Interior; and public witnesses.

CONFERENCE REPORT—AGRICULTURAL APPROPRIATIONS

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report to accompany H.R. 2744, Agriculture, Rural Development, Food and Drug Administration, and Related Appropriations Act, 2006, and against its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Representative Bonilla.

NASA—FINANCIAL MANAGEMENT

Committee on Science: Subcommittee on Space and the Sub committee on Government Management, Finance, and Accountability of the Committee on Government Reform held a joint hearing on Financial Management at NASA: Challenges and Next Steps. Testimony was heard from the following officials of

NASA: Gwendolyn Sykes, Chief Financial Officer; Robert Cobb, Inspector General; and Patrick Ciganer, Program Executive Officer, Integrated Enterprise Management; and Gregory Kutz, Managing Director, Forensic Audit and Special Investigations, GAO.

OVERSIGHT—GULF COAST REBUILDING

Committee on Transportation and Infrastructure: Subcommittee on Highways, Transit and Pipelines held an oversight hearing on Rebuilding Highway and Transit Infrastructure on the Gulf Coast following Hurricane Katrina—State and Local Officials. Testimony was heard from the following officials of the State of Louisiana: Johnny B. Bradley, Secretary, Department of Transportation and Development; and William Deville, General Manager, Regional Transit Authority, New Orleans; the following officials of the Department of Transportation, State of Mississippi: Dick Hall, Central District Commissioner; and Wayne H. Brown, Southern District Commissioner; and Don Vaughn, Chief Engineer, Department of Transportation, State of Alabama.

OVERSIGHT—HURRICANE AND FLOOD RISK REDUCTION

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held an oversight hearing on Reducing Hurricane and Flood Risk in the Nation. Testimony was heard from public witnesses.

BRIEFING—NYC TERRORISM THREAT REPORTING

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, and Counterintelligence met in executive session to receive a briefing on New York City Terrorism Threat Reporting. The Subcommittee was briefed by departmental witnesses.

HURRICANE KATRINA

Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina: Held a hearing entitled ''Hurricane Katrina: Preparedness and Response by the Department of Defense, the Coast Guard, and the National Guard of Louisiana, Mississippi, and Alabama.'' Testimony was heard from the following officials of the Department of Defense: Paul McHale, Assistant Secretary, Homeland Defense; ADM Timothy J. Keating, USN, Commander, North American Aerospace Defense Command and U.S. Northern Command; LTG H. Steven Blum, USA, Chief, National Guard Bureau; MG Bennett C. Landreneau, USA, The Adjutant General, State of Louisiana; MG Harold A. Cross, USA, The Adjutant General, State of Mississippi; and MG C. Mark Bowen, USA, The Adjutant General, State of Alabama; and RADM R. Dennis Sirois, USCG, Assistant Commandant for Operations, U.S. Coast Guard, Department of Homeland Security.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D 1075)*

S. 397, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others. Signed on October 26, 2005. (Public Law 109–92)

S. 55, to adjust the boundary of Rocky Mountain National Park in the State of Colorado. Signed on October 26, 2005. (Public Law 109–93)

S. 156, to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia. Signed on October 26, 2005. (Public Law 109–94)

COMMITTEE MEETINGS FOR FRIDAY, OCTOBER 28, 2005

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Agriculture, to consider reconciliation instructions pursuant to the Conference Report to accompany H. Con. Res. 65, Establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010, 9:30 a.m., 1300 Longworth.

Committee on Education and the Workforce, to continue mark up of amendments to the Family Education Reimbursement Act of 2005 for transmission to the Committee on the Budget to comply with the reconciliation directive included in section 201(a) of the Concurrent Resolution on the Budget for Fiscal Year 10 a.m., 2175 Rayburn.

Committee on Government Operations, hearing entitled ''Justice for All: An Examination of the District of Columbia Juvenile Justice System.'' 10 a.m., 2154 Rayburn.

Next Meeting of the SENATE

10 a.m., Friday, October 28

Senate Chamber

Program for Friday: Senate will be in a period of morning business.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, October 28

House Chamber

Program for Friday: Consideration of Conference Report on H.R. 2744—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for Fiscal Year 2006 (subject to a rule) and possible consideration of the Conference Report on H.R. 2419—Energy and Water Development Appropriations Act for Fiscal Year 2006 (subject to a rule).

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