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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. MILLER of Michigan).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
November 9, 2005.

I hereby appoint the Honorable CANDICE S. MILLER to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend Mac Hammond, Living Word Christian Center, Brooklyn Park, MN, offered the following prayer:

Heavenly Father, as we gather together in this historic place, we ask Your continued blessing on our country. Thank You for our divine heritage of being one Nation under God and for the liberty we enjoy as a result. We look to Your word for guidance and grace as we pray for each Member of this House. I ask You to give them wisdom and understanding in every decision they face, so that Your truth will continue to be reflected in our laws. During this session, may they be responsive to Your direction, aware of Your grace, and guided by Your precepts.

We also ask You to protect, strengthen and encourage our troops in Iraq, Afghanistan, and the myriad of other places around the world where they are courageously protecting and promoting our liberty. Lead each Member in Your ways, and bless their families as You do.

May Your grace abound to all and continually remind each citizen of this great country that we are loved by You. This we pray in the name which is above all names. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Tennessee (Mrs. BLACKBURN) come forward and lead the House in the Pledge of Allegiance.

Mrs. BLACKBURN led the Pledge of Allegiance as follows:

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

WELCOMING PASTOR MAC HAMMOND

The SPEAKER pro tempore. Without objection, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 1 minute.

There was no objection.

Mr. RAMSTAD. Madam Speaker, it is my great honor to welcome this morning's guest chaplain, Pastor Mac Hammond. Pastor Hammond and his wife, Pastor Lynne, who is with us in the gallery, are pastors of the Living Word Christian Center, a vibrant church in the Third Congressional District located in Brooklyn Park, MN.

This is an incredible story. On November 12, 1980, Mac and Lynne Hammond stood before a gathering of 12 people in a small meeting room at a hotel in Plymouth, Minnesota. On that day, Living Word Christian Center was born. Today, 25 years later, Living Word has grown to an active congregation of more than 10,000 members.

Pastor Mac Hammond's inspiring life has spanned several careers, from Air Force captain, where he served as a pilot, to owner of an air cargo business, to gifted minister of the gospel. The people of our area, of our State are so grateful for Pastor Mac Hammond and his ministry to the community.

The Living Word Christian Center is home to a number of important ministries that are truly doing the Lord's work here on Earth. Close to my heart, the Living Free Recovery Services program provides treatment to families struggling with the ravages of drug and alcohol addiction. Living Word also operates Maranatha Christian Academy and Maranatha College, two highly respected, God-centered academic institutions in our area.

The church's Compassion Center ministers to inner-city residents, and CFAITH provides online missionary outreach.

We are all very grateful, Madam Speaker, for these wonderful ministries and for the faith, hope, and love brought to so many by Pastors Mac and Lynne Hammond. As you heard in his moving prayer, Pastor Hammond is a tremendously gifted speaker and a true man of God.

I knew Mac would offer a truly inspirational prayer this morning, and God knows we needed it. Many thanks, Pastor Hammond, for your moving and thoughtful prayer and for serving the House of Representatives as our guest chaplain.

FISCAL MISMANAGEMENT

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

Mr. BLUMENAUER. Madam Speaker, the Republican fiscal mismanagement is so bad, and their budget proposals so dreadful, that even the Republican Caucus is having difficulty swallowing it. Mainstream Republicans do not

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agree with K Street Republicans, who do not agree with Wall Street Republicans; but they are hopelessly out of touch with the street where most Americans live.

The Republican Congress seeks to mask their fiscal irresponsibility with cuts for millions of poor, the sick, for students and their families, literally taking food from the mouths of poor children to pay for more tax cuts for people who need them the least.

There is much talk of scandal here in Washington D.C., but to have a proposal offered up that would actually increase the deficit more than if they just gave up and went home is a scandal. It is a scandal how tragically out of touch my Republican colleagues are from the needs and desires of the average American.

HONORING VETERANS

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

Mrs. KELLY. Madam Speaker, I urge my colleagues to honor the sacrifices of their local veterans by cosponsoring H.R. 1951, which would mint a coin for America's disabled veterans. The proceeds would be used for a Disabled Veterans Memorial on the National Mall. The Paralyzed Veterans of America, the Disabled American Veterans, and the Military Order of the Purple Heart all support our bill for a first-of-its-kind tribute to America's disabled veterans.

This Congress needs to remember the sacrifices of veterans not only on Veterans Day, but throughout the year. For that purpose, we also must pass the SAVE U.S. VETS Act to restore the equitable VA funding to veterans health care facilities in the Northeast. The VERA formula is unfair and ineffective. A GAO study found that through 2002, VERA misallocated nearly $1 billion in funds that should have gone to the Northeast veterans hospitals like Montrose and Castle Point in New York's Hudson Valley.

New York veterans served our country in areas throughout the world. They should not be punished now for living in the northeast area of our country that is being neglected by bad funding through the VERA formula. VA funds must reach these areas where veterans' needs are the greatest. The health care needs of all northeast veterans must be met, as they count on us to protect them with the same loyalty with which they protected our country.

REPUBLICAN BUDGET DOES NOT REFLECT AMERICA'S PRIORITIES

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

Mr. EMANUEL. Madam Speaker, tomorrow the House is planning to vote on America's future. The budget vote will decide who wins, who loses. The Republican budget does not reflect America's priorities. Where else would you protect corporate welfare like $16.5 billion in handouts, taxpayer handouts to oil and gas companies, and all the while throwing America's children over the side. A Republican Congress, of course.

Where else would you cut $9.5 billion from children's health care affecting 6 million children, while helping protect big oil and gas companies. Where else would you cut 330,000 children from child care assistance while protecting big HMOs. Where else would you cut 40,000 children from nutrition programs while protecting America's polluters. Where else would you cut $14.3 billion in student college aid, the single largest cut in the history of the student aid program. A Republican Congress, but of course.

These are not the right priorities for America. They are not America's priorities for its future. Madam Speaker, we should cut spending, but we should not jeopardize our future by cutting programs for our children. It is time we made a change. It is time that we choose our priorities. We can do better, not protecting Big Oil at the expense of taking America's children and throwing them over the side.

RESTRICTIONS ON PARENTING

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

Mr. POE. Madam Speaker, the out-of-touch notorious Ninth Circuit Court of Appeals has struck again. They have created their own version of restrictions on parenting. These wayward judges rule that parents do not have a constitutional right to prevent a public school from teaching students whatever it wishes, including sexual information.

Instead, they say that the State has ultimate power over the education of our children. This ruling stems from a case filed by parents whose children, ages 7 through 10, were given a survey that asks questions pertaining to sex that are even too expressive to repeat on this House floor.

According to the education police judges, when parents decide to send their child to a public school, the parents lose authority and control over what the child is taught. The State decides.

This ruling violates the Constitution. The Supreme Court long ago ruled that parents do have the fundamental right to make decisions about the care, custody, education, and control of their children. This is just another example of elite judges trying to replace parents with bureaucrats. Out-of-control judges are taking away property rights, our pledge rights, and now they are after our parenting rights. This ought not to be.

STATE OF THE UNION

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

Mr. ROSS. Madam Speaker, for the first time in about 50 years, the Republicans control the White House, the House, and the Senate. So let us look at the real state of the union and what they have given us:

$8 trillion in debt. In fact, this Nation is borrowing $907 million a day, $188 million a day going to Iraq, $33 million a day going to Afghanistan. In fact, this President and this Republican Congress have borrowed more money from foreigners in the past 5 years than the previous 42 Presidents combined. And all this before the hurricane season. Now they are proposing in tomorrow's budget reconciliation cutting Medicaid $12 billion, cutting food stamps and farm programs $3.7 billion, cutting student loans $14.3 billion. And for what? To pay for another $70 billion in tax cuts for those earning over $400,000 a year.

Madam Speaker, these are not my priorities. These are not America's priorities. These are not the kinds of conservative, small-town values that I was raised on and still believe in.

RENEWABLE DOMESTIC FUELS

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

Mr. SHIMKUS. Madam Speaker, in July of this year, the President signed into law the Energy Policy Act of 2005, which enacted the first-ever renewable fuel standard in order for a portion of our Nation's fuel supply to be provided by renewable domestic fuels like ethanol from corn and biodiesel made from soybeans. This provision is an example of public policy that is moving in the right direction. For example, E–85, a blend of 85 percent ethanol fuel, is becoming more and more available in the Midwest and it costs less at the pump. Just this week in my southern Illinois district, E–85 was on average 22 cents cheaper than regular gasoline at the pump. In some cases, E–85 stayed below $2 per gallon.

The expanded use of renewable fuels like E–85 helps stretch domestic oil supply and decrease our reliance on foreign imports of oil. As we all know, no crude oil refineries have been built in the United States since 1976. During that time, close to 100 ethanol refineries have been built. It is my hope that this growth continues to happen. Renewable fuels are an environmentally friendly, domestic alternative fuel source that we can utilize to increase U.S. supply and decrease our reliance on foreign imports of oil.

CUTS TO STUDENT AID

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

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, when I was

elected to Congress, I never thought I would be asked to participate in crushing the dreams of American children. But that is exactly what the House majority is asking me to do. The House budget reconciliation bill includes $14.3 billion in overall cuts to Federal student aid programs over the next 5 years. This cut will be the single largest cut in the entire history of the student aid program. I thought the majority did not want to leave any child behind. But obviously what this cut means is they do not want to leave you behind, until you want to go to college.

I know firsthand the importance of student aid. I would not be standing on the floor of this House if it were not for student aid programs. These loans made my education dreams a reality. I am the only member of the California congressional delegation still paying off her student loans. Each month I proudly write that check because I know the best investment I and my seven brothers and sisters could have made was our investment in our own education.

Can you imagine where we will be in 20 years when we lack the professionals that we need in this country? Make no mistake, these proposed cuts to student aid programs will negatively impact the future of our workforce and our economy.

THE MAINSTREAM

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

Mr. PITTS. Madam Speaker, some liberals opposed to the nomination of Judge Samuel Alito to the Supreme Court claim that Judge Alito is ''outside the mainstream'' because he supported the spousal notice provision of the Pennsylvania Abortion Control Act. Mind you, this was not paternal notice; it was spousal notice. This was not spousal consent. It was spousal notice. Polling showed nearly 75 percent of the Americans support this provision.

So what is the mainstream in America today? In 2004, 13 States included on their ballot a constitutional amendment defining marriage as the union between a man and a woman. All 13 States passed the measure by wide margins. Today, it is up to 19 States. The polls overwhelmingly support this definition.

A Zogby poll showed 77 percent of Americans support a law requiring a pregnant woman be given information about fetal pain prior to an abortion. Other polls show nearly 90 percent support including the phrase ''under God'' in the Pledge of Allegiance. A 2005 Gallup poll shows 75 percent of Americans think that State government entities should be allowed to display the 10 Commandments.

Let us not allow liberal interest groups to arbitrarily define the mainstream for us.

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BUDGET RECONCILIATION

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

Mr. HINOJOSA. Madam Speaker, tomorrow the leadership of this House will bring up a budget reconciliation bill which makes cuts to Medicaid, food stamp programs for children, student loan aid programs that will force thousands of college students to leave school and prevent thousands more from even beginning higher education at the community college or university of their choice.

At a time when we are importing scientists, engineers, doctors, nurses and other highly trained workers to keep our economy running, this House is going to siphon off student aid dollars to provide $70 billion of tax cuts for the rich. According to the Congressional Budget Office, there will be nearly $8 billion in new charges to students and families that will raise the cost of their college loans at a time when the cost of higher education is rising much faster than the rate of inflation.

This reconciliation bill is not about controlling runaway Federal spending. It is about destroying our future for the short-term benefit of a privileged few. I urge my colleagues to oppose this shortsighted budget reconciliation bill.

MEDICAID

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

Mrs. BLACKBURN. Madam Speaker, in the midst of our effort to rein in Federal spending, you have Members of this body and special interest groups telling the American people that we are slashing Medicaid. They are saying that our Deficit Reduction Act will actually cut Medicaid.

Madam Speaker, our plan does not cut. Since when does slowing the growth, and tremendous growth at that, from 7.3 percent to 7 percent a year constitute a cut? The left needs to stop playing games. If they want us to keep spending and spending until there is nothing left, until we cannot spend any more, then they need to be honest about it and they need to say that. But don't call a 0.3 percent reduction in growth a cut. It is dishonest and our constituents deserve better.

BUDGET RECONCILIATION

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

Mr. SALAZAR. Madam Speaker, I stand united with my fellow Blue Dogs in protest of this reckless budget vote that we will be taking this week. I have said time and time again that our budget is a moral document and it is about our priorities and values as a nation.

Let us be clear about this budget reconciliation and what it will do for America.

It will pay for tax cuts for the rich on the backs of our Nation's poorest, including low-income seniors who receive help from Medicaid.

It abandons rural America by proposing $1 billion in cuts to ag commodity programs.

It takes aim at valuable research and conservation programs that will help farmers to stay on the land.

And in a time when everyone is concerned about rising energy prices, this bill cuts funds for renewable energy programs. Yet none of these savings will go towards balancing the budget.

Together we can do better. We need to return to responsible budget principles that include pay-as-you-go spending. We need a balanced budget amendment. And we need a Federal budget that is honest with the American people.

I urge my colleagues to vote ''no'' on this budget reconciliation.

PRESERVING OUR SYSTEM OF JUSTICE

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

Mr. PRICE of Georgia. Madam Speaker, last March Atlanta experienced one of the worst instances of courthouse violence on record. A defendant overpowered a courthouse security guard, grabbed her weapon and shot a judge dead in his own courtroom. The defendant then escaped, setting off a massive manhunt until he was captured a short while later.

Incidents of courthouse violence are spreading. Chicago, Illinois, and Tyler, Texas, have also experienced vicious crimes against our judicial system. Many States are working to prevent this from happening again by improving courthouse security. This is a step in the right direction. But we must do more to protect judges, attorneys, jurors, and other courthouse employees from ever having to confront this kind of danger. We must not allow criminals to compromise our judicial system.

Today we have an opportunity to act to strengthen penalties against those who commit courthouse violence and protect Federal judiciary employees from falling prey to criminals attacking their personal finances.

Madam Speaker, the Secure Access to Justice and Court Protection Act is before us today, and I urge my colleagues to support this important initiative to preserve and protect our system of justice.

CRUEL REPUBLICAN MEDICAID CUTS AND MISGUIDED PRIORITIES—AMERICA CAN DO BETTER

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

Mr. STUPAK. Madam Speaker, tomorrow House Republicans will show

America their misguided priorities. In order to once again provide the wealthiest few in our Nation with tax breaks adding up to $70 billion, House Republicans will cut $54 billion from needed programs, including $12 billion to Medicaid.

America can do better than slashing health care for low-income children, seniors, and people with disabilities to pay for additional tax breaks for millionaires.

America can do better than slashing a program that provides insurance to one of every seven Americans, at a time when the number of the uninsured has risen by 6 million under this President.

America can do better than increasing costs for essential health care services for the poorest Americans, including for the first time ever even the poorest children, which will reduce their access to needed health care.

America can do better than a budget package where $3 out every $4 in Medicaid cuts are borne directly by individuals who are poor or disabled.

When are the House Republicans going to realize a stronger America is one where we all work together?

Together, America can do better.

IRAQI SPECIAL TRIBUNAL HOUSE RESOLUTION

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

Mr. BURGESS. Madam Speaker, the path to a free and democratic Iraq has been dangerous and protracted. Yet, after years of oppression, the Iraqis are closer than ever to having a nation ruled by their people instead of a tyrant.

For the safety of our Nation, I believe we must continue to support the sovereign actions of this developing nation.

Current news headlines are showcasing the trial of Saddam Hussein and what danger accompanies that activity. His trial is important, but a strong, independent Iraqi judicial system is of greater importance.

As Members of Congress, we have an obligation to uphold and support this principle, especially in a land that has been so tormented. The Iraqi Special Tribunal has been impaneled to bring swift and impartial justice to both the victims and the nation of Iraq. I urge Members to support H.R. 534, recognizing the importance and credibility of an independent Iraqi judiciary.

NATIONAL DEBT SURPASSES $8 TRILLION

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

Mr. CARDOZA. Madam Speaker, just 2 weeks ago, the national debt passed the $8 trillion mark.

This unfortunate milestone was the direct result of policies put in place by the leadership of this Congress and the Bush White House. Now our friends on the other side of the aisle want the Members of the Blue Dog Coalition to endorse their latest push to run the debt even higher.

This budget package should be called the ''Deficit Expansion Act.'' It would continue drowning America in red ink in order to finance new tax cuts for the wealthy and privileged. It is time for a real strategy for fiscal responsibility, not more of the same.

The Blue Dog Coalition has put forward a comprehensive, 12-step plan that would dig America out of this fiscal mess. Our proposal includes commonsense reforms such as reinstating PAYGO rules and discretionary spending caps.

I strongly urge my colleagues in Congress to take immediate action on the debt by embracing real bipartisan reform.

A SALUTE TO VETERANS

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

Mr. STEARNS. Madam Speaker, this Friday, Americans will observe Veterans Day, a special day of national observance that we have set aside to remember our veterans and their sacrifices.

The 50 million Americans who have served our country since the American Revolution have done more than just protect our national security. They fought for our freedom, and in so doing, our veterans have provided a shining example for the millions of Americans who followed in their footsteps.

In my own family, my father served in the Navy during World War II in the Pacific theater. He was in the Iwo Jima campaign and was awarded the Bronze Star.

Nearly 2 million veterans live in my home State of Florida. Thousands of my fellow Floridians have served or are on active duty in Afghanistan and Iraq. Some of these soldiers have made the ultimate sacrifice and many have suffered grievous wounds. I salute these brave men and women.

Madam Speaker, may God bless our veterans, their families, and this great Nation.

REPUBLICAN CUTS TO FOOD STAMP AND OTHER AGRICULTURAL PROGRAMS

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

Ms. WATSON. Madam Speaker, this week, Republicans will bring a budget reconciliation bill up that cuts critical Federal programs that directly affect the lives of everyday Americans, all so they can turn around and cut taxes that primarily benefit America's millionaires.

Among the proposals they will bring and will try to force through are dramatic cuts in food assistance programs to our most vulnerable. According to the CBO, the Republican food stamp cuts would knock nearly 300,000 Americans off nutritional assistance programs. Included in that number are 40,000 children who would no longer receive either free or reduced-price school lunches.

No other group has benefited more from 5 years of Republican domination in Washington than those who are the wealthiest in our Nation, and now Republicans want to take school lunches away from 40,000 children so they can provide America's millionaires another tax break.

These children desperately need the nutrition provided in school lunches. It is cruel, and this bill must be defeated.

HONORING OUR VETERANS

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

Mr. GINGREY. Madam Speaker, I also rise today to pay tribute to America's veterans, whose brave efforts have safeguarded those values we hold dear: freedom, liberty, democracy, and the American way of life.

This week, as we celebrate Veterans Day, I hope all Americans will take the time to thank a veteran for his or her service to our country.

From our Nation's founding days, we have appreciated and recognized the sacrifices and valor of our veterans. General George Washington noted in 1776 that American soldiers ''have done all I have asked you to do, and more than can be reasonably expected.'' Our veterans today rise to this same challenge.

America's veterans fought to preserve our great Nation, to liberate the oppressed, and to hold fast to the idea that freedom and liberty are universal rights worth fighting and, yes, sometimes dying for.

I want to thank all of our veterans for their selfless service. From Omaha Beach and the Pacific seas, to the jungles of Vietnam and the sands of the Middle East, we live every day with the gift of liberty because you secured our freedom and the freedom of generations to come.

BLUE DOGS STAND FIRM AGAINST REPUBLICAN BUDGET CUTS

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

Ms. HERSETH. Madam Speaker, I too stand united today with my fellow Blue Dog Democrats in opposition to the majority's budget reconciliation decisions. Blue Dogs have consistently stood for fiscal responsibility, balanced budgets, and an honest, open, and accountable budget process.

So why would Blue Dogs support a proposal that is part of a budget reconciliation package that will increase the deficit, not lower it? Why would we

be in support of a budget reconciliation package that is part of a broken budget process in need of serious reform? And why would we support a budget reconciliation process that is part of an overtly partisan failed strategy, a strategy that will fail the House majority leadership and would fail the American people if Blue Dogs did not stand firmly against it.

I encourage my colleagues on both sides of the aisle to stand firmly against it as well and vote ''no'' on the budget reconciliation bill.

DEFICIT REDUCTION ACT A GOOD FIRST STEP FOR AMERICA

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

Mr. PENCE. Madam Speaker, earlier today, my good friend RAHM EMANUEL, a Democrat from Illinois, said, ''Tomorrow the House will vote on America's future, with an $8 trillion national debt and with a Congress that spent $60 billion in 6 days without a thought as to how we were going to pay for it.'' I could not agree more.

The gentleman from Illinois went on to say, ''Where else could we cut food stamps and Medicaid?'' and he answered, ''With a Republican Congress'' and a lament.

And I would ask, where else but in Washington, DC could a deficit reduction act that actually increases entitlements by 6.3 percent, instead of the planned 6.4 percent, be called a cut? The budget cuts we will pass tomorrow, let me say again, will still increase spending in Medicaid student loans and aid to dependent families. As a conservative, as some of my Blue Dog colleagues have said, I do not think this deficit reduction act goes nearly far enough to do right by those children and grandchildren that we raise. But it is a good first step. It is a modest start in the direction of putting our fiscal house in order. I urge my Republican and Democrat colleagues of goodwill to support it.

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BUDGET RECONCILIATION

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

Ms. WOOLSEY. Madam Speaker, the Federal budget is about priorities. And with this budget, Republicans have their priorities all wrong. As an example, The Washington Post reports that young people from rural America are shouldering a disproportionate burden of the war in Iraq. Why? Rural Americans are increasingly willing to risk dying in this Iraqi quagmire to improve their chances of paying for college and getting a decent paying job.

More than 44 percent of military recruits now come from rural areas. Only 14 percent come from American cities. Also, many military recruits are financially strapped. Nearly 50 percent of them come from lower-middle-class to poor households. In 2004, nearly two-thirds of Army recruits came from counties in which median household income is below the U.S. median.

Why do I tell you this? Because the response of this Republican-led Congress is to impose $14.5 billion in deeper budget cuts in student aid. How does that add up?

REPUBLICAN PRIORITIES DEMAND SACRIFICE OF THE MANY, PROVIDE ENRICHMENT OF THE FEW

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

Mr. PALLONE. Madam Speaker, the Republican budget bill is not a document of our Nation's priorities. The Republicans are not listening to the needs of average Americans who want a fair budget and lower deficits.

Here are 10 quick reasons why this mean-spirited bill should be defeated this week. First, it takes from the poor and middle class to make the rich richer. Second, it includes the largest cuts in student loans in history. Third, it provides a $24 billion windfall to delinquent dads. Fourth, it destroys the pristine Arctic refuge and endangers our coastline.

Fifth, it worsens America's health status by cutting Medicaid by $12 billion. Sixth, it cuts safety-net funding for our most vulnerable children. Seventh, it takes school lunches away from 40,000 kids who desperately need the nutritional content that those lunches provide. Eighth, it fails to adequately fund vital support services for workers. Ninth, it adds insult to injury for farmers in the form of commodity cuts. And tenth, despite all these cuts, it still swells the deficit. And I stress, it still swells the deficit.

FISCAL FANTASY

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

Mr. KINGSTON. Madam Speaker, I was listening to some of this hysteria and rhetoric from the Democrat Party, and I wonder sometimes if they actually believe what their speech writers apparently give them. Obviously, they do not read it before they start giving the speech because they know food stamps are going up $250 million. It is not a cut. Medicaid is going up $66 billion. That is not a cut. Medicaid goes up 7 percent instead of 7.3 percent. That is what you need to be saying; we think it should be going up more than you guys, but admit, as we all know, Medicaid is going up 7 percent, $66 billion.

Yet in Washington, D.C., just like Disney World, there is a lot of fantasy around us. And the fantasy is that if you do not get the increase that you want, you can go out and have the New York Times and Washington Post say, yes, he is right, that is a cut because they are not going up 7.3 percent, they are going up 7 percent. We have a plan to reform government and create savings. Yesterday, the Democrat Party announced they would have no agenda for 2005. Well, surprise, surprise. It is only November. But when is the Democrat Party going to announce its alternative? I will ask that question. I hope somebody will answer.

A ROSE BY ANY OTHER NAME

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

Mr. BISHOP of Georgia. Madam Speaker, a rose by any other name smells just as sweet. And dung by any other name stinks just as much. A stinking bill that cuts spending for Medicaid, food stamps, student loans, foster care, child support, school lunches, and senior care by $54 billion and then cuts revenue taxes for folks earning $300,000 or more by $70 billion still leaves a stinking deficit of $16 billion. Add $7.1 billion for the cost of the President's flu initiative and $200 billion for gulf coast reconstruction and that grows to $223 billion.

This Republican reconciliation package is misnamed. It is actually a sham. Republicans have rejected the Blue Dog 12-point plan to cut deficit spending and now want to fool the American people. Madam Speaker, you can dress up a pig and call it a lady, but it is still a stinking pig. You can dress up a sham and call it deficit reduction; but it still says oink, oink, still stinks and is still a lie.

REPUBLICAN CUTS TO FOOD STAMPS

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

Mr. CROWLEY. Madam Speaker, I rise in opposition to the Republican cuts to food stamps under this reconciliation budget, an incredible total loss of $844 million, $844 million that comes directly from people in this country who are struggling to feed themselves and their families; $844 million from people who can least afford such a drastic cut. And once again, immigrant families are being treated particularly inhumanely by this Republican plan.

And let me be clear. We are talking about denying assistance to legal permanent residents, immigrants who play by the rules, support our communities, and serve in our military; immigrants who sacrifice so much to come here; immigrants who are frequently among the most vocal supporters of America and the American Dream. Under the Republican plan, 70,000 legal immigrant households will be denied food stamps for an extra 5 years.

But if the argument for supporting humane treatment of our immigrant population does not sway you, consider that many of these legal immigrant families include children, kids who are American citizens, kids who will be denied food stamps for an extra 5 years. If you do not see this as unconscionable, I do not know what you see as unconscionable. If you do not think this is un-American, I do not believe there is anything that is un-American more than this.

WHAT RECONCILIATION MEANS

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

Mr. BOYD. Madam Speaker, the Republican leadership has announced earlier that tomorrow we will vote on budget reconciliation. I wanted to understand better what reconciliation meant, so I went to Webster. And let me read to you what it means to reconcile: to restore to friendship or harmony; secondly, to make consistent or congruous; thirdly, to check a financial account against another for accuracy. That is Webster. The Republican budget reconciliation certainly does not restore friendship and harmony since they have been unwilling to include any Democrats, including our Blue Dog Coalition, in the discussion of this huge deficit problem. And it certainly does not make our financial accounts balance since it will increase our annual deficit by more than $16 billion. Under this administration and Republican leadership in Congress, our national debt has shot through the $8 trillion mark and continues to rise.

PAYGO PROPOSAL

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

Mr. COOPER. Madam Speaker, I think most folks back home want us to get along with each other in order to strengthen our Nation. Well, how can we best do that, especially at a time of contentious budget reconciliation? There is a simple proposal called PAYGO that is not theory; it has worked incredibly well. It worked from the year 1990 to the year 2002 when our friends on the other side of the aisle allowed it to expire.

How well did it work? Well, Alan Greenspan, the Chairman of the Federal Reserve, said it is the single most important thing we can do to right our fiscal ship. Pay-as-you-go means that if you want to spend more money, you have to find offsetting cuts somewhere before you can think about spending the new money. And it also means if you want to offer someone a tax cut, that is fine. Just figure out a way to pay for it. It is a simple and clear rule, and it guided our Nation into prosperity from 1990 to 2002.

Why can we not readopt that? It has proven to work and work well for all Americans and to strengthen our Nation. The Blue Dog Coalition has been more consistent in its support for the PAYGO provisions than any other group in Congress. Support PAYGO.

FISCAL RESPONSIBILITY

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

Mr. BERRY. Madam Speaker, I love coming down here and listening to these whiz bangs on the other side talk about their fiscal responsibility and all of this foolishness that they have put forth to the American people. It makes me want a dip of snuff. It is almost like they cannot add and subtract. I know they cannot multiply and divide. But the great mystery to me will always remain why in 5 years' time when they have increased the national debt by $3 trillion and demonstrated beyond a shadow of a doubt that they have absolutely no interest in being responsible, they would come here, present a budget that increases the debt by tens of billions of dollars more and try to tell the American people this is what you need; this is what we are going to do for you. You are going to have to answer to your children and grandchildren. And I would love to be there when they walk up to you and say, Grandmother, Grandfather, why did you do this to us?

RECONCILIATION PLAN

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

Mr. MELANCON. Madam Speaker, I cannot vote for this reconciliation plan for one very simple reason: Now is not the time to be cutting taxes for the wealthy in our country when the people of the ravaged gulf coast region receive silence and burdensome loans. I join my fellow Blue Dogs in opposition to this plan. Do the math: $54 billion in spending cuts minus $70 billion in tax cuts equals a $16 billion increase in the deficit. We give tax cuts to the rich and continue to run up the deficit, but continue to send loans to the people who need their government the most in the gulf coast region.

Our government must do just as President Bush said in Jackson Square, whatever it takes to rebuild. I agree with the President on rebuilding. But let me be clear. Cutting taxes for the wealthy while loaning money to the devastated communities along the gulf coast is the wrong course of action. Let us start sending real help to the people in need and stop sending millionaires refund checks.

STUDENT AID IN RECONCILIATION BILL

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

Mr. OLVER. Madam Speaker, tomorrow's reconciliation bill is a reckless attack on students attending college. Basically, the bill burdens students from low- and middle-income families with 33 percent higher debt to pay for tax cuts that benefit almost exclusively those whose income is over $200,000 a year. This bill cuts $14 billion from student aid by increasing interest rates and taxes on loans and charging students new fees.

The cost of college is skyrocketing, and it already leaves the average student $17,000 in debt. This bill would increase that debt by 33 percent. Many low- and middle-income students will no longer be able to afford college and their lifetime earning power will be reduced. Under the reconciliation bill, at least four students are going to start their careers burdened with added debt to pay for each millionaire's tax cut. And all this is being done so that the wealthiest 3 percent of Americans can have another huge tax cut.

REPUBLICAN RECONCILIATION BILL

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

Mr. DEFAZIO. The Republican reconciliation bill, pretending to finally bring a sense of fiscal responsibility to that side of the aisle, having increased our debt by 62 percent in 5 years, actually is bleeding middle-income families, kids who want to get a higher education, $14 billion out of student loans.

Those youngsters in the elementary schools are eating too much. Cut student lunches for those kids. Foster care, the family values side, long-term care for seniors. Why are they cutting all that? So they can bleed the poor and the middle class in this country. And then as they create this giant sea of red ink, they will float the yachts of the wealthy on it by giving them $70 billion in tax breaks, actually increasing the deficit, having already stuck it to the middle class and struggling families.

They are going to increase the deficit in order to finance tax cuts for people who earn over $300,000 a year so their yachts can be a little bigger and float a little higher. They should be ashamed of what they are doing to America and what they are doing to middle-income and struggling families.

□ 1045

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2419, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2006

Mr. HASTINGS of Washington. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 539 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 539

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2419) making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

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

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Madam Speaker, House Resolution 539 waives all points of order against the conference report and against its consideration.

The resolution also provides that the conference report shall be considered as read. The energy and water development appropriations conference report provides a total of $30.5 billion to fund the Army Corps of Engineers, Department of Energy, Department of Interior, the Bureau of Reclamation and several independent agencies for the current fiscal year.

The Bureau of Reclamation receives $1.1 billion to maintain and operate water infrastructure projects throughout the West.

The Department of Energy constitutes the bulk of the bill with funding of $24.3 billion. This represents a decrease of $129 million from fiscal year 2005.

Overall, the conference report represents a compromise between the House- and Senate-passed bills and deserves the support of my colleagues.

Madam Speaker, included in this bill are a number of projects and provisions of importance to my central Washington congressional district. The Bureau of Reclamation's budget provides $1.5 million to keep pace with a Federal study looking to add more water storage in the Yakima River basin and the potential of the Black Rock reservoir. Water storage is critical to the farmers and communities in this arid part of our Nation, and this year's drought made clear the importance of finding solutions for creating additional storage.

Funds were also provided for the Bureau of Reclamation to continue work to address the depletion of the Odessa Subaquifer on the Columbia Basin project, as well as needed improvements to the West Canal. Finding answers for farmers whose water supply is disappearing requires the active participation of the Bureau of Reclamation, and this bill continues the involvement that I was able to launch last year.

The final conference report also provides $18 million for the Department of Energy's budget for the transition of Pacific Northwest National Lab scientists and capabilities into new lab space. The buildings in which the scientists currently work are located in the Hanford site's 300 Area and will be torn down in the next few years to clean up this contaminated area.

The $18 million represents an increase of $10 million above DOE's budget request that I worked to add to make certain this effort remains on track and that construction activity can begin this year.

Ensuring the new lab space is ready and available before cleanup of Hanford requires the destruction of the scientists' current lab space is a top priority of mine, and I will continue to work hand-in-hand with the leaders of Pacific Northwest National Lab to make this happen.

This bill also funds the cleanup of the Hanford site. In February, I was disappointed with the Department of Energy's proposed funding for Hanford, and I have worked for months to restore some of that funding.

I am pleased that this bill provides increases above DOE's requested budget for several important cleanup projects in Hanford, including the River Corridor initiative, tank waste retrieval, groundwater protection, preserving the historic B Reactor, and continuing the important safety and training work of the Volpentest HAMMER facility.

There are very real cleanup successes being achieved at Hanford, and it is important to keep progress moving forward. This bill does, however, reduce funding for construction of the Waste Treatment Plant by $100 million, which is a reduction that DOE proposed. I have made my dissatisfaction with the situation created by the Department very clear, and I intend to keep pressing DOE to be open in providing answers on its plan for the Waste Treatment Plant.

DOE has repeatedly stated their commitment to building and completing the vitrification plant, and we simply cannot afford to have a lack of information from the Department create further challenges for this project.

Madam Speaker, this conference report comes to us with bipartisan support from the House-Senate conference committee, and I urge my colleagues to give bipartisan support for this rule and passage of the conference agreement.

Madam Speaker, I reserve the balance of my time.

Ms. MATSUI. Madam Speaker, I thank the gentleman from Washington for yielding me this time, and I yield myself such time as I may consume.

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

Ms. MATSUI. Madam Speaker, I look forward to today's consideration of H.R. 2419, which reflects much thought and long-term planning on behalf of the Committee on Appropriations. This year's energy and water bill means a great deal to my constituents in my hometown of Sacramento.

This year, we pointedly witnessed just how important the water funding included in the energy and water appropriations funding legislation is. And we must now embrace the lessons this year's unprecedented hurricane season have taught us about the essential need to invest in our Nation's flood control infrastructure, dollars that are necessary to examine, maintain and strengthen our levee and dam systems.

Federal officials must look expeditiously at the significant role infrastructure plays to reduce catastrophic loss in a flood event. I commend the committee for calling on the Corps of Engineers to identify and create a list of the Nation's 10 most critical water resource needs in the country.

While hurricane season has ended, the flooding season in Sacramento and all of California will begin shortly. And as I have consistently spoken about the unacceptable risk of flooding my constituents face, I am certain you understand the concern I have about this upcoming season. Despite years of dedicated efforts, Sacramento still remains one of the most flood-prone and threatened cities in the country, paling in comparison to the level of protection enjoyed by other river cities.

According to the U.S. Army Corps of Engineers, Sacramento's flood risk is among the highest of urban areas in the country. This bill makes a significant investment in Sacramento's flood reduction efforts. It keeps the region on track to achieve our short-term goal, through levee work, of reaching 100-year protection. Moreover, this legislation ensures our other projects move forward, through which Sacramento will more than double the current level of flood protection. This increased protection is essential.

With thousands of lives and the capital of the Nation's largest State at risk, the need for this critically important investment is clear. We cannot afford to delay this work. This legislation recognizes the immediate need for progress on our flood control by directing our Corps of Engineers and the Bureau of Reclamation to continue the collaborative work addressing improvements to Folsom Dam. On behalf of Sacramento, I appreciate their dedication to this goal.

Each of our flood control partners, the Sacramento Area Flood Control Agency, the Corps of Engineers, the Bureau of Reclamation, and the State of California, recognize the dire need for improved flood control and have personally invested in finding a solution; and I thank them for this. They, as I, who live in Sacramento, understand that lives are at risk and delays only add to our vulnerability.

I cannot proceed without also expressing my gratitude to the gentleman from Ohio (Mr. HOBSON), the gentleman from California (Mr. DOOLITTLE), and the gentleman from Indiana (Mr. VISCLOSKY). Their commitment to improving our Nation's water infrastructure is evident in this legislation. I thank both of California's Senators for their efforts on Sacramento and California's flood control needs. I appreciate Senator FEINSTEIN's leadership in the conference committee. To the energy and water appropriations staff, particularly Peder Maarbjerg and John Blazey, your long hours and hard work are much appreciated.

Their efforts reflect not only the incredible investments that must be made to improve our infrastructure across the Nation, but also an acknowledgment that we must wisely spend each dollar. This legislation adds new measures to ensure that the Corps manages each dollar efficiently.

To improve the execution of projects, the Corps is directed to develop a 5-year comprehensive budget plan and vision for water infrastructure in the country to comprehensively integrate financial planning and project management. Further, while the Corps will still have the flexibility to occasionally shift project funding as needed, the Corps will no longer be able to consistently use this practice.

By working together, the Congress, the administration, and the Corps of Engineers will be better prepared to ensured that limited Federal resources are spent efficiently, commitments to local sponsors are honored, and projects remain on schedule.

This bill moves our country forward on many levels, from improving local water infrastructure to bigger-picture Corps of Engineer financial management and efficiency issues.

In light of the realities our Nation faced this year, I hope Congress will continue this commitment to public safety and significantly invest in water infrastructure. I strongly support the underlying conference report and look forward to voting in support of the measure.

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

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

The previous question was ordered.

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

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

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

The yeas and nays were ordered.

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

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2862, SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. GINGREY. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 538 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 538

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

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.

House Resolution 538 waives all points of order against the conference report and against its consideration and provides that the conference report shall be considered as read.

Madam Speaker, I rise today in support of House Resolution 538 and the underlying conference report for H.R. 2862, the Science, State, Justice, Commerce and Related Agencies Appropriations Act of 2005. This conference report provides $57.85 billion, $2.5 billion less than the President requested, to fund the Departments of Justice, Commerce and State along with NASA, the National Science Foundation, the Federal Communication Commission, FCC, the Securities and Exchange Commission, SEC, the Legal Services Corporation, and the Small Business Administration, SBA.

□ 1100

In recognition of the continual requirement to reassess our security and law enforcement needs, this conference report establishes responsible priorities to enable law enforcement to meet threats abroad and at home in order to secure our communities.

Madam Speaker, this conference report provides $5.8 billion for the FBI, an increase of $547 million above fiscal year 2005 and $15 million above the President's request. It provides $1.7 billion for the Drug Enforcement Agency, the DEA, and this is a $48 million increase above fiscal 2005, and it is $8 million below the President's request.

It provides $802 million for the United States Marshals Service, and this is an increase of $42 million from fiscal year 2005 and actually $12 million above the President's request.

Additionally, included in the conference report is $924 million for the Bureau of Alcohol, Tobacco, Firearms and Explosives, an increase of $41 million above fiscal year 2005, and it is the same as the President's request.

Further, this conference report contains $2.7 billion for assistance to State and local law enforcement for crime-fighting initiatives, $1.1 billion above the President's request and actually $287 million below fiscal year 2005.

This amount includes $405 million to reimburse States for criminal alien detention costs, $387 million for violence against women prevention and prosecution programs, $416 million for the Edward Byrne Discretionary Grants program, $340 million for juvenile delinquency prevention and accountability programs. It includes $109 million to eliminate DNA analysis backlogs, $140 million for law enforcement technologies and interoperability, $64 million for methamphetamine hotspots, and $40 million to reduce gang violence.

Madam Speaker, this conference report appropriates $6.6 billion for the Department of Commerce, marking a decrease of $37 million from fiscal year 2005 and a $2.9 billion increase from the President's request.

Recognizing the importance of space exploration that has fascinated minds for generations and provided many breakthrough technologies, this conference report matches the President's request of $16.5 billion to NASA, the National Aeronautics and Space Agency, and this is $260 million above fiscal year 2005. The bill provides funding for space exploration and the space shuttle program, restoring the aeronautics research program. Additionally, the National Science Foundation would receive $5.65 million of much-needed funding to drive American research and education, thereby keeping this country on the cutting edge of advanced technology and research.

This conference report also provides $9.6 billion for the State Department and the Broadcasting Board of Governors, including $1.6 billion to continue worldwide security improvements and replacement of vulnerable embassies; $4.4 billion for diplomatic and consular programs; and $652 million for international broadcasting, including expanding broadcasting to the broader Middle East.

Finally, Mr. Speaker, this conference report includes $456 billion for the Small Business Administration, $290 million for the Federal Communications Commission, $888 million for the Securities and Exchange Commission, and $331 million for the Legal Services Corporation.

While this conference report is not perfect, all in all it adds up to better protection for our communities, stronger law enforcement at home, more vigorous diplomacy abroad, and improved scientific research and technology. This is the kind of fundamental

support that Americans expect from this Congress. These are true national priorities, balanced with our budgetary restrictions and with fiscal responsibility in mind.

Therefore, Mr. Speaker, I would like to ask my colleagues' support of the rule and the underlying conference report.

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

Mr. MCGOVERN. Mr. 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. Mr. Speaker, with the passage of this rule, this House will consider the Science, State, Justice, Commerce and related agencies appropriations conference report for fiscal year 2006. I want to begin by congratulating the gentleman from Virginia (Mr. WOLF), the chairman of the subcommittee, and the gentleman from West Virginia (Mr. MOLLOHAN), the ranking member, for working together to create a bill that seems to be a fair and responsible piece of legislation.

Mr. Speaker, I believe that budgets are moral documents, and where and how we decide to spend the taxpayers' money says more about our values as a society than any speech or political rhetoric possibly could.

This conference report, among other things, rightfully retains language included in the House-passed bill that prohibits funds being used to support or justify the use of torture by the United States Government. Despite the rhetoric coming from the White House, this language is both necessary and appropriate.

As the most powerful democracy in the history of the world, we have a moral responsibility not only to promote the expansion of our democratic values around the world, but perhaps most importantly, to demonstrate our commitment to them through our own practices and in the legislation we pass here in the Congress.

One of the most dramatic and significant tests of that commitment is before us today in the debate over our own use of the abhorrent practice of torture. The United States of America, as the leader of the free world, cannot and must not engage in a behavior which has been condemned around the world by the international community. To engage in such a heinous practice is a betrayal of our own values as defenders of freedom and liberty.

The fact that those who would seek to take away our freedom and the freedom of others utilize such techniques is in no way a justification here.

As a matter of the highest national security, we must openly and outright reject the use of torture as a means of achieving military victory in this or any other war. Our ideals as a Nation demand nothing less. Indeed, the fact that we must even engage in this debate on the House floor is indicative of the deep crisis of conscience which has embroiled the White House.

Senator JOHN MCCAIN is working hard to build on the language in this conference report with regard to torture and include language in the DOD authorization bill prohibiting the use of torture and to make real and meaningful policy changes. His amendment is important. It is broadly supported and should be signed into law as soon as possible.

It is disconcerting that, as we speak here today, the White House is fighting Senator MCCAIN and others who support his initiative every step of the way. Senator MCCAIN certainly knows a lot more about the reality of detention and torture and the ineffectiveness of torture than the President, the Vice President, or the Secretary of Defense.

The recent revelation that the United States has secret prisons around the world and that there is no accountability or there is no oversight of what goes on in those prisons, quite frankly, is a national scandal.

This is not what America is about. This is not what America stands for, and the sad reality is that the reckless behavior of this administration when it comes to torture has put our own soldiers in more jeopardy.

Mr. Speaker, America can do better; and once we pass this conference report, I hope we will all join in a bipartisan way to support Senator MCCAIN's effort to ban torture as a policy for this country once and for all.

Mr. Speaker, I am disappointed that the conferees once again stripped the Sanders provision from this bill that would have prevented funds in the bill from being used to implement provisions in section 215 of the PATRIOT Act. These provisions permit searches of library circulation records, library patron lists, book sales records, or book customer lists.

This amendment passed by a vote of 238–187, yet the Republican leadership has decided to strip it out of the bill. This is wrong and these provisions, like so many others in the PATRIOT Act, quite frankly should be stripped out of the bill as well.

Mr. Speaker, the American people do not want this provision. A majority in this Congress do not want this provision, and yet somehow it managed to basically be null and voided in the conference committee.

Finally, Mr. Speaker, this conference report includes language prohibiting the White House from blocking the importation of discount prescription drugs through trade agreements. That means that the White House cannot subvert the House's authority by preventing the American people from having access to life-saving, affordable prescription drugs. I strongly believe that access to affordable medication and health care should be a right in this country and not the fodder of a political power struggle. Health care should be a right in the United States of America and not a privilege.

I applaud my colleagues in both Houses for demonstrating the rare political will to constrain the power of this White House in the interest of protecting the American people.

Mr. Speaker, as I said before, budgets are moral documents, and this budget is a statement of America's principles. The level of funding the committee had to work with is woefully small because of the fiscal ineptitude of the Republican leadership in Congress and the Bush administration. Their policy of tax cuts for the rich and a continual growing of the Federal deficit has forced important programs like legal services for the poor and COPS funding to be cut. This is irresponsible, and this does not reflect the wishes and values of the American people.

With that, Mr. Speaker, let me once again commend Chairman WOLF and Ranking Member MOLLOHAN for making the best out of a bad situation. I appreciate their help and their hard work.

Mr. Speaker, I yield 6 minutes to the gentleman from Texas (Mr. DOGGETT).

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

Mr. Speaker, this bill fails the tens of thousands of Texans living along the Lower Rio Grande River Valley. It is difficult to fault the conferees for this failure since they approved every dollar requested by President Bush and his Administration for flood prevention, but this Administration appears to have learned absolutely nothing from the Hurricane Katrina disaster when it comes to protecting poor people from being inundated by the failure of defective levees.

Along the Rio Grande River in the Valley, we have some 270 miles of levees and numerous drainage structures and floodways that are meant to protect our citizens from flooding. All of this levee infrastructure, every bit of the levees, is not city, it is not county, it is Federal infrastructure.

The United States Section of the International Boundary and Water Commission (IBWC) is a tiny Federal agency based in El Paso, Texas, and it reports through the Department of State, through Secretary Condoleezza Rice here in Washington, to the President. Its director is appointed by the President. It was originally set up to define and protect the boundary between the United States and Mexico. Now it has responsibility for seeing that the levees under its jurisdiction protect the Valley's growing population, which includes one of the poorest populations in the United States.

Only the Federal Government can change, alter, or improve these levees. The dozens of local governments, the businesses, the homes of tens of thousands of American citizens are all at risk when the Federal administration shirks its responsibility to protect them as this one has done.

In New Orleans, we saw levees breached at a terrible cost, suffered by many, but a cost particularly borne by the poorest citizens of that city.

In the Valley, as in New Orleans, the Federal Government cannot justifiably claim that ''nobody anticipated a breach of the levees,'' as President Bush mistakenly declared on September 1 of this year, in offering his first of many excuses about the Katrina disaster.

In June of 2003, the IBWC itself, the Federal agency in the Bush Administration with the expertise and the sole responsibility for these levees along the Rio Grande, issued its report entitled ''Hydraulic Model of the Rio Grande and Floodways.''

□ 1115

It concluded that a 100-year flood, the type that could be produced by a hurricane with far less punch than Katrina, will result in the levee system being overwhelmed along many river miles at a variety of locations. This is the type of flooding that will shut down the McAllen-Miller International Airport, affect the international trade zone and bridges, and will inundate thousands of homes and businesses, endangering people across the Rio Grande Valley.

Nor do the similarities between the Rio Grande Valley and New Orleans end with the deficient preparation of the infrastructure that this bill fails to address. After Katrina, we learned that positions at the Federal Emergency Management Agency, FEMA, were filled with political cronies. Less well-known, but equally important, indeed more important to my constituents in Texas, are the findings that were made this year concerning President Bush's appointment of the Commissioner of the U.S. International Boundary and Water Commission, who recently departed. His appointee, who had responsibility for these levees and the protection of thousands of Texans, was criticized earlier this year by the General Accountability Office as ''rewarding long-time friends with ranking positions'' and ''provoking a hemorrhage of qualified personnel, personnel who protect against floods, monitor the safety of water, and assure back-up electrical power for Texas.''

Sounds a lot like the great job that Ol' Brownie did. And as the painful footage of Katrina shows, the price to be paid by Americans is grave indeed.

We know that sea levels are rising around the world, and the Gulf of Mexico has entered a cycle of intensified hurricane activity: Katrina, Wilma, Alpha, Beta, so many hurricanes we ran out of names for them. But for the grace of God, had they headed toward the mouth of the Rio Grande River, we would be seeing on the evening news flood victims in Hidalgo, in McAllen and in Mission being rescued. Yet, despite repeated calls for action, the Bush Administration did not add one thin dime to its construction budget in this bill to protect our Valley residents.

This is a chart right out of the IBWC's own report showing by color, 6 feet in purple, 6 feet over the top of the existing levees with a major flood. Five to 6 feet, all this red, 2 to 3 feet over the top of the levees. What is going to happen to the City of Hidalgo? What is going to happen to all the businesses and homes and tens of thousands of people who live in this area if we do not provide an adequate amount of funding to repair the levees?

This bill approves every dime the President asked for, but he is failing the Texas Valley. He is failing to learn the lessons of Katrina and protect the people of the Rio Grande Valley, who live in the poorest statistical metropolitan area, McAllen-Mission, in the entire United States. The Federal Government is failing to meet its responsibility to provide them the security that the people of New Orleans did not have.

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

Mr. MCGOVERN. Mr. Speaker, let me close as I began today by pointing out to my colleagues that this conference report prohibits funding from being used by the United States Government for torture. We need to make this the absolute policy of our country.

Friday is Veterans Day, and we need to do everything we can to honor our veterans, but we can honor our veterans in part by doing everything we can to protect the soldiers who are now on the field, and that must mean making torture something that this country will never be part of.

I am horrified, quite frankly, by the behavior of the White House on this issue. They attempted to try to undermine what Senator MCCAIN has tried to do in the Senate and what some of us have tried to do here in the House. Those who believe that torture should have no place in America or American society are frustrated by what the White House is trying to do. We are a much better country.

The U.S. Army Manual bans torture, prohibits it. And one of the reasons why is because those who are in the military understand that it jeopardizes the lives of Americans, of American soldiers. How do we demand that the international laws be respected and that if one of our citizens was taken as a prisoner that they not be abused or tortured if it is not the policy of this country to prohibit torture in any shape or form? We need to do better, Mr. Speaker.

I will just conclude by saying that I urge my colleagues to support this bill. We do not have any problem with the rule. But I would also urge my colleagues, once this bill is passed, to join with those in the Senate in a bipartisan way to prohibit torture once and for all. This should not be part of America. We are much better than this. We do not stand for that. And if the White House does not get the message, we need to force the issue and to send them a bill that in fact has this prohibition in it.

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

Mr. GINGREY. Mr. Speaker, I agree with my colleague, the gentleman from Massachusetts, regarding some of the statements he made about torture. Certainly the provision in this bill concerning that prohibits funds, as he pointed out, from being used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government. I know the gentleman was not suggesting that this President or any Member of this Congress condones torture.

Mr. Speaker, I had the opportunity, not once but twice, to visit the detention facility at Guantanamo Bay, and on each occasion I was accompanied by a Member from the other side of the aisle, a respected Democratic member on the Armed Services Committee. This was long before, Mr. Speaker, the occurrence at Abu Ghraib in Baghdad. Again, I say I went on two different occasions and at no time did I see any evidence whatsoever of torture.

What I did see was the International Committee of the Red Cross there interviewing the detainees in privacy, without any detention officers or any member of our military present. So these detainees had every opportunity to complain, and certainly complain they did.

I know as a matter of fact, Mr. Speaker, that a number of our troops were reprimanded because they overreacted on occasion when they were cursed and spat upon and had human excrement, feces, and urine tossed in their face. But this is not cruel and inhumane punishment.

I know the gentleman from Massachusetts is a great advocate of human rights, and I think he is right on what he is standing up for. And, again, the unfortunate occurrence at Abu Ghraib at Cellblock 1 on the night shift by a few miscreant Reservists is deplorable and intolerable, and it will not be tolerated. I know that our military responded and responded in the correct way. So, certainly, I just want to say I agree with the gentleman on his comment that we cannot tolerate that.

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

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

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman for yielding. Again, my point is that if in fact we can all agree that torture is abhorrent and something that should not be part of this society, then I hope we can all in a bipartisan way support the effort of Senator MCCAIN, who wants to make it the policy of this land.

My problem with the White House, quite frankly, is that I am puzzled why they are trying to lobby to undermine what Senator MCCAIN is doing. I am also quite frankly shocked by the recent revelations in the Washington

Post about these secret prisons that we have all over the world where really, basically, there is no accountability.

So my point is, if we can all agree that this is wrong, let us make it the absolute law of this land and comply with what the U.S. Army Manual says and support Senator MCCAIN in his efforts. And I hope we can do that in a bipartisan way, and I thank the gentleman.

Mr. GINGREY. Reclaiming my time, Mr. Speaker, I will simply close by recognizing the hard work and the incredible effort of Subcommittee Chairman WOLF and all of the House and Senate conferees. Reconciling differences between the two Chambers is rarely a simple task, but I believe they have once again risen to the occasion and they have produced a conference report that may not please everybody with everything, but it gets the job done by appropriately balancing our spending needs with our budget.

Mr. Speaker, the American people demand and they expect responsible spending to support law enforcement, strengthened diplomacy which builds upon our competitive edge. Today, it is my hope that we have delivered. So I ask my colleagues for their full support of the rule and this underlying bill.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. PETRI). The question is on the resolution.

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

Mr. GINGREY. 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.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

PROVIDING FOR CONSIDERATION OF H.R. 1751, SECURE ACCESS TO JUSTICE AND COURT PROTECTION ACT of 2005

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 540 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 540

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. 1751) to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

Mr. Speaker, House Resolution 540 is a structured rule which provides 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. It provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary and now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. It waives all points of order against the committee amendment in the nature of a substitute.

□ 1130

It makes in order only those amendments printed in the Rules Committee report accompanying this resolution. It provides that the amendments made in order 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. It shall not be subject to amendment or a demand for division of the question in the House or in the Committee of the Whole. It waives all points of order against the amendments printed in the report and provides one motion to recommit with or without instructions.

Mr. Speaker, I rise today to speak on behalf of House Resolution 540 and the underlying bill, H.R. 1751, the Secure Access to Justice and Court Protection Act of 2005.

First, I want to extend my gratitude to the gentleman from Wisconsin (Chairman SENSENBRENNER) of the Committee on the Judiciary. I also would like to thank the ranking member, the gentleman from Michigan (Mr. CONYERS) as well as the gentleman from Texas (Mr. GOHMERT), the author of this important piece of legislation.

As I previously noted in my opening statement for the rule on H.R. 420, the Lawsuit Abuse Reduction Act of 2005, this past month has ushered in the passage of very meaningful and very significant legislation to reform and strengthen our courts both procedurally and substantively. Today we have an opportunity to strengthen our courts in a more literal sense by protecting them against a rising tide of violence that has harmed and claimed the lives of innocent individuals charged with enforcing and upholding our laws.

It was only a number of months ago that tragedy struck the Fulton County courthouse in Atlanta, my home State of Georgia. There, as most of America watched and sorrowfully remember, on March 13 a cold-blooded killer took the lives of four innocent people, forever robbing their families and depriving our legal system of the distinguished service of Fulton County Superior Court Judge Rowland Barnes, age 64; his court reporter, Julie Anne Brandau, age 46; Fulton County Sheriff Deputy Hoyt Teasley, age 43; and Federal agent David Wilhelm, age 40.

Mr. Speaker, law and order, not violence, should permeate our courts. Accordingly, H.R. 1751 would take important steps to deter and punish those who would exact revenge because they were caught in a criminal activity.

First, this bill will further punish any individual who would seek to influence, impede, or retaliate against a judge, a prosecutor, a law enforcement officer, or their families by increasing the penalties and providing new mandatory minimums such as 30-years-to-life mandatory minimum for kidnapping.

Additionally, each and every day men and women in law enforcement and public safety across this country proudly don their uniforms, fully recognizing that they represent their cities, States and their country; and they

proudly assume a substantial amount of personal risk to do so.

Therefore, H.R. 1751 would establish as a new category of criminal offense the killing, the attempted killing, or conspiracy to kill any public safety officer for a federally funded public agency. This legislation defines ''public safety officer'' as an employee or officer of the judiciary, a firefighter, a law enforcement officer, or any other State or local employee.

This bill would also crack down on the disclosure on the Internet of personal information of judges, court personnel, law enforcement and safety officers, jurors, and witnesses.

Mr. Speaker, I would also like to emphasize H.R. 1751's protections for jurors, witnesses, victims, and informants. The reality is that criminals or their associates can have the means to intimidate victims, and especially witnesses, essentially muscling them out of the courtroom. Accordingly, this bill goes a long way to ensuring the safety of witnesses and victims in order to keep their testimony in the court and keep the criminals behind bars.

This legislation expands the current framework between the United States Marshals Service and the Administrative Office of the United States Courts to facilitate consultation and cooperation in the development of security standards and requirements for our courthouses. It prohibits the possession of a dangerous weapon, including a firearm, in a Federal court facility; and it creates opportunities for State courts to improve security through discretionary Byrne grants.

Mr. Speaker, in recent debates, some of my colleagues have unfortunately called into question the importance of legal reform in this country to the point of insinuating that such reforms are not worth this House's time for consideration.

Well, Mr. Speaker, the judicial branch affects the lives of every single American and almost every aspect of American life from conception to natural death, and sometimes even after death. Therefore, I think legal reform has and will continue to be a very appropriate matter for consideration and a good use of this Congress' time, especially when we are dealing with the safety of those men and women involved with our all-important third branch of government.

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

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

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

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

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Georgia (Mr. GINGREY) for yielding me this time.

Mr. Speaker, the rule, H. Res. 540, will allow the House to take up legislation to protect Federal judges, court employees, safety officers, jurors, and witnesses.

Unfortunately, we are all aware of the tragic violence committed against judges and their families this year. In one case this past February, Judge Joan Lefkow, a Federal judge from Chicago, returned home to find her husband and her mother murdered. We later learned it had been a retaliation for a earlier court ruling. It is hard to comprehend such a senseless loss.

Clearly, the additional steps we are taking today are important to protect judges and their family members. H.R. 1751, the Secure Access to Justice and Court Protection Act of 2005, increases the penalty for assaulting, kidnapping or murdering a Federal judge, other public officials, and their immediate family members. Further, the bill extends these protections to jurors and witnesses.

For our judicial system to function, the authority and safety of our Federal judges must be ensured. Judges, as well as jurors, should know they are free to make unbiased and sound decisions based on the facts and the rule of law and not on the fear that they may face retaliation for a decision they hand down.

It is equally important witnesses know they will also be secure when testifying. They must know that it is safe to do the right thing and testify before a court of law. For this reason, I appreciate that the Committee on the Judiciary included grants to assist States in operating the witness protection programs.

However, I do have some significant reservations about this legislation. Included in H.R. 1751 are over a dozen new mandatory minimum penalties.

Mr. Speaker, we must protect our judges from harm without impeding their judicial independence. It is the judges and juries who have the facts of each case before them, not Congress. And it is judges and juries who should be determining the proper and appropriate punishment.

Therefore, it should not surprise Members that the Judicial Conference of the United States, the body Congress turns to for nonpartisan recommendations on our Federal judiciary, has expressed a deep opposition to mandatory minimums on more than a dozen occasions in its communications to Congress.

Mr. Speaker, mandatory minimums simply do not work. Rather, they tie the hands of our judges, not allowing them to fit the best punishment to the crime.

I look forward to the debate on these amendments and the underlying legislation.

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

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

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule and the underlying legislation. I want to congratulate my friend from Georgia and my friend from California for their management of this issue.

I would like to say that the rule itself provides by a 2–1 ratio more amendments offered by Democrats than Republicans. Not every single amendment was made in order, as I see my friend, Mrs. MCCARTHY, here. I will say, as we regularly hear people say that the amendments the Democrats proposed are not given an opportunity to be heard on the floor, by a 2–1 margin, Mr. Speaker, we are seeing amendments made in order by Democrats over Republicans.

Specifically to the concern I know will be raised by the gentlewoman from New York (Mrs. MCCARTHY), we frankly upstairs had been under the impression that the language that she and the gentleman from Michigan (Mr. DINGELL) had proceeded through consideration, and I was wrong on that. I had gotten some incorrect information.

But I have talked with staff members of the Judiciary Committee; and I have an assurance, and while I know this amendment will not be made in order today, when it comes to looking at background checks and the history of individuals, this is a priority that the committee will put forward. They have assured me that they will proceed with hearings on this issue. I would like to say to my friend from New York who will raise concerns about this that is a priority that we have and we hope very much to address it.

Mr. Speaker, I would like to take a few minutes to talk about the legislation itself. I would like to begin by congratulating Chairman SENSENBRENNER and the gentleman from Texas (Mr. GOHMERT), who as a former judge is obviously concerned about the threats that have been out there for his former colleagues. I believe it is very important, when we think about the importance of the rule of law, which is absolutely essential, absolutely essential for the success of liberty, ensuring the safety of these judges who have continued to face threats, is very, very important for us to do.

Last night in the Rules Committee, our colleague from Texas (Mr. SESSIONS) referred to his father who was a judge, and as we all know, former director of the Federal Bureau of Investigation. He talked about those threats. He told me repeatedly about the threats that existed. This legislation, I believe, that Mr. GOHMERT has put together will go a long way towards addressing that concern.

I would like to talk about a very important provision that is included in this bill that enjoys strong bipartisan support. One of the serious problems with which we are all dealing is the issue of illegal immigration and the

problem we have of people who are in this country. We know 98 percent of them are here to simply feed their families, but we know there are people here in this country who perpetrate crime against our fellow citizens. We know there continues to be the existence of a threat that a terrorist could come here. We know that Mohammed Atta, one of those who flew a plane into the World Trade Center Tower on September 11, 2001, was, in fact, here illegally. So as we look at the issue of illegal immigration, focusing on criminals and potential terrorists is a very high priority.

One of the worst days for law enforcement in the Los Angeles County Sheriff's Department was April 29, 2002. That is 3½ years ago. On that day, Deputy Sheriff David March was on patrol. He pulled over for a traffic violation an individual who ended up putting a gun to Deputy March's head and brutally killing him.

□ 1145

The alleged killer, Armando Garcia, fled to Mexico, and it has been 3½ years, and we have not resolved that case.

Within just a few weeks of that April 29 killing in 2002, upstairs in the Rules Committee I convened a meeting of my colleagues, BUCK MCKEON, who represented the March family; KEN CALVERT, who was very involved in this issue and concerned about it. On the other side of the aisle, HOWARD BERMAN and ADAM SCHIFF, and we also had at that meeting, Mr. Speaker, representatives from the Mexican Embassy's judicial department within the embassy here; and we also had representatives from our Department of Justice.

Now, our concern has been a terrible provision that exists in Mexican law. It is actually constitutional, saying that the Mexican Government refuses to extradite a criminal who potentially could face the death penalty, and this is something that has existed for a long period of time. Something that was very unfortunate was that in September of 2001, the Mexican Supreme Court took steps to say that they refused to extradite an alleged criminal to a country or a state or a jurisdiction that had life imprisonment as the punishment because they considered that to be cruel and unusual punishment.

Mr. Speaker, it is horrible that they have that policy, and we need to do everything we can to change that policy. We need to encourage the Mexican Government to change that policy. Why? This does not have to do with something that took place in their country. It has to do with a crime perpetrated on U.S. soil. So I believe the Mexican Government should, in fact, extradite an alleged criminal who has perpetrated a crime here in the United States to face the punishment in the jurisdiction where the crime was perpetrated.

So what has happened here, Mr. Speaker, is that we want to ensure that we never see happen again what happened on April 29, 2002. And I should add that is not the only instance. We all know of many other instances where law enforcement officers have been killed and people have fled the country. But this case has become a very prominent one.

So I was approached by Los Angeles County Sheriff Lee Baca, and I was joined by my colleague Mr. SCHIFF, who serves on the Judiciary Committee; and we were asked to introduce legislation that would make it a Federal crime to kill a law enforcement officer and flee the country. We spent a great deal of time working with a wide range of organizations, and we have put together a package which I believe can allow us to do that without impinging on the local jurisdiction that we believe district attorneys should have in dealing with this issue. It does not in any way diminish the level of punishment. But what it does do, Mr. Speaker, is it puts the full force of the Federal Government behind an effort to ensure that we do not have happen again what happened on April 29 of 2002.

One of the things that I believe is important is to recognize that there are families that have suffered, and I have had the opportunity, through Sheriff Baca and through others, to get to know the family members of Deputy Sheriff David March. So, Mr. Speaker, H.R. 3900 is the legislation that ADAM SCHIFF and I introduced, and it is included as part of this very important court security measure that Mr. GOHMERT has offered, and I would like to name the provisions that are included calling for making it a Federal crime to kill a law enforcement officer in the name of Deputy Sheriff David March. And I spoke with Sheriff Lee Baca this morning about that, and I really feel that we are doing this in the name of David March to keep the memory of his life alive, the memory alive so that we can send a signal that we are not going to tolerate this kind of act in the future.

So, Mr. Speaker, we have here, again, a very important measure included in critical must-pass legislation, and I hope that my colleagues will join in providing bipartisan support for this measure.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I am very happy to hear from my colleague from California explaining the move last night on not allowing my amendment to be put forth; and I hope that, working with him and certainly Mr. SENSENBRENNER on the Judiciary Committee, we can move this bill forward.

H.R. 1751 goes to great lengths to punish those who commit violence in our courthouses, and rightly so. However, this bill falls short when it comes to preventative measures that would stop these senseless attacks from happening in the first place.

As was mentioned, last night I offered such an amendment in the Rules Committee. It would automate the court records into the National Institute Background Check System so recently convicted individuals could not buy a gun. The reason we want to do that, basically, is if a person is convicted and still not going straight to jail to prevent them from going out and buying a gun and coming back and doing harm, whether it is to a judge, a family, or a court officer.

Many State courts fail to enter this data into the NICS System in a timely manner, if at all. For example, the subject of a restraining order stemming from spousal abuse can leave the courthouse, go to a gun store, make a purchase, and seek revenge on the court officers.

My amendment would require that court rulings be immediately entered into the NICS System. It would provide grants to State courts that do not have the resources to comply. But my amendment was the only amendment not to be accepted by the Rules Committee, and we heard that wrong information had been given to Mr. DREIER, and I accept that. Those things happen.

All of us here want to save lives. I mean, that is what we want to do. We want to protect our men and women in uniform. We want to protect our court officers, our judges. This amendment certainly could have helped that. It would have made a good bill, in my opinion, a better bill.

So with that I hope that we will be here down the road soon, be able to offer my full bill because, again, this does not infringe on second amendment rights. It is there to protect people. It is there to save lives, and that is my goal.

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

Mr. GINGREY. Mr. Speaker, I would like to close in celebration of the men and women who put their lives on the line every day, whether by working the beat, extinguishing a four-alarm fire, or ensuring equal justice under the law by means of the gavel.

As I mentioned earlier, when these individuals put on their uniforms, they become representatives of the community in service of the community. They are not enforcing their own will; but they are, rather, seeking guidance from and working to uphold the laws of the land.

Mr. Speaker, while there are some individuals who are occasionally accused of abusing their power, the vast majority, the vast majority, of these civil servants are only doing their job admirably; and, therefore, there is absolutely no justification for an accused or guilty individual to ever attach their anger to or seek revenge against these individuals who are only doing their duty.

Unfortunately, the increase of violent activities against judges, and we talked about that here during this hour, court officers, witnesses, victims, and law enforcement has made this bill not only necessary but also a top priority in the preservation of our system of law and justice.

Mr. Speaker, I look forward to the discussion of H.R. 1751 and the numerous amendments this rule has made in order. As always, I urge my colleagues to support the rule and the underlying bill.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. PETRI). The question is on the resolution.

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

Mr. GINGREY. 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

House Resolution 539, by the yeas and nays;

House Resolution 538, by the yeas and nays;

House Resolution 540, by the yeas and nays.

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

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2419, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. The pending business is the vote on adoption of House Resolution 539 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 412, nays 2, not voting 19, as follows:

[Roll No. 577]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
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)
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, M.
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
Foley
Forbes
Ford
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (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)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
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
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
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)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—2

Berkley
Porter

NOT VOTING—19

Berman
Blumenauer
Boswell
Brown-Waite, Ginny
Conaway
Davis (FL)
Diaz-Balart, L.
Fossella
Hastings (FL)
Jones (OH)
Kilpatrick (MI)
Millender-McDonald
Norwood
Solis
Strickland
Sweeney
Turner
Walsh
Young (FL)

□ 1220

Ms. VELÁZQUEZ changed her vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 577 on H. Res. 539 I was unavoidably detained. Had I been present, I would have voted "yea."

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2862, SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore (Mr. ISSA). The pending business is the vote on adoption of House Resolution 538 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 23, as follows:

[Roll No. 578]

YEAS—410

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)

Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
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)
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
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)
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
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
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
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)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—23

Berman
Boswell
Brown-Waite, Ginny
Conaway
Davis (FL)
Diaz-Balart, L.
Emanuel
Fossella
Gonzalez
Hastings (FL)
Jefferson
Jenkins
Jones (OH)
Kilpatrick (MI)
Millender-McDonald
Norwood
Solis
Stark
Strickland
Sweeney
Turner
Walsh
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1229

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was on the table.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 578 on H. Res. 538, I was unavoidably detained. Had I been present, I would have voted "yea."

PROVIDING FOR CONSIDERATION OF H.R. 1751, SECURE ACCESS TO JUSTICE AND COURT PROTECTION ACT OF 2005

The SPEAKER pro tempore (Mr. ISSA). The pending business is the vote on the adoption of House Resolution 540 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 21, as follows:

[Roll No. 579]

YEAS—412

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
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)
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
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)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
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
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)

Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
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)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—21

Ackerman
Berman
Boswell
Brown-Waite, Ginny
Conaway
Davis (FL)
Davis, Jo Ann
Emanuel
Fossella
Gonzalez
Hastings (FL)
Jones (OH)
Kilpatrick (MI)
Millender-McDonald
Norwood
Solis
Strickland
Sweeney
Turner
Walsh
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1238

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 579 on H. Res. 540 I was unavoidably detained. Had I been present, I would have voted "yea."

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.R. 2490. An act to designate the facility of the United States Postal Service located at 442 West Hamilton Street, Allentown, Pennsylvania, as the ''Mayor Joseph S. Daddona Memorial Post Office''.

H.R. 3339. An act to designate the facility of the United States Postal Service located at 2061 South Park Avenue in Buffalo, New York, as the ''James T. Molloy Post Office Building''.

The message also 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. 797. An act to amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians.

The message also announced that the Senate concurs in the amendments of the House to the text and title of the bill (S. 1713) ''An Act to make amendments to the Iran Nonproliferation Act of 2000 related to International Space Station payments.''.

GENERAL LEAVE

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include tabular and extraneous material on the conference report to accompany H.R. 2419.

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

There was no objection.

CONFERENCE REPORT ON H.R. 2419, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2006

Mr. HOBSON. Mr. Speaker, pursuant to House Resolution 539, I call up the conference report on the bill (H.R. 2419) making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 539, the conference report is considered read.

(For conference report and statement, see proceedings of the House of November 7, 2005, at page H9813.)

The SPEAKER pro tempore. The gentleman from Ohio (Mr. HOBSON) and the gentleman from Indiana (Mr. VISCLOSKY) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. HOBSON).

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

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

Mr. HOBSON. Mr. Speaker, I am pleased to present to the House today the conference report on H.R. 2419, the Energy and Water Development Appropriations Act for Fiscal Year 2006.

The amount of funding included in the Energy and Water conference agreement is $30.5 billion. This represents an increase of $663 million over the enacted level for fiscal year 2005, including supplementals and approximately $748 million over the budget requests. Much of this increase is dedicated to the Civil Works program of the Corps of Engineers with the Corps receiving approximately $1 billion over the budget request.

The recent hurricanes have taught us a hard lesson about the dangers of neglecting the water resources infrastructure in this country. We have to make sure we provide sufficient funds to address the most pressing water resource needs in this country, and we have to make sure that the Corps follows the spending guides provided by Congress in executing those projects.

We have focused on funding on the most important flood control, navigation and dam safety projects and on completing projects that are already under way. That means that our conference report includes only a limited number of new starts and project authorizations.

Our conference agreement imposes stricter controls on the Corps over reprogrammings and continuing contracts. Within the Department of Energy, our conference agreement provides health funding levels for the major DOE programs. We advance initiatives on the recycling of spent nuclear fuel and on the Reliable Replacement Warhead, and we keep critical projects such as the Yucca Mountain Repository and the National Ignition Facility and the Mixed Oxide Fuel Fabrication Facility moving forward.

I really want to thank all my colleagues on the Energy and Water Subcommittee and in the Senate. I especially want to extend my appreciation to my ranking member and partner in this venture, the gentleman from Indiana (Mr. VISCLOSKY). He has been an exceptional partner in this effort, and I believe we are both proud of this very bipartisan bill. I also want to thank the staff on both sides of the aisle for their outstanding work this past year.

I urge the unanimous support of the House for the adoption of the conference report.

Mr. Speaker, I am pleased to present to the House today the conference report on H.R. 2419, the Energy and Water Development Appropriations Act for fiscal year 2006.

The total amount of funding included in the Energy and Water conference agreement is $30.5 billion. This represents an increase of $663 million over the enacted level for fiscal year 2005, including supplementals, and approximately $748 million over the budget request.

Title I of this conference report provides funding for the Civil Works program of the U.S. Army Corps of Engineers and for the Corps' Formerly Utilized Sites Remedial Action Program. The conference agreement provides the Corps with $5.4 billion in fiscal year 2006, slightly below the current year when last year's emergency supplemental appropriations are considered, but approximately $1 billion over the budget request.

The recent hurricanes in September and October should serve as a long-overdue wakeup call to both Congress and the Corps of Engineers about the importance of water resources infrastructure in this country. We have to make sure that we provide sufficient funds to address the most pressing water resource needs in this country, and we have to make sure that the Corps follows the spending guidance provided by Congress. We have to fund the right projects, we have to make sure the Corps completes those projects in a timely manner, and we have to make sure those projects perform as intended.

To that end, our top priority in this conference was to provide additional funding for essential water projects around the country. Of the additional $749 million that was available to our conference over the amount requested by the Administration, we dedicated $634 million of that increase to the Corps of Engineers.

As we have done in the last several fiscal years, we have attempted to focus those resources on the Nation's top water resources priorities. That means that we apply funds to projects that can be completed in fiscal year 2006. We asked the Corps to use its professional engineering judgment to provide us with a list of the top ten priority flood control needs around the country, and a list of the top ten navigation infrastructure needs as well. Unfortunately, the Corps was unable to provide us with anything other than the list of projects contained in the budget request, so we generally funded those critical flood control and navigation projects at the full amount of the request.

As in previous years, we also limit the number of new starts and the number of project authorizations contained in this conference agreement. However, the most significant change is not in the funding levels or the individual projects, but rather in the way the Corps manages those funds and executes those projects. The Corps has operated its Civil Works program with a large amount of flexibility in the past, with the freedom to move funding around from project to project. Unfortunately, that practice got out of hand, to where the Corps was executing 20,000 reprogrammings a year for a workload of only 2,000 projects. That is not sound financial management.

The problem was compounded by the Corps' excessive reliance on continuing contracts, whereby the Corps can commit the Federal government to multi-year contracts in advance of having sufficient appropriations in hand. These two practices, reprogrammings and continuing contracts, meant that the Corps was playing a shell game with the funding we appropriated, moving money around from project to project to cover obligations they had made in excess of available appropriations.

Our conference agreement brings that practice to an end, by imposing stricter controls over reprogrammings and continuing contracts. We put a lot of effort into negotiating sound allocations for water projects, and we expect the Corps to abide by those allocations in the future.

Funding for Title II of the bill, which includes the Central Utah Project Completion Account and the programs of the Bureau of Reclamation, is $1.065 billion, $47 million above the amount appropriated last year and $114 million above the budget request.

Total funding for Title III, the Department of Energy is $24.29 billion, $129 million above fiscal year 2005 and $77 million below the budget request.

Our conference agreement provides healthy funding levels for the major Department of Energy programs. Energy Supply and Conservation is funded at $1.83 billion, an increase of $24 million over the current year and $81 million over the request. This amount includes significant increases in weatherization assistance and research on nuclear energy and electricity transmission and distribution. Fossil Energy research and development programs are funded at $598 million, an increase of $107 million over the request. This amount includes $18 million for FutureGen and $50 million for the Clean Coal Power Initiative.

Non-defense environmental cleanup activities are funded at $353 million, an increase of $3.3 million over the request. The Uranium Enrichment Decontamination and Decommissioning Fund receives $562.3 million, an increase of $67 million over the current year and a decrease of $29 million below the request. Defense Environmental Cleanup programs are funded at $6.19 billion, an increase of $177 million over the request. Of this amount, $157.4 million represents the cleanup of facilities of the National Nuclear Security Administration (NNSA), initially proposed in the budget request for transfer from Environmental Management to the NNSA. The conference report provides $526 million for the Hanford Waste Treatment and Immobilization Plant, a decrease of $100 million from the request.

The conference agreement provides $3.633 billion for the DOE Office of Science, an increase of $33 million over the current year and $170 million over the request. This amount includes an additional $30 million for advanced scientific computing, to accelerate the development of a leadership-class supercomputer for scientific applications.

For nuclear waste disposal activities, the conference agreement provides a total of $500 million, including $450 million for work on the Yucca Mountain repository and $50 million to initiate planning and a competitive site selection process for one or more integrated spent fuel recycling facilities. It is essential to continue development of the Yucca Mountain repository, but it is also essential to pursue alternative approaches to spent nuclear fuel so that we do not have to develop eight more repositories by the end of this century.

The conference agreement provides a total of $9.2 billion for the National Nuclear Security Administration (NNSA), an increase of $217 million over the current year but a decrease of $201 million from the request. This decrease compared to the request results largely from the cleanup responsibilities for NNSA sites and facilities, which were proposed in the budget request for transfer to the NSSA but were retained in Environmental Management in the conference agreement.

The conference agreement does not include funding for the Robust Nuclear Earth Penetrator but provides significant increases for the development of the Reliable Replacement Warhead. Additional resources are provided to accelerate the consolidation of special nuclear materials into a smaller number of secure sites, and to accelerate dismantlement of obsolete nuclear weapons. The conference agreement includes the requested amount of funding for construction of the National Ignition Facility.

Defense Nuclear Nonproliferation activities are funded at $1.6 billion, an increase of $138 million over the current year and $6 million below the request. This amount includes sufficient funds for the Mixed Oxide Fuel Fabrication Facility at Savannah River to proceed into construction in fiscal year 2006.

Funding for Title IV, Independent Agencies, is $271.1 million, a decrease of $18.2 million from last year and an increase of $36.9 million above the budget request. We have funded the Appalachian Regional Commission at $65.5 million, the same as the request. The Delta Regional Authority is funded at $12 million, an increase of $6 million over the request and over the current year. The conference agreement provides $50 million for the Denali Commission, a decrease of $16 million below the current year and $47 million over the budget request. The conference agreement provides $734 million for salaries and expenses of the Nuclear Regulatory Commission (NRC), an increase of $77 million over the current year and $41 million over the request. This additional budget authority is provided for NRC work on licensing new reactors and for increased security assessments.

I want to thank my Senate counterpart, Chairman PETE DOMENICI, and his ranking minority Member, Senator HARRY REID, for their hard work during this conference. I especially want to extend my appreciation to my ranking member, the Honorable PETE VISCLOSKY of Indiana, who was at my side during this entire process. I truly value his support and advice, and that of all the Members of our Energy and Water Subcommittee. I believe we are all proud of this bipartisan product.

Mr. Speaker, before I conclude I would also like to thank the staff for their help in shepherding this bill through the House and through conference with the Senate. The Subcommittee staff includes Kevin Cook, John Blazey, Scott Burnison, Terry Tyborowski, Tracy LaTurner, and our detailee from the Corps of Engineers, Taunja Berquam. I also want to thank Kenny Kraft of my staff, and Dixon Butler of the minority staff, and Peder Maarbjerg and Felicia Kirksey of Mr. VISCLOSKY's staff.

I urge the unanimous support of the House for adoption of this conference report.

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

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

Mr. Speaker, I recommend that all Members join me in supporting this conference agreement. Its presentation has been bipartisan, and the chairman has been fair throughout his preparation. I would also join the chairman in adding my appreciation to the staff led on the majority side by Kevin Cook. He is joined by Terry Tyborowski, John Blazey, Scott Burnison and Tracy LaTurner. They are a very strong team.

On the minority staff, I would like to thank Dixon Butler. This year we have two of the finest detailees ever from the Army Corps, Taunja Berquam helping with the majority and Felicia Kirksey helping with the minority. I would also thank Kenny Kraft on Chairman HOBSON's staff as well as Peder Maarbjerg on mine.

Conference negotiations this year were protracted and their favorable resolution required both patience and firmness in pushing for positive reforms of the Corps of Engineers management practices.

I want to thank Chairman LEWIS as well as Ranking Member OBEY for their steadfast support in getting this done.

As I said in my remarks earlier this year, Chairman HOBSON has led our subcommittee to take a long-term perspective on a number of important issues, and this is resulting in some profound and positive changes, including saner and safer policies on nuclear weapons, insistence on 5-year planning from the Corps of Engineers, Bureau of Reclamation, and the Department of

Energy; a focus on completing projects in management reforms, particularly at the Corps. On this side of the aisle I am pleased to have had the opportunity to support my chairman on these issues.

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The conferees were given an allocation of $749 million larger than was available when the House developed its bill back in the spring. The tragic events that resulted from the hurricanes demonstrated that our Nation has crying needs in the areas served by the program of the corps, and we have devoted the increased funds to meet these needs along the Gulf of Mexico and across the Nation.

Mr. Speaker, I ask for my colleagues' support of this conference agreement.

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The conferees were given an allocation $749 million larger than was available when the House developed its bill back in the Spring. The tragic events that resulted from hurricanes Katrina and Rita demonstrated that our Nation has crying needs in the areas served by the programs of the Corps of Engineers, and we have devoted the increased funds to meeting these needs both along the Gulf of Mexico and across the Nation.

The Energy and Water Development conference agreement had to work within the constraints that started with the President's budget request and its inadequate commitment of resources to the programs of the U.S. Army Corps of Engineers. The events of this year amply demonstrated the latent threats to our Nation from natural disasters and the failure of inadequate manmade structures. The Congress is doing the right thing in increasing spending on the Corps in FY 2006 by more than $1 billion over the request. Hopefully the Administration will now understand the level of investment needed and submit a budget for FY 2007 that sustains and extends this investment level for the water infrastructure of our Nation.

An additional top priority within the Energy and Water appropriations is nuclear nonproliferation. While the overall level included in the conference agreement is slightly below the request, considerable funds have been shifted from a construction project with major unspent balances to support of high priority programs to help Russia protect and control its nuclear weapons material. The Russian side has signaled strong willingness in this area, and bureaucratic obstacles in the U.S. have been removed. We must seize this opportunity for the increased safety of us all.

Alas, this conference agreement is limited by an overall constraint forced by allocation.

Four fifths of the Energy and Water funding goes to the Department of Energy, but energy research, development and demonstration is only 10% of the Department. The cost of gasoline, natural gas, and home heating oil have exploded over the past 18 months. Only the Federal Government can invest in the long-term R&D needed and stimulate demonstration and deployment of new technologies through partnerships with the private sector.

When our Nation faced high costs and uncertain supplies for energy in the mid-1970s, President Carter and Congress, made major investments in energy conservation and renewable energy along with unconventional sources of fossil fuels were funded. A comparable response today would require quadrupling our support for renewable energy and doubling our support for conservation R&D at DOE. As a start, Democrats advocated for creation of an energy independence fund of one-quarter billion dollars of new money at DOE at the time the House considered the Energy and Water appropriations bill.

The prosperity of our Nation is built in part on preeminence in almost all areas of fundamental science research. The Department of Energy is the primary supporter of physical science research and provides state-of-the-art user facilities available to investigators from government, academia, and industry.

The constraints on this conference agreement have allowed only one area of research and user support to be increased above the request—high performance computing. This is an area where the United States invented the field and long held undisputed leadership in the world. Several years ago, that leadership was challenged by Japan with their development of the Earth Simulator. For three years in a row, the Congress has had to increase support substantially in this area to sustain momentum in reachieving U.S. leadership.

The conference agreement provides no increased support for the operations of DOE user facilities. Construction of these facilities represents a major investment. Before the recent run-up in energy prices, it was estimated that an additional $95 million was required to operate these facilities at full capacity. Operation of these facilities is energy intensive, and the FY 2006 operating levels are likely to be smaller than planned.

Within the constraints of the conference allocation, the Energy and Water conferees have made good choices for our Nation. I ask for support for this measure.

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

Mr. HOBSON. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from New York (Mr. BOEHLERT).

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

Mr. BOEHLERT. Mr. Speaker, I rise in support of the conference report.

I rise in support of this bill, and I want to thank Chairman HOBSON for working on behalf of the civilian research and development programs of the Department of Energy. Needless to say, I wish the bill could have been even kinder to those programs, but I know that Chairman HOBSON pressed on their behalf.

I want, though, to bring attention to one concern I have about the conference report. The conferees dropped House language preventing an agreement on ITER, the international fusion project, from being finalized before March 1. This language, which I offered and the House approved by voice vote, was designed to prevent the U.S. from moving ahead with ITER until we had a consensus on how to finance the billion-dollar U.S. contribution.

You'd think that would just be common sense in this period of fiscal austerity when we are talking about cutting programs that Americans rely on. But the House language has been replaced by weak report language calling for a study by the Government Accountability Office.

I understand why, in the give and take of conference negotiations, my provision may have had to go away. But the issue is not going to go away.

I want to make clear to everyone concerned that I will do everything in my power to kill the ITER project if there is not an agreement by March that the domestic fusion program has to be scaled back to pay for ITER.

I am not going to allow the U.S. to enter into an international commitment that it cannot afford. I would rather kill the ITER project.

The fusion community will have to be realistic. It cannot have all its current projects and ITER. And it will not.

This year's appropriation already makes clear why this is so. Just about every area of activity under the DOE Office of Science sees a cut, especially if earmarks are excluded, except Fusion Energy Sciences. Fusion science is important and may be a key to our energy future, but it cannot consume the entire budget of the Office of Science. And that is what will happen if the domestic program is held harmless while ITER is constructed.

So I look forward to working with my colleagues on Appropriations and all my colleagues to make sure that the U.S. handles its international commitments responsibly. No one should misread what happened in this conference. The ITER program is in grave danger, and I guarantee you that it will not be completed with U.S. participation unless there is a more realistic plan to fund it.

Mr. HOBSON. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

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

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in strong support of the conference report.

First, let me commend Chairman DAVE HOBSON and Ranking Member PETE VISCLOSKY for their hard work on this Conference report.

In a year of fiscal constraint, extraordinary costs due to natural disasters, they have produced an excellent bill that addresses our national priorities and a wide range of Federal programs, including such diverse matters as flood control, navigation improvements, environmental restoration, nuclear waste disposal, advanced scientific research, maintenance of our nuclear stockpile, and nuclear nonproliferation.

KATRINA

No policy discussion about the Corps of Engineers can take place in this body without the looming shadow of Hurricane Katrina and its huge devastation.

This historic storm—encompassing 90,000 square miles in Louisiana, Mississippi and Alabama—raised issues that the Corps and the Congress must consider in the months ahead as we look to rebuild the Gulf Region and protect others susceptible to same kind of natural disaster.

Let's be blunt. A Katrina could—and will—happen again and we must heed its ''lessons learned.''

In the near term, we must be a careful steward of the taxpayers' dollars.

In the long—term, Congress needs to revisit how we prioritize ongoing Corps water infrastructure projects in a way that allows flood control, navigation, beach erosion to be completed once they are begun.

THE COAST

The Army Corps of Engineers keeps our waterways open for business, prevents our communities from flooding and our beaches from eroding.

In New Jersey alone, the Army Corps budget helps keep the 127 miles of New Jersey coastline open to visitors from across the country. Serving as one of New Jersey's greatest attractions, our beaches generate over 30 billion dollars for our State's economy each year, while providing over 800,000 people with jobs. This bill provides $71 million dollars for beach preservation and restoration.

PORT

One of the most important Army Corps projects is the Port of New York and New Jersey Harbor Deepening. For the third year in a row, President Bush's budget message recognized the dredging of this port as a national priority and it called for it to be one of five national navigational projects.

It goes without saying that projects like the Port drive our national economy. The Port is a national asset. As the largest port in the northeast and a leading job center for the New Jersey/New York Metropolitan Region, we must continue to focus our efforts on deepening its major navigation channels so that the port is able to meet the 21st Century needs of our economy.

FLOODS

Of course, the importance of the Army Corps budget is not limited to just navigational projects. In an effort to protect New Jerseyans, their homes, and their businesses from the destruction and devastation of flooding, this bill also provides the framework and the funding to purchase wetlands for natural storage areas, and to work with the local governments across northern New Jersey to develop long-term solutions to re-occurring floods. In New Jersey this means that important corps initiatives like the Jackson Brook Flood Control project in my own district and the ongoing acquisition of wetlands critical for the preservation of flood storage areas, among several other critical local projects have the funding to remain on track.

ENERGY

Mr. Speaker, our country continues to benefit from advances in science, technology and engineering. We've discovered the potential for fusion energy, advanced renewable energy, and improved energy efficiency. Through cutting edge research and the development of these programs at the U.S. Department of Energy, we are rapidly advancing our scientific knowledge.

Mr. Speaker, I have long supported funding for renewable energy sources. The Committee's investment of $1.2 billion in renewable energy resources will be integral to creating alternative energy solutions for our nation. The Department of Energy is pursuing other new technologies to meet future energy and environmental needs. These technologies will change how we use and produce energy.

I am pleased that year after year this Committee continues to recognize the incredible potential of fusion energy by providing a $30 million increase in funding for a total of $296 million in funding for the program—which will advance the vital work of the domestic fusion community to prosper at sites such as New Jersey's Princeton Plasma Physics Laboratory.

The money in this bill for energy efficiency and renewable energy will fund continuing improvements in technology for programs I strongly support like hydro-electricity, wind and solar power. Since FY2000, the U.S. Congress, through this committee has invested over $3 billion in renewable energy.

The Chairman and his staff have worked extremely hard to craft a good bill. Kevin Cook and his team deserve a lot of credit. For all of these reasons, I urge my colleagues to support this important legislation.

Mr. HOBSON. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Ohio (Mr. GILLMOR).

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

Mr. GILLMOR. Mr. Speaker, I rise in support of the bill.

Mr. Speaker, I rise today to thank Chairman HOBSON and Ranking Member VISCLOSKY for their diligent efforts in bringing the Energy and Water Appropriations bill to the floor.

This legislation contains many important provisions for our Nation, including significant funding for dealing with spent nuclear fuel, including funding for the Yucca Mountain repository. I want to thank the chairman for being a leader in nuclear issues, and for moving forward aggressively to deal with the spent fuel issue. Regarding Yucca Mountain specifically, the funding level is lower than the $651 million requested by the House Energy and Water Appropriations Subcommittee, but I understand this lower funding is a result of some challenges facing the project. With nuclear waste being stored at approximately 100 sites around the Nation, it is important to move to a central repository as soon as feasible.

I want to continue to see that this project moves forward and I look forward to when the Energy and Commerce Committee holds oversight hearings to ascertain the project's recent progress as well as DOE's plan for moving ahead at Yucca Mountain. I urge all of my colleagues to vote for this very important legislation.

Mr. HOBSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Montana (Mr. REHBERG), a committee member.

Mr. REHBERG. Mr. Speaker, I want to thank the gentleman from Ohio (Mr. HOBSON) for his hard work and the gentleman from Indiana (Mr. VISCLOSKY) as well.

The current energy crisis has caused us to refocus on future energy needs, how we can become more efficient and produce more energy from the same resources with less pollution.

Funds have been correctly appropriated in this bill to research initiatives that will speed up the deployment of hydrogen fuel cells, coal gasification technologies, advanced turbine research, next generation fuels, and environmental controls.

In this bill, you will see Future Gen. Future Gen is a Department of Energy collaboration with private industry to develop a near-zero emissions power plant. Unlike traditional coal-fueled generation facilities, sulfur and mercury will be removed before combustion, and the carbon dioxide will be safely sequestered underground, making Future Gen the most environmentally friendly coal-fired generation facility in the world.

The success of this venture requires government support to cost-share substantial private investments. This conference report sends a powerful message that the United States is prepared to move forward and construct such a facility.

I support these efforts and would like to again thank Chairman HOBSON and Ranking Member VISCLOSKY, and I look forward to seeing these research initiatives becoming a reality.

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

Mr. VISCLOSKY. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Speaker, I was one of 416 Members of this body who voted back in May for a different and better energy and water appropriations bill.

But then a funny thing happened on the way to the conference committee. Although the House- and Senate-passed bills both funded one of this Nation's most important analytical research projects, the Relativistic Heavy Ion Collider, which is operated by the Department of Energy's world-class Brookhaven National Laboratory, which I am very proud to represent, somehow this breakthrough research was cut dramatically in conference.

As a result, the RHIC, as it is known, could lay dormant, unused, for 47 weeks out of the year. Why is this project so important? It is designed to recreate conditions of the Big Bang

from which the universe was born and life created.

The Federal Government has already invested more than $1 billion, that is $1 billion, in the construction of this facility; and it simply makes no sense to let such an investment go unused. I do not know about my colleagues, but this is like buying a Porsche and letting it sit in your driveway because you will not buy the gas.

I ask, is there a more important basic research project in progress anywhere else in the country? How did we justify disinvesting in this project, as well as BNL's research into translational neuroimaging and functional nanomaterials?

Could this be an example of the kind of cuts we are beginning to witness as a result of the misguided priority of the budget reconciliation legislation?

That said, I am deeply grateful for the support of the gentleman from Ohio (Mr. HOBSON), the chairman of the subcommittee, who visited the lab earlier this year, and the gentleman from Indiana (Mr. VISCLOSKY), the ranking member, who has consistently advocated this research.

I look forward to their continued support and working with them to restore this funding and protect the jobs at BNL, some 200 of which might be lost, ideally within these first few months of fiscal year 2006, and upon their approval of reprogramming existing funds within the Department of Energy.

Until that happens, Mr. Speaker, I, therefore, must reluctantly oppose this conference report.

Mr. HOBSON. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Idaho (Mr. SIMPSON).

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

Mr. SIMPSON. Mr. Speaker, I rise in strong support of this conference report.

Once again this year, the bill before us is the result of a bi-partisan atmosphere in the Energy and Water Subcommittee that is fostered by Chairman HOBSON and his ranking member—Mr. VISCLOSKY. I want to thank both of them for the manner in which they approach the many issues before the committee and for producing a bill that will pass today with little or no opposition.

First, the Energy and Water bill begins a new chapter in the history of the Army Corps of Engineers which will lead to better budgeting, more accountability, and the completion of high-priority projects in a quicker timeframe.

I want to commend Chairman HOBSON for his insistence on reforms to the Corps budgeting process and for demanding greater accountability from the Corps to Congress and the American people.

Second, the bill makes tremendous investments in our nation's science and energy-related programs. Our National Laboratories, under this bill, will continue and expand their cutting edge work on the many pressing scientific challenges facing our Nation. Perhaps even more important in a time of high energy prices, this bill will expand our Nation's efforts to become less dependent on foreign sources of energy.

For my home state of Idaho, this bill will provide a boost to the Idaho National Laboratory's ongoing work to design and build a new generation of nuclear reactors, close the nuclear fuel cycle, protect our Nation's critical infrastructure from cyber-based attacks, and secure radioactive nuclear materials from those who would do us harm.

Finally, this bill continues our Nation's efforts to establish a long-term repository for spent nuclear fuel and high-level nuclear waste at Yucca Mountain. While the Yucca Mountain funding in the bill represents an overall decrease from last year, it still provides $500 million to move the project forward toward a license application and construction.

I'm committed to seeing Yucca Mountain finalized and I know Chairman HOBSON is as well. I remain hopeful that the current challenges facing the program will soon be overcome and that an aggressive schedule for completion of the project can be adopted in the very near future.

In closing, I want to again recognize the bipartisan manner in which this bill was written and acknowledge the tremendous work of all of the staff on the Subcommittee.

I urge my colleagues to support the bill.

Mr. HOBSON. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Iowa (Mr. LATHAM).

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

Mr. LATHAM. Mr. Speaker, I thank the chairman and I rise in support of the conference report.

Mr. HOBSON. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, the Department of Energy has been working for the past year on answering questions about challenges on construction of the waste treatment plant at the Hanford cleanup site, with only limited information being shared with Congress, the State of Washington, or the local community.

Just yesterday, the Department officially notified Congress that the costs of constructing the waste treatment plant have increased by more than 25 percent.

We were not told what caused the increase, what the Department's planned path forward is for the waste treatment plant, or what the ultimate cost and completion date will be. We know only that costs have increased by over 25 percent, and more information is promised in the summer of next year.

Waiting until next summer for answers is simply not acceptable to me. Is that also the view of the chairman?

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

Mr. HASTINGS of Washington. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Speaker, it is my view. My visit to Hanford last year gave me a real appreciation for the need to treat the tank wastes at Hanford and protect the Columbia River from the groundwater contamination.

The Department must be more forthcoming with information on its plans for the waste treatment plant, and this conference agreement requires a report on their actions to date by December 1 and quarterly reports beginning on January 1.

So the gentleman has my assurance that we are on this; and, frankly, had I not visited and seen the problem firsthand, I might not have been as active and as strong on this; but I want to assure the gentleman and his State that we are going to be on top of this.

Mr. HASTINGS of Washington. Mr. Speaker, reclaiming my time, this reporting requirement, in my mind, is fully justified and delivers a strong message that the Department must be more direct, open, and prompt in sharing details on its path forward for the waste treatment plant. I want to thank the gentleman for his continued commitment to the environmental management program within the Department of Energy.

Mr. HOBSON. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from California (Mr. DOOLITTLE).

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

Mr. DOOLITTLE. Mr. Speaker, I rise to express my strong support for this bill.

Mr. Speaker, I rise in strong support of the Energy and Water Development rule/conference report on the floor today and urge my colleagues support it.

The Energy and Water Development Appropriations bill for fiscal year 2006 total $30.5 billion.

Title I of the bill provides $5.4 billion for the programs of the U.S. Army Corps of Engineers, an increase of $57 million above the fiscal year 2005 enacted level and $1.2 billion over the budget request.

Title II provides $1.07 billion for the Department of the Interior and the Bureau of Reclamation, an increase of $113.9 million above the budget request. The committee recommended $1.03 billion for the Bureau of Reclamation.

Title III provides $24.2 billion for the Department of Energy, DOE, a decrease of $129 million from fiscal year 2005 and $76 million less than the budget request. All Department of Energy programs are funded within this bill. The committee funds new initiatives on the consolidation of special nuclear materials, the interim storage and integrated recycling of spent nuclear fuel, and on creating a sustainable nuclear stockpile and the DOE complex necessary to support that stockpile.

CALIFORNIA SPECIFIC FUNDING

Over $300 million for Corps projects in California. These include flood control, water supply and navigation.

Over $200 million for Bureau of Reclamation projects in California. These include water supply, water reuse, and desalination.

$37 million for CALFED projects. The committee has redirected the funding for higher

priority projects that will support the implementation of the CALFED program. The funded projects will produce increased sources of water for the State of California, otherwise known as ''firm yield'' projects, improve drinking water quality, and improve water delivery flexibility.

$6 million for Sacramento Area water conservation projects.

$1 million for an economic analysis update for Auburn Dam.

$2 million for the American River Pump Station.

$1 million for the El Dorado Irrigation District Temperature Control Device.

$1 million for the Sacramento River diversion Study.

$40 million for the American River flood control projects, including $10 million for a permanent bridge below Folsom Dam.

The bill fully funded the President's request for the National Ignition Facility, the premier U.S. facility for inertial confinement fusion, and the Stanford Linear Accelerator Center, a high energy physics lab. High energy physics is the cornerstone of our understanding of the physical universe. These two outstanding California facilities are on the cutting edge of research.

The bill also provides continued funding for Lawrence Berkeley Laboratory to continue basic science research and advanced scientific computing, which allows the U.S. to compete with the rest of the world in important scientific fields.

Mr. BLUMENAUER. Mr. Speaker, the tragedy of Hurricane Katrina taught us again the importance of investing in our Nation's water infrastructure. While I believe that significant changes need to be made in the operations and management of the Army Corps of Engineers, I support this legislation which acknowledges the lack of prioritization process for Corps projects. I support language in the bill that directs the National Academy of Public Administration to study and recommend factors to be used in determining the allocation of the Corps' limited resources.

I also strongly support funding contained in the bill that will benefit my constituents and the Pacific Northwest environment. I appreciate the funding included for floodplain restoration on Johnson Creek, which will enable the Corps to undertake a cost-effective environmental improvement within an area slated for industrial development and will help leverage private development by proactively addressing important stream corridor needs. I am also pleased that the conferees chose to fund an energy conservation program at the Armory Theater in Portland and a Solar Photovoltaic Test Facility System at Portland State University. The conference report also contains important funding, although not nearly the amount necessary, for the St. Johns Landfill Dike Stabilization, which will help prevent municipal and industrial waste from contaminating sensitive wetlands. Finally, I appreciate the funding in the bill directed towards dredging, maintenance, and environmental restoration on the Williamette and Columbia Rivers.

However, I am strongly opposed to language in the conference report directing the Bonneville Power Administration, BPA, to cease funding of an important independent scientific research center based in Portland, OR, known as the Fish Passage Center, FPC. For over 20 years, the FPC has been vital in ensuring that State and tribal fishery managers are armed with the best available scientific information about the status of salmon populations. In this role, the FPC fulfills a legal obligation under the Federal Northwest Power Act and under tribal treaties.

Without the Fish Passage Center, the myriad of Federal, State, and tribal agencies responsible for Pacific salmon recovery could lack valuable data and information on what works and what doesn't to recover salmon. Federal efforts to recover Columbia and Snake River salmon are currently in flux after a recent Federal district judge overturned the most recent Salmon plan. With so much uncertainty surrounding future recovery efforts, now is not the time to reduce access to the best available scientific information.

Although the language in the conference report directs PBA and the Northwest Power and Conservation Council to transfer the functions of the FPC to ''existing and capable entities,'' I am concerned that it does not provide enough direction about how this should take place and does not ensure that State and tribal fish and wildlife agencies will have a say in how and where these functions will be transferred. I hope that BPA and the Council set up a process that actively engages and is fully responsive to the needs of the State fish and wildlife agencies and tribes for whom the FPC was originally created.

The Pacific Northwest is about to embark on a 1-year-long court-ordered process to correct the flaws in the Federal Columbia Basin Salmon Plan. It is my hope that the transfer of the FPC functions does occur seamlessly and in full collaboration with our State and tribal managers so they may fully participate in discussions and negotiations concerning the operations of the Federal Columbia River Power System.

Mr. MARKEY. Mr. Speaker, I am pleased to see that the conference report has deleted all funding for the nuclear bunker buster program. This action reflects the second time that the Congress has decided to reject the Bush administration's request for this dangerous and unnecessary weapon, and I am hopeful that this action will end the debate on this issue once and for all.

The United States faces a serious national security threat from the proliferation of nuclear weapons materials and technologies, most notably in North Korea, Pakistan and Iran. The pursuit of new nuclear weapons such as the Bush administration's proposed nuclear bunker buster sends a dangerously mixed signal to the rest of the world and erodes our nonproliferation credibility. Nations that see the U.S. expanding and diversifying our nuclear arsenal are encouraged to seek or maintain nuclear deterrents of their own and ignore nonproliferation obligations. Additionally, a U.S. move toward expanding and diversifying our nuclear stockpile is contrary to our legal obligations under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, NPT, which clearly requires the United States to work toward reducing our nuclear arsenal.

In light of the adverse impact of the pursuit of the nuclear bunker buster and any other new nuclear weapon on international nonproliferation efforts, the fact that the bunker buster would inevitably spread high levels of radiation above ground, and existing U.S. earth-penetrating and other conventional weapons capabilities, the Bush administration's proposed nuclear bunker buster study and the development of any new nuclear weapons are a dangerous and wasteful use of taxpayer money.

While I am pleased at the outcome on the bunker buster, I am very concerned that this appropriations bill provides $80 million for the Advanced Fuel Cycle Initiative—an increase of $10 million over the amount requested for this program. In addition, the bill provides an additional $50 million in nuclear waste disposal funding to support development of a spent nuclear fuel recycling plan. These proposals are aimed at reviving nuclear reprocessing—an idea that Congress has considered and rejected in the past.

The conference report contains language that directs the Department of Energy to use this money to

> accelerate the development of a separations technology that can address the current inventories of commercial spent nuclear fuel and select the preferred technology no later than the end of fiscal year 2007.

Essentially, the Appropriations Committee is telling DOE that it doesn't believe Yucca Mountain will ever be opened, so it now wants the Department to instead embark on a crash program to start reprocessing nuclear waste.

I warned back in 1987 that the decision to limit the search for a deep underground repository to the Yucca Mountain site and to bar examination of other alternative sites was a risky one. If Yucca Mountain proved unsuitable, or if it could not meet the NRC's licensing requirements, then our country efforts to find a solution to the nuclear waste problem would be forced back to square one.

Now, it appears that my warnings are being borne out. The Yucca Mountain repository is falling apart in the face of serious scientific and technical problems. But rather than come back to Congress and ask for legislation that would reopen the search for a permanent repository, which the nuclear industry and its supporters in Congress know would be politically hazardous, the appropriators now appear to be effectively abandoning the notion of deep underground burial. Instead, they want to reprocess the waste and store it in above ground ''interim'' storage facilities.

Now, you would think that such a fundamental rewrite of the Nuclear Waste Policy Act would actually require action by the committee that actually has jurisdiction over the act in the first place. In the House, that would be the Energy and Commerce Committee. However, in this bill the directive to prioritize reprocessing is being made without any participation by the Energy and Commerce Committee. The committee doesn't even get a copy of the report mandated by the Appropriations conferees.

Yes, there was language in the Energy Policy Act which authorized R&D on reprocessing. I opposed that language, and sought unsuccessfully to remove it from the bill. But R&D is far different from moving to full-scale engineering of reprocessing technologies with a short-term deployment objective. That is what is being proposed in the bill before us today. This conference report is actually talking about setting a target for site selection in fiscal year 2007, and a target for initiation of construction of one or more integrated spent fuel recycling facilities in fiscal year 2010.

This has enormous implications for the future of efforts to permanently dispose of the Nation's nuclear waste in a deep underground repository. It effectively means that there will

be no deep underground repository. It effectively means that there will be no deep underground burial of waste in our lifetimes. So, all of the billions paid into the Nuclear Waste Fund over the years will soon see those funds be diverted over to supporting this new unproven and risky scheme of reprocessing.

This is a huge policy shift. Since the 1970's we have had a policy in this country against reprocessing spent fuel, both because of the risk of nonproliferation and because reprocessing is not economical. In recent years, Republican leaders in Washington have decided they want to undo that policy, however.

I am fundamentally opposed to reprocessing, because I believe that a revival of domestic reprocessing would undermine America's nuclear nonproliferation efforts, cost us enormous amounts of money, will not solve the nuclear waste problem, and won't increase nuclear safety.

With respect to the proliferation risks—just look at North Korea. It has been reprocessing spent fuel from its reactors to use in nuclear bombs. In response, President Bush has asked the Nuclear Suppliers Group to limit access to reprocessing technology, arguing that:

> This step will prevent new states from developing the means to produce fissile material for nuclear bombs.

At the same time, the U.S. is confronting Iran over its plan to develop a full uranium enrichment program. How are we going to credibly ask the rest of the world to support us when we tell Iran or any other nation that they cannot have the full fuel cycle or reprocessing when we have one here at home? It just won't fly.

America cannot preach nuclear temperance from a barstool. We cannot credibly tell other nations that they should refrain from reprocessing or other nuclear fuel cycle activities abroad when we are engaging in these same exact activities here at home. That is why President Gerald Ford called for an end to commercial reprocessing back in 1976, and why no President since then has successfully revived reprocessing.

In addition to the serious adverse nonproliferation consequences, reprocessing also is not economical. A MIT study put the cost of reprocessing at four times that of as once-through nuclear power. The current price of concentrated uranium "yellowcake" in the spot market is about $53.00/kg. For reprocessing to be economical, there must be a sustained 8-fold increase in the long-term price of uranium. That is not likely to occur anytime soon.

On top of that is the cost of building a plant. As a benchmark, Japan's nearly completed Rokkasho reprocessing plant—20 years in the making—costs on the order of $20 billion. I have seen some cost estimates for a U.S. reprocessing program that run as high as $65 billion. That is not something that is economically viable at a time of huge Federal budget deficites.

Moreover, reprocessing will not really alleviate the nuclear waste problem. Talk to the folks at Savannah River where over 30 million gallons of high-level were left behind from reprocessing. Under this bill, Savannah River may be targeted again for interim storage for spent fuel, awaiting reprocessing. So might Hanford and Idaho or other Federal sites.

The conference report states that funding in the Nuclear Waste Disposal Account will be used:

> to prepare the overall program plan and to initiate a competition to select one or more sites suitable for development of integrated recycling facilities (i.e., separation of spent fuel, fabrication of mixed oxide fuel, vitrification of waste products, and process storage) and initiate work on an Environmental Impact Statement. The site competition should not be limited to DOE sites, but should be open to a wide range of other possible federal and non-federal sites on a strictly voluntary basis.

These reprocessing sites will become de facto nuclear waste dumps. Which State is going to "volunteer" to become a nuclear waste dump? Under the Nuclear Waste Policy Act, such a site cannot legally be located at the Yucca Mountain site. So, where is it going to go?

How long will the waste be stored there? The spent nuclear fuel cannot even be handled to be reprocessed for 5 to 15 years—it is so radioactive. So we know already that "interim storage" could last for a very long time.

And if we construct these "interim" waste dumps, what happens next? What will happen to all this waste when the hard reality of the disastrous economics combined with the fact that our government is already too deep in deficit that it will be unable to subsidize such a program forever? There are simply too many unanswered questions.

It is also not accurate to suggest, as some do, that reprocessing is safe. Twenty tons of highly radioactive material leaked from a broken pipe at the Sellafield nuclear reprocessing plant in the United Kingdom in April of this year. Senior officials at the UK's Nuclear Decommissioning Authority, which owns the Sellafield reprocessing have pushed to close THORP altogether, arguing that it is more cost-effective to close the plant now rather than repair the problems only to decommission the plant as planned in 2012. Is that the kind of mess we want happening over here?

When the House version of this bill was being debated on the House floor last summer, I offered an amendment which would have transferred the $15.5 million appropriated for reprocessing and interim storage to several energy efficiency priority programs that were underfunded in the bill. Unfortunately, my amendment was defeated.

I continue to be opposed to the reprocessing language in the bill. I intend to continue raising questions about this proposal, both in the Energy and Commerce Committee and on this floor.

Finally, on another matter, I am very concerned about the cuts that have been made in energy efficiency programs in this bill. We are in the middle of an energy emergency. We had a hearing before the Energy and Commerce Committee last week that showed the impact that these high prices are having across the board, in every sector of the economy. The Senate will be holding a hearing today on price gouging by big oil companies and the $100 billion in oil company profits projected for 2005. There are things that we can do in this area. What we are seeing is missed opportunities.

The House Bill for the fiscal year 2006 Energy and Water Appropriations provided $41 million for the State Energy Program. The Senate bill provided $41 million for the State Energy Program. Now we go to conference and the conference report provides $36 million, which is $8 million below fiscal year 2005 levels—almost a 20 percent cut. We are in the midst of an energy crisis. This program implements energy efficiency programs and energy emergency preparedness activities in every State in our country. A recent National Laboratory study concluded that for every $1 invested, we get $7.22 in return in energy savings. This makes no sense. We should be increasing these programs, not cutting them.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in strong support of the House Energy and Water Appropriations Act for Fiscal Year 2006.

This legislation provides essential funding for the Houston Ship Channel, $26 million to finish the deepening and widening project and conduct environmental restoration work.

Also, I want to particularly express my appreciation for the Subcommittee's increase for Operations and Maintenance funding to $11 million for Houston-Galveston.

It is penny-wise and pound foolish to underfund maintenance, because that reduces the benefits that we get from all of our construction dollars.

If we are going to dredge a channel to 45 feet to allow for modern ships to reach a port, we obviously have to keep that channel at 45 feet and remove silting and other blockages.

This bill also provides important funding for flood control projects in the Houston area—$375,000 for construction of the Hunting Bayou Federal flood control project and $75,000 to finish up the General Reevaluation Review study for Greens Bayou.

Hurricane Katrina showed the Nation the value of flood control projects. Both the Hunting Bayou and the Greens Bayou projects will save Federal money. By protecting homes from flooding, we reduce the amount of future disaster assistance and flood insurance claims.

My constituents who would benefit from these projects do not own expensive beach houses close to the shoreline, they own homes in a densely populated urban area over 50 miles from Galveston Bay.

However, Houston does not have a lot of elevated areas and we are at risk from hurricanes and tropical storms, and as a result flood control projects make good economic sense.

Unfortunately the Bush Administration repeatedly zeroes out funding in their budgets for flood control projects in Houston, for reasons I still cannot understand.

Our projects are authorized by Congress, have strong cost-benefit rations, are supported by the community, and are managed by the professional experts at the Harris County Flood Control District. Hunting Bayou had over 8,000 residences flood in 2001 from Tropical Storm Allison and Greens Bayou had over 28,000 homes flood in the same storm.

As a result, I want to thank the Subcommittee Chairman, DAVID HOBSON, the Ranking Member, PETE VISCLOSKY, and especially my Texas colleague CHET EDWARDS for salvaging funding for all our projects—the Houston Ship Channel, Hunting Bayou, and Greens Bayou.

As final note, I want to add that the Houston Ship Channel has received serious damage from Hurricane Rita, roughly $30 million. Parts of the channel have silted up with material to 35 feet, which is a serious safety and economic problem.

If the large oil tankers cannot get to the refineries on the Houston Ship Channel, that will

not help gasoline prices to go down in this country.

Our refinery capacity has got a lot of notice lately in Congress, and this is something we can do in the short term to help that—repair hurricane damage at oil importing ports like the Port of Houston.

The Houston delegation—myself, JOHN CULBERSON, TOM DELAY, AL GREEN, SHEILA JACKSON-LEE, KEVIN BRADY, MICHAEL MCCAUL, TED POE, and our Texas colleague on the Appropriations Committee CHET EDWARDS all recently sent a letter to the Committee and Subcommittee requesting this $30 million in emergency damage repair funding for the next Supplemental.

Mr. Speaker, I encourage my colleagues to support this legislation.

Mr. BERRY. Mr. Speaker, I rise today to support the FY06 Energy and Water Appropriations Bill.

Chairman HOBSON, Ranking Member VISCLOSKY, and their staffs have worked tirelessly to produce a good bill and they deserve much praise for their efforts.

This bill goes a long way in strengthening our Nation's water infrastructure. If this past hurricane season has taught us anything, it is that we must ensure an adequate level of protection for our coastal cities and those areas prone to flooding.

The modest investments included in this bill can save billions in disaster recovery needs.

Our Nation's water infrastructure is also critical to building the economy. Our waterways provide a low cost way to move agriculture commodities and manufactured goods to the world market. This bill will help maintain and strengthen these arteries, ensuring access for American producers.

This legislation also includes critical funding for Nuclear power and our ability to store nuclear waste, namely the Yucca Mountain repository. The funding level is lower than what the House agreed to earlier this year, but the lower funding is justified by the Energy Department's recent changes to the project. What is important is that the Yucca Mountain project and Federal spent fuel management moves forward.

The legislation's funding for the Corps of Engineers, nuclear energy R&D and the Yucca Mountain program helps ensure a vibrant future for American water ways, flood control and nuclear energy.

I ask my colleagues to join me in congratulating Chairman HOBSON and Ranking Member VISCLOSKY for their hard work and encourage all of them to support this bill.

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

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

The SPEAKER pro tempore (Mr. ISSA). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

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

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–68)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. Consistent with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the Iran emergency declared by Executive Order 12170 on November 14, 1979, is to continue in effect beyond November 14, 2005. The most recent notice continuing this emergency was published in the *Federal Register* on November 12, 2004 (69 FR 65513) .

Our relations with Iran have not yet returned to normal, and the process of implementing the January 19, 1981, agreements with Iran is still underway. For these reasons, I have determined that it is necessary to continue the national emergency declared on November 14, 1979, with respect to Iran, beyond November 14, 2005.

GEORGE W. BUSH.

THE WHITE HOUSE, *November 9, 2005*.

□ 1300

GENERAL LEAVE

Mr. WOLF. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on the conference report to accompany H.R. 2862.

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

There was no objection.

CONFERENCE REPORT ON H.R. 2862, SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. WOLF. Madam Speaker, pursuant to House Resolution 538, I call up the conference report on the bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 538, the conference report is considered read.

(For conference report and statement, see proceedings of the House of November 7, 2005, at page H9713.)

The SPEAKER pro tempore. The gentleman from Virginia (Mr. WOLF) and the gentleman from West Virginia (Mr. MOLLOHAN) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. WOLF. Madam Speaker, I yield myself such time as I may consume, and I am pleased to bring to the floor today the conference report on H.R. 2862, the fiscal year 2006 Science, State, Justice, Commerce, and Related Agencies Appropriations Act.

Madam Speaker, I want to thank my colleague, the gentleman from West Virginia (Mr. MOLLOHAN), for his support throughout the process. Together, we were able to get a strong bill passed by the House with a vote of 418 to 7. Also, I want to thank our Senate counterparts, Chairman SHELBY and Senator MIKULSKI, as well as Chairman MCCONNELL and Senator LEAHY.

I also want to thank the chairman of the full committee, the gentleman from California (Mr. LEWIS) for his help and cooperation with this, and also the ranking member, the gentleman from Wisconsin (Mr. OBEY).

Within a very tight allocation, we were able to provide funding for a variety of critical national priorities. The conference report provides $21.4 billion for the Department of Justice, $784 million above fiscal year 2005 and $1.1 billion over the budget request.

The conference agreement includes $5.8 billion for the FBI, which is $15 million above the budget request. The bill will provide for additional agents, analysts, and support staff to address terrorism and espionage threats. And keep in mind that last week the stories broke about how the Chinese, that, unfortunately, this body gave the Most Favored Nation trading status to, has been spying aggressively against our country, and the latest spying episode dealt with the B–1 bomber.

In addition, the bill provides funding to address deficiencies identified through external reviews, including a $20 million increase for the FBI Academy, a $20 million increase for additional secure space, and a $14 million increase to improve information technology program management, $5 million for retention and recruitment, a $26 million increase for translators, and a $70 million increase for the Terrorist Screening Center.

The conference agreement includes $12 million above the request for the Marshals Service to enhance the protection of the Judiciary and fugitive apprehension programs.

For DEA, Madam Speaker, the bill restores proposed cuts for Mobile Enforcement Teams and the Demand Reduction program, and directs these efforts to focus on meth enforcement. The conference report does not include the Combat Meth Act that was attached to the Senate bill. While I

strongly support the bill's intent to address this destructive drug, there were some concerns raised about the Senate language.

The Judiciary Committee and the Energy and Commerce Committee, who are the committees of jurisdiction on this subject, are addressing these concerns. In fact, today I understand the House Judiciary Committee is marking up a meth bill. I look forward to voting for Chairmen SENSENBRENNER and BARTON's bill when it comes to the House floor.

The conference report fully funds the ATF's request and includes a $20 million increase for Violent Crime Impact Teams to help those communities most impacted by gangs and violent criminals. There is a growing problem of gang and gang violence throughout the country.

The conference agreement provides $2.7 billion for State and local law enforcement, $1.1 billion above the administration's request, including $416.5 million for Byrne Justice Assistance grants and $405 million for State Criminal Alien Assistance. And that funding really was due to Chairman LEWIS, and also Mr. DREIER and Mr. KOLBE, when we dealt with that issue on the floor. That was a big issue.

The bill also includes $109 million to address critical DNA backlogs, $387 for violence against women prevention and $343 million for juvenile justice.

There is $16.5 billion included for NASA, including funding for the President's vision for space exploration. We have also restored funding for aeronautics research, which the administration had proposed to reduce.

For the National Science Foundation, Madam Speaker, the bill includes $5.65 billion, which is $48 million above the request. This increase for basic scientific research and science education is critical to ensuring that we continue to lead in innovation and competitiveness, which is necessary if we are to retain our position in the world economy.

Many people are concerned that with the test scores in math, science, physics, chemistry and biology, and the number of engineers we have, we are falling behind. So even in this tight period of the budget, we were able to dramatically increase that, and there will be a conference that was directed by the supplemental appropriations in December, chaired by Congressman VERN EHLERS and also Chairman BOEHLERT and others, with some of the best minds to come together to attempt to deal with this issue. Rather than just talking about it, they will constructively deal with it and get the administration on board. So I would hope and I pray that the President will address this issue in his State of the Union message next year.

The conference report includes $888 million for the Securities and Exchange Commission to provide the necessary resources to protect investors from corporate fraud.

For the State Department, we have provided $9.6 billion, including $1.6 billion, the full requested level for embassy security upgrades. It also includes $1.53 billion for public diplomacy programs including international broadcasting, focusing on expanded programs for the Arab and Muslim world.

At the Department of Commerce, the conference report provides $6.6 billion for the Department of Commerce and other trade-related agencies. Increases will result in more accurate economic statistics, improved weather forecasting, and more accurate and timely census data.

The bill also includes an increase for the Nation's trade agencies. This will help former Member Mr. Portman to negotiate, enforce and verify free and fair trade agreements. It also has an amendment offered by Congresswoman NORTHUP, which is very, very important with regard to this whole issue of negotiating treaties.

Overall, Mr. Speaker, the conference report agreement represents a sound and fair resolution to the many issues we faced in conference, and it does so in a fiscally responsible manner. I would urge my colleagues to support this conference.

Before I reference some people, I want to say there is another issue we attempted to deal with and were not able to get agreement on, and that is to direct the Department of State in a period of 60 days to come up with a policy to deal with how we take care of the families of those who were lost in the bombing of the American Embassy in Beirut in 1983; the October bombing of the U.S. Marine barracks, where 241 Marines were killed; the Tanzania Embassy bombings; the Kenya Embassy bombings, and the USAID employees that were killed.

It was a strange experience because we were operating in good faith, trying to get this, and some lawyers who got involved in this process really created a roadblock and a problem for this. Now, because of those lawyers, this is not being carried. So we are going to be doing a letter to Secretary Rice asking that the State Department come up with a program and a policy and deal with this.

We have a moral obligation to the families, the families of those killed and those still alive with regard to the hostages in the Iranian Embassy. We have to deal with those issues and, hopefully, deal with them without the lawyers being involved. I think we have to help and work with the families.

I also want to thank, Madam Speaker, at the end here, to thank the members of my subcommittee staff who have put in very long hours to produce the FY 2006 Science, State, Justice, and Commerce Appropriation bill. With the addition of Science to the subcommittee, the staff has had to work even harder this year to produce a bill that I believe will help the country.

I want to particularly thank Mike Ringler, clerk of the subcommittee, who has led the subcommittee through the House appropriations process. I would also like to thank Christine Kojac, John Martens, Anne Marie Goldsmith, Joel Kaplan, and Clelia Alvarado for their tireless, and if I could underline in the CONGRESSIONAL RECORD the word ''tireless,'' if I could put a black line under it so people would see it, their tireless efforts. Their work is much appreciated.

In my personal office I want to thank Dan Scandling, my Chief of Staff, and Jan Shaffron, who has been with me for 25 years, and J.T. Griffin, Samantha Stockman, and Courtney Schlieter for their efforts and working with the subcommittee.

Also, there were many other subcommittee members' staffs who were very much involved in all of this. From the minority, I want to thank David Pomerantz, Michelle Burkett, and Rob Nabors for their insight and input on the bill. And also from Congressman MOLLOHAN's personal office, I want to thank Sally Moorehead and Julie Aaronson. As in the past, we have worked in a bipartisan manner to draft this legislation.

Madam Speaker, I ask for a ''yea'' vote on this bill.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in support of the fiscal year 2006 appropriations conference report for Science, the Departments of State, Justice, Commerce and related agencies.

Madam Speaker, right at the beginning, I would especially like to thank Chairman WOLF and his staff: Celia Alvarado, Anne Marie Goldsmith, Joel Kaplan, Christine Kojac, John Martens, and Mike Ringler for their help, their outstanding work on this bill, their professionalism, and for their help in shepherding this bill with all its jurisdictions through the appropriations process.

I would also like to thank the minority appropriations staff, Michelle Burkett and David Pomerantz, and my personal staff, Julie Aaronson and Sally Moorehead, for their hard work throughout this long process.

Madam Speaker, let me especially express my appreciation to Chairman WOLF for his capability, for his adroit management of a complicated bill with a lot of jurisdictions; and I cannot stress enough the kindness and fairness that he has shown to me, to our committee staff, and to the House minority throughout this process. While Chairman WOLF and I may have had disagreements, we may not have agreed on every provision in this bill, Chairman WOLF has listened to our arguments and, where appropriate, he has looked for ways to accommodate our requests, and we thank him for that.

Madam Speaker, this is a good bill. It provides $57.85 billion. That is an increase of $1.6 billion above last year's

level for very diverse programs; programs that fund our Federal and local law enforcement activities; programs that invest in our government's major science activities; programs that construct and defend our embassies abroad; programs that provide support to our small businesses, and those which help promote our economic development.

There are many high points in this bill. The Department of Justice and all the law enforcement programs that it manages are at $1.1 billion above the President's request and $784 million above fiscal year 2005, while we are disappointed in the funding available for local and State law enforcement.

Science activity is up, with the National Aeronautics and Space Administration funded at the requested level of $16.5 billion. That is $260 million above fiscal year 2005.

The National Science Foundation receives $5.65 billion in this bill, an increase of $181 million above last year and $49 million above the President's budget request.

The State Department and Broadcasting Board of Governors, while funded below the President's request, receives $9.6 billion for worldwide security upgrades, diplomatic and consular programs, and international broadcasting.

□ 1315

For our local communities, we restored the Economic Development Administration's funding to last year's level, rejecting in the process the President's proposal to eliminate the Economic Development Administration.

In addition, we rejected his proposal to consolidate and shrink proposals that provide Federal investment to strengthen our local communities.

In this bill we also included language supporting the role of the economic development districts and reaffirming our commitment to the minimum 50 percent Federal match for local dollars. My constituents and those in rural areas were very vocal on these two points, and I am pleased that the chairman was supportive and that we could be responsive to those requests.

Madam Speaker, I am concerned that this year, like last year, we were not able to provide the $80 million needed to subsidize the 7(a) loan program in the Small Business Administration. I have seen firsthand the chilling effect that increased fees have had on small businesses in my State, and I hope we will monitor the 7(a) program during the next year and evaluate to what extent this lack of funding creates a problem for our small businesses accessing needed capital.

Finally, Madam Speaker, I would like to draw special attention to section 624 of the conference report. It reads as follows, ''None of the funds made available in this act shall be used in any way whatsoever to support or justify the use of torture of any official or contract employee of the United States Government.''

Madam Speaker, this provision reflects Chairman WOLF's values and his unwavering commitment to human rights. It is the chairman's initiative, and it is to his credit that it is included in our bill.

Madam Speaker, again, I want to thank Chairman WOLF, and I urge Members to support this conference report.

Madam Speaker, I reserve the balance of my time.

Mr. WOLF. Madam Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. EHLERS), a member of the Science Committee, who is also a physicist.

Mr. EHLERS. Madam Speaker, I thank the gentleman for yielding me this time, and I commend him for his work on this report as well as on the original House bill.

Madam Speaker, I rise today in support of the conference report of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act for Fiscal Year 2006. I want to recognize and pay tribute to the tremendous effort of Chairman WOLF and his staff, as well as the ranking member on the minority side and his staff, that they have exerted to meet the challenge of fairly balancing this bill.

Madam Speaker, their hard work is commendable, and I want to thank them for their tireless work.

I would like to speak in particular about one part of the bill, the National Science Foundation, better known as NSF. New to the subcommittee this year, NSF is the only Federal agency dedicated solely to supporting fundamental scientific research. While it represents a relatively small part of the overall budget, it is an extremely important part. NSF funding accounts for one-fifth of all Federal support for basic research and 40 percent of physical science research at academic institutions.

I am delighted that Chairman WOLF shares an appreciation for the critical role innovation has played in our economy and national security, as well as its unique tie to education and the work supported by the NSF.

In May of this year, 167 Members of Congress joined with me in signing a letter to support an increase for the budget of the National Science Foundation. Since the NSF was funded below the President's request last year, I am very grateful that the conferees saw fit to reverse this declining trend and return to sustaining the level of funding for NSF. The negotiated funding level for NSF in fiscal year 2006 of $5.65 billion reflects a strong commitment to NSF's job of developing our future skilled workforce and laying the foundation for innovative technologies in the fields of telecommunications, medicine and defense.

Furthermore, I want to acknowledge the committee's work to restore cuts endured by several programs within the Education Directorate at NSF. The Math and Science Partnership Program budget has been greatly diminished since 2002, when it was funded at $160 million. I am grateful that the conferees have signaled their recognition of the importance of this program by funding this program at $64 million, $4 million above the requested level.

We know that other countries are investing and outperforming the United States in the area of math and science education. We will not be able to compete successfully with the rest of the world if our workforce is not on the cutting edge of these fields, and we need to maintain these important programs that support math and science education.

Also within this bill, I want to briefly mention my appreciation that the Manufacturing Extension Partnership Program, MEP, at the National Institute for Standards and Technology has been funded at $106 million. These funds will allow MEP centers across the country to continue their vital services for small- and medium-sized manufacturers that are not replicated by any other private or public organization.

Balancing many pressing national priorities within this tight budget climate is certainly a challenge. We must increase our funding of research and development because it is the foundation for increased innovation, economic vitality and national security. I look forward to continuing to work with Chairman WOLF and my colleagues to improve our support for NSF fundamental research and education programs in future years. I certainly encourage the administration and the President to increase their funding request for the National Science Foundation in the next budget that we will process next year.

Mr. MOLLOHAN. Madam Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

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

Madam Speaker, I want to say at the outset I have a great deal of admiration for the gentleman from Virginia. I think he is one of the best committee chairmen in this House, and I think he has treated the substance of this bill absolutely down the center, and I think he has dealt with the majority and the minority in a very even-handed fashion. I respect that and appreciate that.

Frankly, I had thought I would be voting for this bill as I have for the Foreign Operations Appropriations bill, and as I intend to work for the Energy and Water conference report. But I find myself unable to support this bill in the final instance for a number of reasons which have very little to do with the gentleman from Virginia or the gentleman from West Virginia. I have three basic problems with this bill.

First of all, the conferees stripped the Sanders amendment out of the bill.

I think this Congress has done a miserable job of oversight with respect to Iraq, a miserable job with respect to oversight of the PATRIOT Act and a number of other security-related issues.

I might not be so concerned about the fact that the conferees stripped out the amendment which precluded the administration from snooping into people's use of libraries, I might not feel so strongly about it if I felt that the Congress had a better record of conducting oversight hearings on this, but I do not. So under those circumstances, I think what the committee has done in stripping out that language is quite dangerous.

Secondly, I would say there is a kabuki dance going on in this town with respect to local and State law enforcement funding. This bill now effectively funds State and local law enforcement at a level which is $1 billion less than it was in fiscal year 2001.

What happens each year is that the President makes very large cuts in that program. This committee then restores a significant portion of those funds, but still leaving us below the funding level for last year. As a result, this bill is $300 million below last year in terms of its aid for State and local law enforcement assistance; and last year was $226 million below the year before. I think that is headed in the wrong direction.

Lastly, I think there is one provision in this bill which is especially mean and that is the funding level for legal services. Legal services is the program that we provide in order to enable indigent people to have some access to civil courts, and yet this bill reduces funding for legal services below last year's level.

As I said in the conference, every day we come onto this floor and we pledge allegiance to the flag, and at the end of that pledge, we talk about our dedication to providing ''liberty and justice for all''. I do not think anybody can stand on this floor with a straight face and say that anymore. I think, if you vote to cut legal services, what you are really saying is that we stand for liberty and justice ''for those who can pay for it''.

I do not think that is what this country is supposed to be all about. By the time you take into account not just the nominal number in this bill for legal service, but when you take into account the across-the-board cut that has already been applied, and when you add to that the additional across-the-board cut which is expected to be applied at some point in the process before we are finished, you have substantially weakened funding for legal services. I think that is an indefensible thing to do.

I would point out that these reductions are being made at the same time that NASA is being given upwards of $2 billion to deal with a manned mission to Mars. I have nothing against going to Mars. I think in the long term it is a wonderful expansion of the human endeavor. But I do believe that to add that kind of funding to NASA for a Mars mission and to make the kind of tax cuts for the most wealthy people in this society that the Congress is going to be supporting in the coming days, while at the same time we are cutting legal service funds for the indigent, cutting aid for local and State law enforcement grants, I think that represents a wrong set of priorities. I think it is taking us in the wrong direction.

I note that this subcommittee has been reorganized at the demand of the ex-majority leader on the other side of the aisle, Mr. DELAY, who last year, representing Houston, wanted to see to it that NASA had a clear track to funding increases. So he did a very effective job of representing his district by moving NASA into this subcommittee where it has to compete against programs such as I have just mentioned. And as a result, NASA is at the front of the train and some of these other priorities are at the back of the train. I regret that.

I do appreciate very much the dedication that the gentleman has shown to the science budget. I think the National Science Foundation is one of the keys to our future economic growth. I congratulate him for that. But in the end, for the reasons I have cited, I am going to feel constrained to cast a ''no'' vote on the passage of the conference report.

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

I appreciate the comments of the gentleman from Wisconsin (Mr. OBEY). On the issue of legal services, we are above the administration's request, but I understand what the gentleman is saying. I am somewhat sympathetic to it, too. But for the record, we are $12.5 million above the administration's request. But the gentleman's comments are telling.

On the issue of oversight on the war, I agree with the gentleman. I have been to Iraq three times, and I have come up with a proposal asking the administration to have fresh eyes on the target, 10 people who are men and women of integrity and honesty and character to go and come back and report.

□ 1330

So I think the gentleman is right. I feel very strongly we should have major oversight on the operation of the war. Also, I think the administration has to do a better job, and I think oversight would tell this if it were to come back and tell the ramifications of failure. I think should we fail in Iraq, the ramifications to this country are very serious with regard to terrorism. So by having oversight, I think those ramifications would come out. But I agree with Mr. OBEY. I think there should be much more aggressive oversight.

Madam Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Madam Speaker, I rise in support of this conference report with deep gratitude to the ranking member and the chairman and excellent staff work. I believe that Chairman WOLF, while he does not like for people to talk about him, is a man of conscience, and I believe that the God who created us speaks to us and through us through our conscience, and I am grateful that he is so sensitive to the needs of humanity.

We talk a lot about terror. There is terror in a lot of homes in this country because methamphetamine production has crept into our communities, particularly in rural America. It hit Tennessee really hard. And in this bill, the staff and the chairman and the ranking member have responded very well, and I am grateful for that because we have got to attack this problem. At a time of need to tighten our belts and get back towards a balanced budget, we have to do some things, or it is going to cost us a whole lot more later.

In Tennessee we started with a U.S. Attorney-led partnership of local, State, and Federal governments and a task force that has now grown to the whole State, and it is a model for the Nation on cooperation between local, State, and Federal governments so that they can interdict, they can actually get a conviction, not just an indictment but a conviction; and we now are second in the Nation in attacking this problem and busting these labs and running these people back into the woods.

We have got to change State laws and Federal laws, but it takes support; and this committee has been very responsive, and I am grateful for that; and I think the House should support this continued effort to fight methamphetamine production in this country.

Mr. MOLLOHAN. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SERRANO). There is no member of the minority of our subcommittee who has made a greater contribution to the jurisdictions, to the funding in our bill than he.

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

Mr. SERRANO. Madam Speaker, I thank the gentleman for yielding me this time and for the very kind words.

I rise in support of the conference report, and I congratulate the gentleman from Virginia and the gentleman from West Virginia for not only the way in which they continue to work together but the way in which they work with all members of the subcommittee and, indeed, all Members of the House.

I am especially pleased that we were able to fund the Census Bureau at the higher House level. This will allow for the continuation of the important American Community Survey which provides accurate and up-to-date information on housing, demographic and socioeconomic conditions in our country. As we know, there was a period of

time there during conference negotiations where this program was in danger.

I am also glad that NOAA was funded at a higher level than that included in the House bill. In the aftermath of the recent hurricanes, we all recognize the important role of our National Weather Service.

This is the first year, Madam Speaker, that the Science portfolio was added to this subcommittee's jurisdiction, and I am satisfied that both NASA and the National Science Foundation received more funding than was appropriated in 2005. NASA has a vital role in maintaining our Nation's leadership in science and technology through its educational programs, in particular, and in its broad portfolio of university-based research. I am happy that the National Science Foundation's funding will allow for the continuation of their education programs, which benefit so many of our students.

I am also pleased that the State Department funding was provided so that there would be worldwide security improvements. We must always be vigilant in guarding the safety of those who so ably represent us both here and abroad.

The FBI is the biggest winner in this bill, receiving an increase of $547 million; and as the chairman knows and the ranking member knows, I have always felt that the FBI should get whatever resources it needs. But I would be remiss, Madam Speaker, if I did not briefly mention that I have been troubled by many of the bureau's practices of late, including its handling of the Filiberto Ojeda-Rios incident in Puerto Rico, which should not have resulted in his killing. I am also concerned about the FBI's ever-increasing use of national security letters. As the FBI continues to adjust to its new powers and responsibilities, I hope that we in this country will continue to scrutinize the FBI's activities to ensure that we do not witness repeats of the abuses that have tainted the organization in the past.

Before closing, let me just say that I have often said in subcommittee, Madam Speaker, that if in the process of getting the bad guys, we throw away the Constitution and take away the civil liberties of the good guys, then the terrorists would have won and we as a Nation would have lost. With that in mind, I support the conference report, and I ask for its passage.

Mr. WOLF. Madam Speaker, I thank the gentleman from New York for his comments and for his friendship and for working together as we have over the years.

Madam Speaker, I yield 3 minutes to Coach OSBORNE, a Member of Congress from Nebraska. As I was looking over, I thought of another great coach. This is a great coach. Another great coach is Joe Paterno, who, when I watched the game on Saturday, and I do not know if the gentleman from Nebraska watched the game, the announcers kept saying that he was 79 years old and wears white socks, but what they did not keep talking about is he is a man of such honesty and integrity and character. I think the two of them must have been carved out of the same thing. I am sorry the gentleman is going to be leaving here.

Mr. OBEY. Madam Speaker, I object to the gentleman's words. He is reminding me of a painful loss to Penn State.

Mr. WOLF. Madam Speaker, I forgot my colleague is from Wisconsin. We are going to miss having Mr. OSBORNE here, but we look forward to working with him as Governor of Nebraska.

Mr. OSBORNE. Madam Speaker, I thank the chairman for those kind words. I guess I would like to reciprocate by saying that I have worked with a great many people in the House and no one has been more responsive and more interested in matters dealing with law enforcement and children than the chairman. So we really appreciate it.

I am sorry that Wisconsin got beat, but everybody has got to lose sometime. Of course, Barry Alvarez is a good friend of mine, too.

I rise in support of the conference report, and I would like to particularly thank Chairman WOLF for restoring some of the Byrne grant funds. As many people know, Byrne grant funds were zeroed out in the President's budget. It was a tremendous effort to get any money back in there for Byrne grants. And for those who do not know, Byrne grants basically support local law enforcement as we attack the methamphetamine problem.

The gentleman from Tennessee (Mr. WAMP) talked about meth a little bit earlier, and I would like to just take a second to show people graphically what has happened in regard to this problem.

In 1990 there were two States, California and Texas, that each had more than 20 methamphetamine labs. The rest of the country was relatively free of this problem. Then we look at what is present in 2004, and we see the spread of methamphetamine from west to east, just a few States in the northeast that are preserved to some degree from meth, and that will soon change, I am certain.

In most of these counties in most of these States in the western and the central part of the United States, more than half of the jail cells are now occupied by meth addicts or people who have had meth-related crimes. I would say more than half of the child deaths, child assaults, foster care cases in these regions are due to methamphetamine abuse.

So we really appreciate the restoration of these funds. It is not what everybody would like, but it is certainly going to keep these law enforcement people going for a period of time.

Also, this conference report provides funds to clean up toxic material from meth labs, which is much needed. Above all, it encourages the Drug Enforcement Agency to establish a methamphetamine task force. Currently, we do not feel that the DEA has a comprehensive plan to attack the problem of methamphetamine, which is really covering the whole country and is certainly becoming more and more of a problem on the east coast. So this part of the bill is excellent. I appreciate the chairman's work. I would like to thank him one more time for his efforts.

Mr. MOLLOHAN. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. KUCINICH).

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

I want to begin by saying that I think that our ranking member, DAVID OBEY, has stated well the concerns that many of us have with respect to some provisions of the bill that would, in this case, cut legal services to the poor; and the stripping of the Sanders amendment was certainly a problem because that amendment would have prevented the search of library reading records by PATRIOT Act law enforcement. So I understand the concerns that have been expressed.

On balance, though, I rise in support of the bill, and I am going to tell the Members why: because I think that there is an element in this bill that is so important for this country because it affirms the notion that the first ''A'' in NASA, National Aeronautics and Space Administration, ''aeronautics,'' is critical to the agency's success. And in that connection I want to thank Chairman WOLF and I want to thank Ranking Member MOLLOHAN for their hard work and their support to that end.

We have been working for the better part of this year to make certain that aeronautics was recognized as being critical; and without the help of the entire Ohio delegation on both sides of the aisle, without the help of Chairman WOLF, without the help of Ranking Member MOLLOHAN, we would not be here at this exact moment pointing out that this bill represents a victory for aeronautics.

Aeronautics research and development has drastically improved our national security, our air safety, our economy, and our environment. NASA's field centers, such as the Glenn Research Center in Cleveland, are where the actual basic research is done. There we will find unique research facilities, some of the best scientists and engineers of our time, and a track record of discovery for the public good that is the envy of the world.

One of the secrets to NASA's success has been its dual emphasis on both space and aeronautics. A successful space program is heavily dependent on a strong aeronautics program. Indeed, we cannot get to space without first navigating the atmosphere, and yet the budget for fiscal year 2006 attempted to drastically cut funding for aeronautics research. Recovery from that devastating loss would have taken decades and billions of dollars.

That is why I am so grateful to the chairman and to the ranking member and all of my colleagues for the work that they have put into the bill and showing that the members of the subcommittee share the deep affinity that I have and that others have in appreciation for a healthy, balanced National Aeronautics and Space Administration. This recognizes that a healthy NASA requires strong field research centers like NASA Glenn. Strong field centers, in turn, are dependent on their physical facilities and, more importantly, their talented workforce.

The bill protects the jobs and facilities from cuts that are driven by what accountants want instead of scientific need and instead of engineering know-how. This bill stands in defense of aeronautics, and it is a nod to the crucial role that aeronautics plays in so many facets of our daily life.

Mr. WOLF. Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Madam Speaker, I thank the chairman and the ranking member of the subcommittee for their outstanding work in very difficult, challenging times. But this measure deserves our support, and I say that as chairman of the Science Committee. So I have a special interest, because it will bolster America's science and technology enterprise, it will foster innovation, and boost U.S. competitiveness.

Why do I support this bill? Let me count the ways, and this is by no means inclusive, but let me focus on the matters that I am most familiar with. It increases funding for the National Science Foundation to support more fundamental science and engineering research. That is the fuel that drives the knowledge economy, and that is what drives the American economy. It preserves the science and math partnership program at NSF, designed to improve the performance of local school systems in math and science education at a time we have been challenged as never before in our history.

□ 1345

It increases funding for the laboratory programs for the National Institute of Standards and Technology.

And what does NIST do in addition to performing advanced science and engineering research? It develops the technical standards that advance measurement tools to help to keep American industry competitive. It preserves the very important Manufacturing Extension Partnership, which helps keep America's small manufacturers globally competitive, improving U.S. manufacturing productivity and saving American jobs. It supports a balanced program at NASA, including increased funding for aeronautics, as the previous speaker mentioned; and it increases funding for the National Weather Service, which provides life-saving forecasting of hurricanes and other extreme events. I need provide no further example than Katrina.

At a time when government agencies at all levels were less than adequate with their response, the shining star in our crown was the National Hurricane Center and the National Weather Service. The Hurricane Center is under the Weather Service. They provided us with timely information well in advance of the hurricane hitting the coast of the gulf. It is what was done with that information that created the problems, not the information itself. That was provided completely and in a timely manner.

My congratulations go to the gentleman from Virginia and the gentleman from West Virginia. Under very difficult circumstances, they have recognized that we have to establish some priorities, and one of the high priorities that they have both given and this House should be giving is to invest in the science enterprise.

What is that all about? It is about our future. It is about opportunity. It is about jobs.

Mr. MOLLOHAN. Madam Speaker, I thank the gentleman for his kind comments.

Madam Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from California (Mr. FARR), a member of the full committee.

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

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

Madam Speaker, I rise today in support of the conference report on H.R. 2862, the Science, State, Justice, Commerce and Related Agencies Appropriations Act. I think the conferees did an incredibly good job, considering the tight allocations they had. And I want to thank the subcommittee chairman, the gentleman from Virginia (Mr. WOLF), and the gentleman from West Virginia (Ranking Member MOLLOHAN) and their highly competent staff.

Despite the good job, I would be remiss if I did not stand here and remind Congress of our need to deal with the recommendations that have been made to us by very important organizations, our U.S. Commission on Ocean Policy that studies the oceans, and the Pew Oceans Commission, a charitable trust which also studies the oceans, and ask our administration to propose an adequate budget for our ocean programs in the future.

It is so critical, as Americans depend on the oceans, when we think of all of the tourism from the beaches and the watchable wildlife. We make livings on sometimes turbulent surfaces, we put food on America's tables, we play on its beaches and so on. These are often critical and overlooked in our economic engine, yet the U.S. economy in 2000 was almost 2½ times larger, the ocean economy, than the agriculture economy in terms of the output, and employed 1.5 times the number of people. It encompasses huge activities. NOAA activities touch almost a third of our Nation's gross domestic product, and our oceans and coasts contribute more than $117 billion to American prosperity each year.

So the issue here is really that we have to put more effort into this, because if we do not, we are just stabbing ourselves in the foot. The oxygen that we breathe comes from the oceans, the future, the unexplored. It is frankly more important that we explore the oceans on this planet than we explore Mars, yet we are putting more and more money into that effort than we do into our own planet.

So I am thanking the committee for job well done and hoping that next year we can get a better mark on this.

Madam Speaker, I rise today in support of the conference report on H.R. 2862, the Science, State, Justice, Commerce, and Related Agencies Appropriations Act 2006, but I also strongly encourage both the administration and the House to invest more in the programs that protect, maintain, and restore the health of our oceans in subsequent years. The conferees did a good job with this bill given the allocation, and I especially appreciate the hard work of Subcommittee Chairman WOLF, Ranking Member MOLLOHAN, and their highly competent and helpful staff.

The Pew Oceans Commission and the U.S. Commission on Ocean Policy both released landmark reports within the past 2½ years reviewing the state of our oceans and the policies we use to govern them. This was the first comprehensive review in over 30 years. Both reports came to the same conclusion: Our oceans and coasts are in a state of crises and we are loosing important goods and services that they provide. At the top of the list of problems causing this crisis is an under investment in the programs we use to manage the oceans and coasts.

From our oceans, Americans draw inspiration from the animals in its waters, make a living on its sometimes turbulent surface, put food on their tables, play on its beaches, and benefit from the microscopic plants that provide the majority of oxygen we breathe. For many of these reasons and others, our oceans are a critical, albeit often overlooked, economic engine. The U.S. ocean economy in 2000 was almost 2½ times larger than the agricultural economy in terms of output and employed 1½ times as many people. Ocean sector employment is larger than every manufacturing industry. NOAA activities touch almost a third of the Nation's gross domestic product, and oceans and coasts contribute more than $117 billion to American prosperity each year.

If we are going to continue to obtain these important benefits from our coasts and oceans, we will need to implement the recommendations of the U.S. Commission on Ocean Policy to invest more in our oceans. I call on the administration to propose a more robust budget next year so that Americans will continue to benefit from the goods and services our oceans provide. I also ask my colleagues here in the House to push for a budget resolution next year that authorizes adequate money to the Science, State, Justice, and Commerce accounts so that Chairman WOLF and Ranking Member MOLLOHAN will be able to put together a bill that adequately supports programs that protect, maintain and restore the health of our oceans.

Unfortunately because of the tight allocation, conferees were forced to cut many important ocean programs, such as the National Marine Sanctuary Program, which is receiving a 30-percent cut from fiscal year 2005 funding levels. In 1972, exactly 100 years after the first national park was created, the Nation made a similar commitment to preserving its marine treasures by establishing the National Marine Sanctuary Program. The Monterey Bay National Marine Sanctuary plays a critical role protecting the ecologically and culturally important areas off my district in California while promoting sustainable use and educating the public about the marine environment.

The National Sea Grant College Program is being cut by 10 percent from fiscal year 2005 funding levels to $55.5 million, a cut of $5 million from the House bill and $11.2 million from the Senate bill. From this cut, the U.S. will loose major projects that assist coastal communities, including promoting coastal economic growth, improving the quality of marine environments, educating students in marine sciences, and solving critical marine and Great Lakes resource programs. The U.S. Commission on Ocean Policy called for increasing the National Sea Grant College Program by $20 million, and the President's Ocean Action Plan called for expanding the program.

The National Marine Protected Areas Center is being cut by 50 percent from fiscal year 2005 funding levels after the House bill called for nearly level funding and the Senate bill called for a slight increase. This center helps protect the significant natural and cultural resources within the marine environment for the benefit of present and future generations by strengthening and expanding the Nation's system of marine protected areas. An expanded and strengthened comprehensive system of marine protected areas throughout the marine environment would enhance the conservation of our Nation's natural and cultural marine heritage and the ecologically and economically sustainable use of the marine environment for future generations.

The programs I highlighted today as well as several other ocean programs are being cut when they need to be expanded. This is putting the well-being of many Americans at risk by jeopardizing the goods and services provided by healthy oceans that drive our vast ocean economic engine.

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

Mr. MOLLOHAN. Madam Speaker, I yield 5 minutes to the distinguished gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Madam Speaker, I thank the Gentleman for yielding me this time, and I thank him and the Chairman of the Committee for their long labors on what is a $57.8 billion bill.

My concern is with what many might view as a mere footnote to this bill, the budget of a tiny federal agency that gets not billions, but only $5.3 million, with an ''m,'' out of this huge budget. But the budget of that tiny federal agency and a whim of nature are all that stand between tens of thousands of Texans along the southern tip of our country and disaster.

These are hard-working people along the Lower Rio Grande River Valley in one of the economically poorest parts of this country. But the threat of disaster to them is every bit as real as what we saw played out on our screens in the aftermath of Hurricane Katrina in New Orleans.

This bill fails to deal adequately with that problem. I believe that the Committee recognized the Valley's need in the language that it added to the report that accompanies this bill. I cannot fault the Committee, though I do not agree with the result. This report includes the same dollar amount that the House had already approved and the Senate had already approved, which is 100 cents on the dollar of what President Bush requested. But the amount of money requested is not an adequate amount to protect people from a very real danger.

As the conferees noted in the report, and I quote: ''The conferees recommend that the Commission increase funding for the Lower Rio Grande Valley Flood Control Project above the $2,200,000 contained in the President's budget request. Studies by the U.S. Section of the IBWC conclude that the Rio Grande Valley levees are deficient in height, geologically flawed, and structurally unsound. The conferees expect the administration in the upcoming budget cycle to request sufficient funds to address these needs.''

And while that language is important, it does not provide the dollars necessary to fix this problem. It is language similar to that adopted by the Lower Rio Grande Valley Development Council, composed of all the governments in the three counties at the very tip of the United States where it borders Mexico.

In asking for $10 million in construction moneys every year, they said, ''Without necessary improvements, the levee system could be overtopped or fail structurally at various locations, leaving thousands homeless and creating extensive property and environmental damage to the region.''

After a period of cronyism at the IBWC, well-documented by the General Accountability Office, President Bush replaced his first failed appointee with an acting appointee. We had the USIBWC's Acting Commissioner down in the Rio Grande Valley last month. He said in a meeting there that he needed $10 million a year, not for the agency, but for construction, and a total of $125 million over 10 or 11 years in order to solve this problem. Madam Speaker, $2.2 million is about a fifth of what is needed in construction every year for the next 10 years if we are going to resolve this problem.

Earlier this year, we had Hurricane Emily. It hit about 35, 50 miles south of the area that I am talking about. It was a mere Category 1, yet it caused extensive flooding along some of these levees. As all of America knows, we have had so many hurricanes this year, we have run out of names, and it is forecast to only get worse this year and the year after that as we go through this cycle in the Gulf of one hurricane after another.

If we have even a category 3 hurricane, we will overtop these levees along 38 miles. If we have a Hurricane 5 like Katrina, it will be 102 miles that are overwhelmed. This is just one small section along the Rio Grande.

But I just want it clear that this administration and this Congress has in living color the recommendations of their own agency showing where the levees will be topped up to 9 feet over the existing levees; 6, 5, 4, 3 feet, whatever it is, it is an amount of water pouring over these levees. While we can talk about categories of hurricanes and whether it is a 5 or a 4 or a 3 and follow the tracking on television, what we have had from this Administration since Katrina for the poor people of the Rio Grande Valley is a ''Category 0'' effort, and it is that effort that has to be changed either in the supplemental appropriation they currently have under consideration, or in next year's appropriations bill, because every day we wait, exposes tens of thousands of people to considerable danger.

Mr. MOLLOHAN. Madam Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from New York (Mr. WEINER).

Mr. WEINER. Madam Speaker, I thank the ranking member and the chairman. I offer my gratitude to both of them for the hard work they have done in, once again, trying to fit many programs into a very small package.

There is a mystery buried deep in this bill. This bill marks the end, the official end, of the COPS program. We know that the chairman and ranking member were not the ones that led to its demise. In fact, over the last several years, there has been an effort to, despite the fact that it has not been reauthorized, keep it going.

Now, we know that the COPS program ends in this bill, but the question is why. Let us try to figure out what the motive is.

Well, could it be that it is not distributed evenly, the police officers, the over 120,000 police officers hired in the bill? This is an example of just some of the cities that have had officers hired under the COPS program. This is perhaps the most democratic, with a small ''d'', bill you can imagine, COPS in small police departments in rural areas and large big cities.

Perhaps it was that the COPS program was eliminated because it was not working. Well, that certainly was not the case. Crime has been reduced every year since the COPS program was put into place. The GAO did a study looking at the correlation between COPS hiring and the reduction in crimes and concluded that over a quarter of a million indexed crimes were not committed because of the COPS program.

Maybe it is because the program is no longer needed. Well, the former head of the Department of Homeland Security, Tom Ridge, once famously said that homeland security starts in our hometown. Everyone is saying we

need more and more first responders, not fewer.

So the COPS program in this bill meets its demise, a successful program. We do not quite know why it is ending. We are grateful to the chairman and ranking member for having it go on this long.

But we do have a chance to resuscitate it. The House has passed the reauthorization of the Justice Department bill. We are awaiting action in the Senate. In that bill we authorized the COPS program to live to see another day. We have bipartisan support from Chairman SENSENBRENNER, Democrats and Republicans joining together to try to make the COPS program come back to life.

I would urge my colleagues to think about whether or not at this time of heightened national security concern, we want the COPS program to end.

Mr. WOLF. Madam Speaker, I see the gentleman from Texas (Mr. DOGGETT), and if he would not leave the floor, I just wanted to comment on what he was commenting on, so I yield myself such time as I may consume.

In the report on that Commission, and Mr. DOGGETT spoke to me about it, what you said did not kind of jibe completely with regard to our conversation. But the statement accompanying the conference report says, ''Within the amount for the water quality program, the conferees recommend that the Commission increase funding for the Lower Rio Grande Flood Control Project above the $2.2 million contained in the budget request.'' So we did ask for them to go above the request.

Secondly, we say ''Studies by the U.S. section of the IBWC conclude that Rio Grande Valley levees are deficient in height, geologically flawed, and structurally unsound. The conferees expect the administration in the upcoming budget cycle to request sufficient funds to address these needs. Also, the conference directs that $250,000 be made available for the Rio Grande Canal Project.'' This is an increase over the construction amount.

Secondly, we plan on doing a letter, because the country of Mexico is involved. Texas ought to be involved, but by torching something, it does not always get it done. I think it has to kind of come together.

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

Mr. WOLF. I yield to the gentleman from Texas.

Mr. DOGGETT. Madam Speaker, the language the gentleman quotes is the same language that I quote. I applaud the committee for adding that in there.

The problem is that the total amount of money for the agency was not changed, and to get any more than $2.2 million, they will be taking it out of existing projects that they have on the Colorado River. And the head of the agency is saying they need five times as much as the President asked for.

Mr. WOLF. Who did they say that to? Is that in writing somewhere?

Mr. DOGGETT. Yes, I think it is in writing. It is in the cost estimates or in the reports that have already been forwarded up to the State Department. But I do not think they were ever forwarded to the committee.

I applaud the committee concerns about this and the language that they added, and I am glad the gentleman will be submitting further letters and the like, because this is a small part of this budget, but a big problem for our folks. And they get out of this, even if they go from $2.2 to $3 million, only about a third of what the agency itself says is needed, not just this year, but each year for the next 10 years.

□ 1400

Mr. WOLF. Well, we are going to do a letter. I would urge the gentleman to get a meeting to get the commission to come up to your office. We will have a staff person come by. Also get the State of Texas, also do not forget about Mexico, to get them to come by and try to bring it to a head. I think that is a more constructive way than just saying this bill is not very good. I thought we had with this language forced them to address the issue. We will send a letter.

But if this were my congressional district, I would have them up here. I would ask the State Department to come down and walk with you. I would go to Mexico and be on the other side. I would have a letter to President Vicente Fox. I would have a letter to Secretary Rice. So there is a lot that you have to do.

Mr. DOGGETT. If the gentleman will yield, let me just assure him I have done all those things short of walking in Mexico because this only covers the cost of repairing the U.S. side of the levees. It does not concern any repairs to the Mexican side.

Mr. WOLF. What do they do? What does Mexico do?

Mr. DOGGETT. Well, Mexico, I think if they see that we are moving to raise the levees on the American side, they will be caused to take action on the Mexican side. This is simply, the cost that I have talked about is only the U.S. side of the levees. It is not the Mexican side of the levees. That is their responsibility to act on that.

Mr. WOLF. But if it goes on one side does that not impact on the other side?

Mr. DOGGETT. That is why I say, naturally, the kind of budget challenges they face in Mexico, if they say we are raising our side to meet this flood problem, we believe that they will act to raise it on their side also.

Mr. WOLF. Well, I would like to challenge the gentleman to really pull together. I will try to come to the meeting or get some staff people to come. Bring in the Mexican ambassador. Do something rather than just coming down and doing that. But do something. Get the Mexican ambassador to come on in. Have somebody from the State Department. Bring them on up. Go down there. Walk it. Do everything you possibly can, because you certainly do not want something to happen whereby people die in a flood.

Mr. DOGGETT. I accept that challenge already having done most of that. It has not just been my request, but the request of three of us, four of us, actually, from the Rio Grande Valley to the President and to the State Department, and we have been unable to get any movement from them. And I understand we need their cooperation in order for your committee to move forward. Thank you for your interest.

Mr. WOLF. Well, we will try to help you. We will send a letter, and in the letter that we will send maybe Mr. MOLLOHAN will sign it with me. We will send you a copy of it.

Madam Speaker, I reserve the balance of my time.

Mr. MOLLOHAN. Madam Speaker, I yield 2 minutes to the distinguished 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. Madam Speaker, I thank the ranking member, and I do thank the chairman. This is an interesting mix of a committee, the State, Justice, Commerce and related agencies; and I acknowledge that the amount is up to $4.9 billion from the request of $4.7 billion. Let me quickly point out some areas that I wish we had more money, but I am grateful and want to emphasize the value and this is, of course, NOAA that played a pivotal role and could play an even greater role as we begin to see climatic changes and see storm surges create the devastation of the gulf coast.

This is an important agency and the monies included certainly are welcome and arguably, I hope, we will see additional dollars. The $1.3 billion for international peacekeeping certainly is valuable, and I hope that the emphasis is on peacekeeping. I would hope that some of those dollars could be used in transitioning our military out of Iraq and putting in peacekeeping forces that would combine with our allies over this crisis that we have.

I am grateful that NASA is funded. In times of trouble, I know that we look to agencies like this, but I am grateful for that funding and also for the National Science Foundation and, in particular, the small business.

What I do want to bring to my colleagues' attention are two points. One, I am sorry that we did not include the language that would prohibit the FBI under the PATRIOT Act from accessing library circulation records. And I hope we can fix that. I really do. After the backdrop of the national security letters, we know that the FBI, we have a great deal of respect for them and their homeland security role; but we need the protection of civil liberties as well.

I would also say to my good friend, one of the issues that I have been

studying for a number of years is, if you will, the population of elderly prisoners who are in the Federal prisons. They are nonviolent. They are in there for nonviolent offenses. And we have been working on what we call the Good Time Early Release program that would release individuals over the age of 40 to 45 on good behavior. And I believe that this is an issue that is long overdue. I hope that we can work on authorization, but also appropriations to look at this issue. I ask my colleagues to support the conference.

Mr. GORDON. Madam Speaker, I am very pleased that the joint explanatory statement of the Committee of Conference designated $360,000 under the COPS Methamphetamine Enforcement and Clean-up for the Tennessee Methamphetamine Detection and Remediation Research.

Tennessee Technological University will use this funding to develop mobile equipment that can help law enforcement detect and analyze environmental hazards associated with clandestine meth labs.

Since 1999, the number of meth labs in Tennessee has increased by more than 500 percent. And, more than 1,300 labs were seized last year in Tennessee alone, the most of any state in the Southeast.

We have all read the news stories about illegal homemade labs being set up inside houses, apartments, and even in the trunks of cars. Too often you hear about one of these labs exploding, injuring the meth cooks, as well as children inside the home, or even innocent bystanders. These volatile labs pose a threat to the entire community. Tennessee Tech University will collaborate with the law enforcement community to address this critical problem.

Once again, I am very grateful to the conferees for providing this important funding for Tennessee Tech University.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of this bill to fund the Departments of Commerce, Justice, and State, as well as NASA and the National Science Foundation.

In crafting this legislation, our appropriators faced the difficult task of adequately funding many national priorities. On balance, they did a remarkable job and have produced a bill worthy of our support.

This bill increases funding for many important Justice Department programs and included a 9 percent increase for the Federal Bureau of Investigation and a 6 percent increase for both the U.S. Marshals Service and the Drug Enforcement Agency.

For sure, there are programs that we would all like to see funded at higher levels. I am particularly disappointed to see reduced funding for local law enforcement, Community Oriented Policing Services and juvenile justice programs; however, I am pleased that appropriators did not accept the Administration's request to lump all of these programs into one broad Justice Assistance line. I also applaud the conference committee for increasing funds for Byrne grants and the State Criminal Alien Assistance Program, both of which I have long supported.

This is the first year that NASA has been funded in this legislation, which provided $16.5 billion—or a 2 percent increase—for NASA. I appreciate the committee's support of NASA's efforts to develop a crew exploration vehicle that will eventually replace the Space Shuttle. With Johnson Space Center in our community, we are certainly grateful that the committee rejected the Administration's efforts to cut funding for NASA's Aeronautics Research program.

While the bill provides a slight decrease in funding for the Commerce Department, I am pleased to see significant funding increases for the Economic Development Administration and NOAA, as compared to House-passed funding levels.

One program of particular interest to me and our community in Houston is NOAA's Coastal and Estuarine Land Protection Program. This program exists to protect important coastal and estuarine areas that have significant conservation, recreation, ecological, or historical values and are threatened by development or conversion.

In Houston, we are involved in an effort to preserve the Buffalo Bayou, which is the historic waterway on which the Allen Brothers founded Houston in 1836. NOAA's Coastal and Estuarine Land Protection Program has allowed us to partner with the Trust for Public Land to conserve critical tracts of land along the Buffalo Bayou in order to further our conservation efforts.

For the past two years, Congress has supported our land acquisition funding requests to help revitalize the Buffalo Bayou in a manner that balances the need to conserve the Bayou's wetlands and waterways with the recreational and business development needed to transform the Buffalo Bayou into an active and vibrant urban waterfront center.

To date, congressionally-appropriated funds have played a significant role in the development of Buffalo Bend Nature Park, which was recently dedicated and has provided residents of my district with increased greenspace and recreational opportunities.

In this bill, Congress appropriated $750,000 for the acquisition of two tracts of land, funding that will further the goals of the Buffalo Bayou master plan. Land along the Buffalo Bayou will be purchased to expand Hidalgo Park, which sits in a historically Hispanic community that has traditionally lacked park land. Through this acquisition, Hidalgo Park will be linked to Buffalo Bend Nature Park, enhancing residents' recreational and environmental experience along the bayou.

The funding will also allow the City of Houston to purchase land along Brays Bayou, beginning at the confluence of Brays Bayou and Buffalo Bayou and stretching to Mason Park, less than a mile away. This area is a prime location for a greenbelt park, the development of which would further the City's plan for parks connected by and along the city's bayous.

I would like to thank appropriators in both the House and the Senate for recognizing the value of these projects and positive impact they will make on the quality of life for my constituents. With that, Madam Speaker, I encourage my colleagues to support this legislation.

Mr. DELAY. Madam Speaker, the Science-State-Justice-Commerce conference report is a fiscally responsible, disciplined package that meets our Nation's needs while staying within our Nation's means.

And we should be particularly happy that conference negotiators have once again wisely chosen to fully fund NASA's efforts to implement President Bush's vision for space exploration.

The history of our space program has shown that money spent by our taxpayers on NASA is an investment in the technologies that drive not only our exploration of the unknown, but our economy here on Earth.

Since its earliest days, NASA has blazed the trails of rocketry, satellite technology, aerospace engineering, telecommunications, and even produced health care miracles from the MRI to the portable x-ray machine.

The earthbound application of these spacebased innovations has transformed the way we live our lives, do our jobs, and communicate with each other and the rest of the world.

President Bush's vision, already being implemented by new NASA Administrator Mike Griffin and his excellent staff, will rededicate our space program to its original, exploratory mission.

Today's bill provides more than $16 billion for our space program.

It fully funds the ongoing work of the still vital and necessary space shuttle program and the other first-stage components of the president's vision for space at more than $3.1 billion.

And with this funding—a mere 1.5 percent increase from last year—we have also provided the NASA Administrator the flexibility he needs to manage his agency's ever-shifting needs and challenges.

Fully funding NASA means fully trusting the courage and brilliance of NASA's people, from astronauts to engineers to support staff, all who are focused on completing the first stage of work in the president's vision: returning the shuttle to flight, completing the International Space Station, developing the next generation space vehicle, and advancing the other aspects of NASA's critical mission.

I have that trust, and this conference report shows that the American people do, too.

I urge all my colleagues to support this legislation.

Mr. ALLEN. Madam Speaker, although I support the Science-State-Commerce-Justice Appropriations conference report, I rise today to call attention to the need for more funding for our coasts and oceans.

When, together with Representatives WELDON and FARR and former Congressman Jim Greenwood, I co-founded the Bipartisan House Oceans Caucus in 1999 in order to inform my colleagues about the oceans, we faced major policy challenges. Americans were faced with declining fish stocks, beach closures due to poor water quality, and laws that were inadequate to protect America's oceans. My constituents were asking why.

In 2000, Congress finally asked why also. The Oceans Act of 2000 called for a National Commission on Ocean Policy and charged the Commissioners with conducting a nationwide fact-finding mission on the state of our oceans.

The goal was to develop policy recommendations that would lead to a coordinated and comprehensive national ocean policy. The independent Pew Oceans Commission underwent a similar process, touring the country to listen to testimony from scientists, stakeholders, and others to identify the root problems threatening our nations' oceans.

The products of these two commissions are nothing short of remarkable. Two comprehensive guides, based on the knowledge of our nation's experts, came to many comparable conclusions.

Specifically, the two reports call on Congress to increase our investment in the study, management, and protection of our oceans. Relative to their size and economic' value, funding for ocean research and management pales in comparison for other natural resource programs. The federal government spends over $10 billion to manage public lands and more than $16 billion on space exploration.

In 2001, the Pew Commission recommended a doubling of the NOAA budget to $6 billion over 5 years. Similarly, the U.S. Commission on Ocean Policy recommended an additional $3.9 billion in new spending on top of what we already allocate to NOAA. Yet, the legislation we are debating today sets NOAA's budget for Fiscal Year 2006 at only $3.95 billion. This level is only a modest increase of $28 million over funding levels enacted in FY '05 ($3.92 billion total).

Now I have a great deal of respect for the Chairman, Mr. WOLF, and the Ranking Member, Mr. MOLLOHAN, and I know that they did the best they could with this bill under the tight budget allocations that they were forced to deal with. In this conference report there are modest increases to fishery and coastal management programs but these are unfortunately accompanied by cuts to other vital programs such as marine sanctuaries, the Coastal and Estuarine Land Conservation Program, and the National Sea Grant Program.

Our economy, security, and health all hinge on healthy ocean ecosystems. I look forward to working with the Chairman and the Ranking Member on implementing the recommendations of the Ocean Commissions and investing appropriately in our coasts and oceans in the FY 2007 budget.

Mr. VAN HOLLEN. Madam Speaker, I rise to applaud the passage of the FY 2006 Science-State-Justice-Commerce Appropriations Bill, which includes funding for Montgomery and Prince George's Counties Joint Gang Suppression and Prevention Initiative in my district. I salute my colleague Mr. WOLF and thank him for his leadership on confronting the issue of gang violence in the Washington metropolitan area.

The federal funding approved today builds on the ongoing work of the Joint County Gang Prevention Task Force, which was established by the county executives of Montgomery and Prince George's Counties in February 2004. This funding will allow for the establishment of centralized anti-gang units within each county's police force, enabling them to pursue a zero-tolerance policy for gang violence. A cross jurisdictional community-based program, serving youth and families, would be created to provide gang prevention education, mentoring, and outreach services. Critical after-school programs would be funded for areas where there is a high incidence of gang activity.

Law enforcement research shows that there are approximately 3,600 gang members in Maryland, the District of Columbia and Virginia and that there are nine major active gangs and more than 100 additional crews region wide. Montgomery County Police estimate that there are 20 to 22 active gangs with approximately 540 to 560 active members and associates. Prince George's County Police estimate that there are 50 crews or gangs in that county with a total of over 400 members. Officials in Prince George's County note a recent increase in the number of Latino gangs and report that the criminal activity of these gangs has expanded to sophisticated car theft rings and prostitution.

This funding will help the people of Montgomery and Prince George's Counties fight the growing problem of gang violence and teach young people that gang life is not the road to success, but rather the path to prison. It is important that we provide our law enforcement officials, our teachers, and our community leaders with the support they need as they work to keep our youth safe from gangs and teach them the long term consequences of joining a gang.

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

The SPEAKER pro tempore (Mrs. BIGGERT). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record vote on the postponed question will be taken tomorrow.

VETERANS HOUSING AND EMPLOYMENT IMPROVEMENT ACT OF 2005

Mr. BOOZMAN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3665) to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide adaptive housing assistance to disabled veterans residing temporarily in housing owned by a family member and to make direct housing loans to Native American veterans, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3665

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans Housing and Employment Improvement Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HOUSING ASSISTANCE

Sec. 101. Adaptive housing assistance for disabled veterans residing temporarily in housing owned by family member.

Sec. 102. Permanent authority to make direct housing loans to Native American veterans.

Sec. 103. Extension of eligibility for direct loans for Native American veterans to a veteran who is the spouse of a Native American.

Sec. 104. Terminology amendments to revise references to certain veterans in provisions relating to eligibility for compensation or dependency and indemnity compensation.

TITLE II—EMPLOYMENT ASSISTANCE PROGRAMS

Sec. 201. Extension of operation of the President's National Hire Veterans Committee.

Sec. 202. Additional duty for the Assistant Secretary of Labor for Veterans' Employment and Training to raise awareness of skills of veterans and of the benefits of hiring veterans.

Sec. 203. Modifications to the Advisory Committee on Veterans Employment and Training.

TITLE III—HOMELESS VETERANS REINTEGRATION PROGRAM

Sec. 301. Reauthorization of appropriations for Homeless Veterans Reintegration Program.

TITLE IV—TECHNICAL, CLARIFYING, AND CLERICAL AMENDMENTS

Sec. 401. Technical and clarifying amendments to new traumatic injury protection coverage under Servicemembers' Group Life Insurance.

Sec. 402. Technical and clerical amendments.

TITLE I—HOUSING ASSISTANCE

SEC. 101. ADAPTIVE HOUSING ASSISTANCE FOR DISABLED VETERANS RESIDING TEMPORARILY IN HOUSING OWNED BY FAMILY MEMBER.

(a) ASSISTANCE AUTHORIZED.—Chapter 21 of title 38, United States Code, is amended by inserting after section 2102 the following new section:

''§ 2102A. Assistance for veterans residing temporarily in housing owned by family member

''(a) In the case of a disabled veteran who is described in subsection (a)(2) or (b)(2) of section 2101 of this title and who is residing, but does not intend to permanently reside, in a residence owned by a member of such veteran's family, the Secretary may assist the veteran in acquiring such adaptations to such residence as are determined by the Secretary to be reasonably necessary because of the veteran's disability.

''(b) The assistance authorized under subsection (a) may not exceed—

''(1) $10,000, in the case of a veteran described in section 2101(a)(2) of this title; or

''(2) $2,000, in the case of a veteran described in section 2101(b)(2) of this title.

''(c) The assistance authorized by subsection (a) shall be limited in the case of any veteran to one residence.

''(d) Assistance under this section shall be provided in accordance with such regulations as the Secretary may prescribe.

''(e) No assistance may be provided under this section after the end of the five-year period that begins on the date of the enactment of the Veterans Housing and Employment Improvement Act of 2005.''.

(b) LIMITATIONS ON ADAPTIVE HOUSING ASSISTANCE.—Section 2102 of such title is amended—

(1) in the matter in subsection (a) preceding paragraph (1)—

(A) by striking ''shall be limited in the case of any veteran to one housing unit, and necessary land therefor, and''; and

(B) by striking ''veteran but shall not exceed $50,000 in any one case—'' and inserting ''veteran—''; and

(2) by adding at the end the following new subsection:

''(d)(1) The aggregate amount of assistance available to a veteran under sections 2101(a) and 2102A of this title shall be limited to $50,000.

''(2) The aggregate amount of assistance available to a veteran under sections 2101(b) and 2102A of this title shall be limited to $10,000.

''(3) No veteran may receive more than three grants of assistance under this chapter.''.

(c) COORDINATION OF ADMINISTRATION OF BENEFITS.—Chapter 21 of such title is further amended by adding at the end the following new section:

''§2107. Coordination of administration of benefits

''The Secretary shall provide for the coordination of the administration of programs to provide specially adapted housing that are administered by the Under Secretary for Health and such programs that are administered by the Under Secretary for Benefits under this chapter, chapter 17, and chapter 31 of this title.''.

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter of such title is amended—

(1) by inserting after the item relating to section 2102 the following new item:

''2102A. Assistance for veterans residing temporarily in housing owned by family member.'';

and

(2) by adding at the end the following new item:

''2107. Coordination of administration of benefits.''.

(e) GAO REPORTS.—(1) Not later than three years after the date of the enactment of this Act, the Comptroller General shall submit to Congress an interim report on the implementation by the Secretary of Veterans Affairs of section 2102A of title 38, United States Code, as added by subsection (a).

(2) Not later than five years after the date of the enactment of this Act, the Comptroller General shall submit to Congress a final report on the implementation of such section.

SEC. 102. PERMANENT AUTHORITY TO MAKE DIRECT HOUSING LOANS TO NATIVE AMERICAN VETERANS.

(a) PERMANENT AUTHORITY.—Section 3761 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''establish and implement a pilot program under which the Secretary may'' in the first sentence; and

(B) by striking ''shall establish and implement the pilot program'' in the third sentence and inserting ''shall make such loans'';

(2) in subsection (b), by striking ''In carrying out the pilot program under this subchapter, the'' and inserting ''The''; and

(3) by striking subsection (c).

(b) REPORTS.—Section 3762(j) of such title is amended to read as follows:

''(j) The Secretary shall include as part of the annual report required by section 529 of this title and as part of any annual benefits report of the Veterans Benefits Administration information concerning the cost and number of loans provided under this subchapter for each fiscal year.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 3762 of such title is amended—

(A) in subsection (a), by inserting ''under this subchapter'' after ''to a Native American veteran'';

(B) in subsection (b)(1)(E), by striking ''the pilot program established under this subchapter is implemented'' and inserting ''loans under this subchapter are made'';

(C) in subsection (c)(1)(B), by striking ''carry out the pilot program under this subchapter in a manner that demonstrates the advisability of making direct housing loans'' in the second sentence and inserting ''make direct housing loans under this subchapter'';

(D) in subsection (i)—

(i) by striking ''the pilot program provided for under this subchapter and'' in paragraph (1);

(ii) by striking ''under the pilot program and in assisting such organizations and veterans in participating in the pilot program'' in paragraph (2)(A) and inserting ''under this subchapter and in assisting such organizations and veterans with respect to such housing benefits''; and

(iii) by striking ''in participating in the pilot program'' in paragraph (2)(E) and inserting ''with respect to such benefits''.

(2) Section 8(b) of the Veterans Home Loan Program Amendments of 1992 (Public Law 102–547; 38 U.S.C. 3761 note) is repealed.

(d) ESTABLISHMENT OF MAXIMUM AMOUNT OF LOANS.—Section 3762(c)(1)(B) of title 38, United States Code, is amended—

(1) by striking ''(B) The'' and inserting ''(B)(i) Subject to clause (ii), the''; and

(2) by adding at the end the following new clause:

''(ii) The amount of a loan made by the Secretary under this subchapter may not exceed the maximum loan amount authorized for loans guaranteed under section 3703(a)(1)(C) of this title.''.

(e) TECHNICAL AMENDMENT.—Subsection (c)(1)(A) of section 3762 of such title is amended by inserting ''veteran'' after ''Native American''.

(f) CLERICAL AMENDMENTS.—

(1) SUBCHAPTER HEADING.—The heading for subchapter V of chapter 37 of such title is amended to read as follows:

''SUBCHAPTER V—DIRECT HOUSING LOANS FOR NATIVE AMERICAN VETERANS''.

(2) SECTION HEADING.—The heading for section 3761 of such title is amended to read as follows:

''§3761. Direct housing loans to Native American veterans; program authority''.

(3) SECTION HEADING.—The heading for section 3762 of such title is amended to read as follows:

''§3762. Direct housing loans to Native American veterans; program administration''.

(4) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 37 of such title is amended by striking the items relating to subchapter V and sections 3761 and 3762 and inserting the following new items:

''SUBCHAPTER V—DIRECT HOUSING LOANS FOR NATIVE AMERICAN VETERANS

''3761. Direct housing loans to Native American veterans; program authority.

''3762. Direct housing loans to Native American veterans; program administration.''.

SEC. 103. EXTENSION OF ELIGIBILITY FOR DIRECT LOANS FOR NATIVE AMERICAN VETERANS TO A VETERAN WHO IS THE SPOUSE OF A NATIVE AMERICAN.

(a) EXTENSION.—Subchapter V of chapter 37 of title 38, United States Code, is amended—

(1) by redesignating section 3764 as section 3765; and

(2) by inserting after section 3763 the following new section:

''§3764. Qualified non-Native American veterans

''(a) Subject to the succeeding provisions of this section, for purposes of this subchapter—

''(1) a qualified non-Native American veteran is deemed to be a Native American veteran; and

''(2) for purposes of applicability to a non-Native American veteran, any reference in this subchapter to the jurisdiction of a tribal organization over a Native American veteran is deemed to be a reference to jurisdiction of a tribal organization over the Native American spouse of the qualified non-Native American veteran.

''(b) In making direct loans under this subchapter to a qualified non-Native American veteran by reason of eligibility under subsection (a), the Secretary shall ensure that the tribal organization permits, and the qualified non-Native American veteran actually holds, possesses, or purchases, using the proceeds of the loan, jointly with the Native American spouse of the qualified non-Native American veteran, a meaningful interest in the lot, dwelling, or both, that is located on trust land.

''(c) Nothing in subsection (b) shall be construed as precluding a tribal organization from imposing reasonable restrictions on the right of the qualified non-Native American veteran to convey, assign, or otherwise dispose of such interest in the lot or dwelling, or both, if such restrictions are designed to ensure the continuation in trust status of the lot or dwelling, or both. Such requirements may include the termination of the interest of the qualified non-Native American veteran in the lot or dwelling, or both, upon the dissolution of the marriage of the qualified non-Native American veteran to the Native American spouse.''.

(b) CONFORMING AMENDMENTS.—Section 3765 of such title, as redesignated by subsection (a), is amended by adding at the end the following new paragraph:

''(5) The term 'qualified non-Native American veteran' means a veteran who—

''(A) is the spouse of a Native American, but

''(B) is not a Native American.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 37 of such title is amended by striking the item relating to section 3764 and inserting the following new items:

''3764. Qualified non-Native American veterans.

''3765. Definitions.''.

SEC. 104. TERMINOLOGY AMENDMENTS TO REVISE REFERENCES TO CERTAIN VETERANS IN PROVISIONS RELATING TO ELIGIBILITY FOR COMPENSATION OR DEPENDENCY AND INDEMNITY COMPENSATION.

Title 38, United States Code, is amended as follows:

(1) Section 1114(l) is amended by striking ''so helpless'' and inserting ''with such significant disabilities''.

(2) Section 1114(m) is amended by striking ''so helpless'' and inserting ''so significantly disabled''.

(3) Sections 1115(1)(E)(ii), 1122(b)(2), 1311(c)(2), 1315(g)(2), and 1502(b)(2) are amended by striking ''helpless or blind, or so nearly helpless or blind as to'' and inserting ''blind, or so nearly blind or significantly disabled as to''.

TITLE II—EMPLOYMENT ASSISTANCE PROGRAMS

SEC. 201. EXTENSION OF OPERATION OF THE PRESIDENT'S NATIONAL HIRE VETERANS COMMITTEE.

(a) ONE-YEAR EXTENSION.—Subsection (f) of section 6 of the Jobs for Veterans Act (Public Law 107–288; 116 Stat. 2048) is amended—

(1) by striking ''60 days'' and inserting ''not later than 60 days''; and

(2) by striking ''on December 31, 2005'' and inserting ''not later than December 31, 2006''.

(b) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—Subsection (g) of such section is amended by striking ''2005'' and inserting ''2006''.

(c) ADDITIONAL REPORT.—Subsection (e) of such section is amended by striking ''and 2005,'' and inserting ''2005, and 2006,''.

SEC. 202. ADDITIONAL DUTY FOR THE ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING TO RAISE AWARENESS OF SKILLS OF VETERANS AND OF THE BENEFITS OF HIRING VETERANS.

(a) IN GENERAL.—Subsection (b) of section 4102A of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(8) With advice and assistance from the Advisory Committee on Veterans Employment, Training, and Employer Outreach established

under section 4110 of this title, furnish information to employers (through meetings in person with hiring executives of corporations and otherwise) with respect to the training and skills of veterans and disabled veterans, and the advantages afforded employers by hiring veterans with such training and skills, and to facilitate employment of veterans and disabled veterans through participation in labor exchanges (Internet-based and otherwise), and other means.''.

(b) TRANSITION PLAN.—(1) The Secretary of Labor, acting through the Assistant Secretary of Labor for Veterans' Employment and Training, shall develop a plan for the transition of the assumption of certain duties and functions of the President's National Hire Veterans Committee by the Assistant Secretary in carrying out section 4102A(b)(8) of title 38, United States Code, as added by subsection (a). Such plan shall include the identification of the activities and operations of the Committee that the Assistant Secretary determines should be continued or expanded.

(2) Not later than July 1, 2006, the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives the transition plan developed under paragraph (1).

SEC. 203. MODIFICATIONS TO THE ADVISORY COMMITTEE ON VETERANS EMPLOYMENT AND TRAINING.

(a) COMMITTEE NAME.—(1) Subsection (a)(1) of section 4110 of title 38, United States Code, is amended by striking ''Advisory Committee on Veterans Employment and Training'' and inserting ''Advisory Committee on Veterans Employment, Training, and Employer Outreach''.

(2) The heading of such section is amended to read as follows:

''§ 4110. Advisory Committee on Veterans Employment, Training, and Employer Outreach''.

(3) The item relating to section 4110 in the table of sections at the beginning of chapter 41 of such title is amended to read as follows:

''4110. Advisory Committee on Veterans Employment, Training, and Employer Outreach.''.

(4) Any reference to the Advisory Committee established under section 4110 of such title in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Advisory Committee on Veterans Employment, Training, and Employer Outreach.

(b) EXPANSION OF DUTIES OF THE COMMITTEE.—Subsection (a)(2) of such section is amended—

(1) in subparagraph (A), by inserting ''and their integration into the workforce'' after ''veterans'';

(2) by striking ''and'' at the end of subparagraph (B);

(3) by redesignating subparagraph (C) as subparagraph (E); and

(4) by inserting after subparagraph (B) the following new subparagraphs:

''(C) assist the Assistant Secretary of Labor for Veterans Employment and Training in carrying out outreach activities to employers with respect to the training and skills of veterans and the advantages afforded employers by hiring veterans;

''(D) make recommendations to the Secretary, through the Assistant Secretary of Labor for Veterans Employment and Training, with respect to outreach activities and the employment and training of veterans; and''.

(c) MODIFICATION OF COMMITTEE MEMBERSHIP.—(1) Subsection (c)(1) of such section is amended to read as follows:

''(c)(1) The Secretary of Labor shall appoint at least 12, but no more than 15, individuals to serve as members of the advisory committee as follows:

''(A) Six individuals, one each from among representatives nominated by each of the following organizations:

''(i) The National Society of Human Resource Managers.

''(ii) The Business Roundtable.

''(iii) The National Association of State Workforce Agencies.

''(iv) The U.S. Chamber of Commerce.

''(v) The National Federation of Independent Business.

''(vi) A nationally recognized labor union or organization.

''(B) Not more than five individuals from among representatives nominated by veterans service organizations that have a national employment program.

''(C) Not more than five individuals who are recognized authorities in the fields of business, employment, training, rehabilitation, or labor and who are not employees of the Department of Labor.''.

(2) Subsection (d) of such section is amended—

(A) by striking paragraphs (3), (4), (8), (10), (11), and (12); and

(B) by redesignating paragraphs (5), (6), (7), and (9) as paragraphs (3), (4), (5), and (6), respectively.

(d) REINSTATEMENT AND MODIFICATION OF REPORTING REQUIREMENT.—Subsection (f)(1) of such section is amended—

(1) by striking the first sentence and inserting the following: ''Notwithstanding section 3003 of Public Law 104–66, not later than December 31 of each year, the advisory committee shall submit to the Secretary and to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the employment and training needs of veterans, with special emphasis on disabled veterans, for the previous fiscal year.'';

(2) in subparagraph (A), by inserting ''and their integration into the workforce'' after ''veterans'';

(3) by striking ''and'' at the end of subparagraph (B);

(4) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (F), respectively;

(5) by inserting after subparagraph (A) the following new subparagraph:

''(B) an assessment of the outreach activities carried out by the Secretary of Labor to employers with respect to the training and skills of veterans and the advantages afforded employers by hiring veterans; ''; and

(6) by inserting after subparagraph (C), as so redesignated, the following new subparagraphs:

''(D) a description of the activities of the advisory committee during that fiscal year;

''(E) a description of activities that the advisory committee proposes to undertake in the succeeding fiscal year; and''.

TITLE III—HOMELESS VETERANS REINTEGRATION PROGRAM

SEC. 301. REAUTHORIZATION OF APPROPRIATIONS FOR HOMELESS VETERANS REINTEGRATION PROGRAM.

Subsection (e)(1) of section 2021 of title 38, United States Code, is amended by adding at the end the following new subparagraph:

''(F) $50,000,000 for each of fiscal years 2007 through 2009.''.

TITLE IV—TECHNICAL, CLARIFYING, AND CLERICAL AMENDMENTS

SEC. 401. TECHNICAL AND CLARIFYING AMENDMENTS TO NEW TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) SECTION 1980A.—Section 1980A of title 38, United States Code, as enacted by section 1032(a)(2) of Public Law 109–13 (119 Stat. 257), is amended as follows:

(1) Subsection (a) is amended to read as follows:

''(a)(1) A member of the uniformed services who is insured under Servicemembers' Group Life Insurance shall automatically be insured for traumatic injury in accordance with this section. Insurance benefits under this section shall be payable if the member, while so insured, sustains a traumatic injury that results in a qualifying loss specified pursuant to subsection (b)(1).

''(2) If a member suffers more than one such qualifying loss as a result of traumatic injury from the same traumatic event, payment shall be made under this section in accordance with the schedule prescribed pursuant to subsection (d) for the single loss providing the highest payment.''.

(2) Subsection (b) is amended—

(A) in paragraph (1)—

(i) by striking ''issued a'' and all that follows through ''limited to—'' and inserting ''insured against traumatic injury under this section is insured against such losses due to traumatic injury (in this section referred to as 'qualifying losses') as are prescribed by the Secretary by regulation. Qualifying losses so prescribed shall include the following:'';

(ii) by capitalizing the first letter of the first word of each of subparagraphs (A) through (H);

(iii) by striking the semicolon at the end of each of subparagraphs (A) through (F) and inserting a period; and

(iv) by striking ''; and'' at the end of subparagraph (G) and inserting a period;

(B) in paragraph (2)—

(i) by striking ''subsection—'' and inserting ''subsection:'';

(ii) by striking ''the'' at the beginning of subparagraphs (A), (B), and (C) and inserting ''The'';

(iii) in subparagraph (A), by striking ''4 limbs;'' and inserting ''four limbs.'';

(iv) in subparagraph (B), by striking ''; and'' at the end and inserting a period;

(v) in subparagraph (C), by striking ''1 side'' and inserting ''one side''; and

(vi) by adding at the end the following new subparagraph:

''(D) The term 'inability to carry out the activities of daily living' means the inability to independently perform two or more of the following six functions:

''(i) Bathing.

''(ii) Continence.

''(iii) Dressing.

''(iv) Eating.

''(v) Toileting.

''(vi) Transferring.'';

(C) in paragraph (3)—

(i) by striking '', in collaboration with the Secretary of Defense,'';

(ii) by striking ''shall prescribe'' and inserting ''may prescribe''; and

(iii) by striking ''the conditions under which coverage against loss will not be provided''; and inserting ''conditions under which coverage otherwise provided under this section is excluded''; and

(D) by adding at the end the following new paragraph:

''(4) A member shall not be considered for the purposes of this section to be a member insured under Servicemembers' Group Life Insurance if the member is insured under Servicemembers' Group Life Insurance only as an insurable dependent of another member pursuant to subparagraph (A)(ii) or (C)(ii) of section 1967(a)(1) of this title.''.

(3) Subsection (c) is amended to read as follows:

''(c)(1) A payment may be made to a member under this section only for a qualifying loss that results directly from a traumatic injury sustained while the member is covered against loss under this section and from no other cause.

''(2)(A) A payment may be made to a member under this section for a qualifying loss resulting from a traumatic injury only for a loss that is incurred during the applicable period of time specified pursuant to subparagraph (B).

''(B) For each qualifying loss, the Secretary shall prescribe, by regulation, a period of time to be the period of time within which a loss of that

type must be incurred, determined from the date on which the member sustains the traumatic injury resulting in that loss, in order for that loss to be covered under this section. For quadriplegia, paraplegia, and hemiplegia, the period of time so prescribed shall be 365 days.''.

(4) Subsection (d) is amended by striking ''losses described in subsection (b)(1) shall be—'' and all that follows and inserting ''qualifying losses shall be made in accordance with a schedule prescribed by the Secretary, by regulation, specifying the amount of payment to be made for each type of qualifying loss, to be based on the severity of the qualifying loss. The minimum payment that may be prescribed for a qualifying loss is $25,000, and the maximum payment that may be prescribed for a qualifying loss is $100,000.''.

(5) Subsection (e) is amended—

(A) by striking ''of Veterans Affairs'' each place it appears;

(B) in paragraph (1), by striking 'as the premium allocable'' and all that follows through ''protection under this section'';

(C) in paragraph (2), by striking ''Secretary of the concerned service'' and inserting ''Secretary concerned''; and

(D) by striking paragraphs (6), (7), and (8) and inserting the following:

''(6) The cost attributable to insuring members under this section for any month or other period specified by the Secretary, less the premiums paid by the members, shall be paid by the Secretary concerned to the Secretary. The Secretary shall allocate the amount payable among the uniformed services using such methods and data as the Secretary determines to be reasonable and practicable. Payments under this paragraph shall be made on a monthly basis or at such other intervals as may be specified by the Secretary and shall be made within 10 days of the date on which the Secretary provides notice to the Secretary concerned of the amount required.

''(7) For each period for which a payment by a Secretary concerned is required under paragraph (6), the Secretary concerned shall contribute such amount from appropriations available for active duty pay of the uniformed service concerned.

''(8) The sums withheld from the basic or other pay of members, or collected from them by the Secretary concerned, under this subsection, and the sums contributed from appropriations under this subsection, together with the income derived from any dividends or premium rate adjustments received from insurers shall be deposited to the credit of the revolving fund established in the Treasury of the United States under section 1869(d)(1) of this title.''.

(6) Subsection (f) is amended to read as follows:

''(f) When a claim for benefits is submitted under this section, the Secretary of Defense or, in the case of a member not under the jurisdiction of the Secretary of Defense, the Secretary concerned shall certify to the Secretary whether the member with respect to whom the claim is submitted—

''(1) was at the time of the injury giving rise to the claim insured under Servicemembers' Group Life Insurance for the purposes of this section; and

''(2) has sustained a qualifying loss.''.

(7) Subsection (g) of such section is amended—

(A) by inserting ''(1)'' after ''(g)'';

(B) by striking ''will not be made'' and inserting ''may not be made under the insurance coverage under this section'';

(C) by striking ''the period'' and all that follows through ''the date'' and inserting ''a period prescribed by the Secretary, by regulation, for such purpose that begins on the date'';

(D) by designating the second sentence as paragraph (2);

(E) by striking ''If the member'' and inserting ''If a member eligible for a payment under this section'' ;

(F) by striking ''will be'' and inserting ''shall be''; and

(G) by striking ''according to'' and all that follows and inserting ''to the beneficiary or beneficiaries to whom the payment would be made if the payment were life insurance under section 1967(a) of this title.''.

(8) Subsection (h) of such section is amended—

(A) in the first sentence, by striking ''member's separation from the uniformed services'' and inserting ''termination of the member's duty status in the uniformed services that established eligibility for Servicemembers' Group Life Insurance'';

(B) by striking the second sentence; and

(C) by adding at the end the following new sentence: ''The termination of coverage under this section is effective in accordance with the preceding sentence, notwithstanding any continuation after the date specified in that sentence of Servicemembers' Group Life Insurance coverage pursuant to 1968(a) of this title for a period specified in that section.''.

(9) Such section is further amended by adding at the end the following new subsection:

''(j) Regulations under this section shall be prescribed in consultation with the Secretary of Defense.''.

(b) EFFECTIVE DATE.—Section 1980A of title 38, United States Code, as amended by subsection (a), shall take effect on December 1, 2005, and (except as provided in subsection (d)) shall apply with respect to losses resulting from traumatic injuries incurred on or after that date.

(c) DEADLINE FOR IMPLEMENTING REGULATIONS.—Regulations to carry out section 1980A of title 38, United States Code, as amended by subsection (a), shall be prescribed not later than December 1, 2005.

(d) APPLICABILITY TO PRIOR QUALIFYING LOSSES INCURRED IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.—

(1) ELIGIBILITY.—A member of the uniformed services who during the period beginning on October 7, 2001, and ending at the close of November 30, 2005, sustains a traumatic injury resulting in a qualifying loss is eligible for coverage for that loss under section 1980A of title 38, United States Code, as amended by subsection (a), if, as determined by the Secretary concerned, that loss was a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom.

(2) CERTIFICATION OF PERSONS ENTITLED TO PAYMENT.—The Secretary concerned shall certify to the life insurance company issuing the policy of life insurance for Servicemembers' Group Life Insurance under chapter 19 of title 38, United States Code, the name and address of each person who the Secretary concerned determines to be entitled by reason of paragraph (1) to a payment under section 1980A of title 38, United States Code, as amended by subsection (a), plus such additional information as the Secretary of Veterans Affairs may require.

(3) FUNDING.—At the time a certification is made under paragraph (2), the Secretary concerned, from funds then available to that Secretary for the pay of members of the uniformed services under the jurisdiction of that Secretary, shall pay to the Secretary of Veterans Affairs the amount of funds the Secretary of Veterans Affairs determines to be necessary to pay all costs related to payments to be made under that certification. Amounts received by the Secretary of Veterans Affairs under this paragraph shall be deposited to the credit of the revolving fund in the Treasury of the United States established under section 1969(d) of title 38, United States Code.

(4) QUALIFYING LOSS.—For purposes of this subsection, the term ''qualifying loss'' means—

(A) a loss specified in the second sentence of subsection (b)(1) of section 1980A of title 38, United States Code, as amended by subsection (a); and

(B) any other loss specified by the Secretary of Veterans Affairs pursuant to the first sentence of that subsection.

(e) FUNDING FOR FIRST YEAR OF BENEFITS.—Upon the date specified in subsection (b), the Secretary concerned shall pay to the Secretary of Veterans Affairs an amount that is equivalent to one-half the amount anticipated to be necessary to pay all costs related to payments to be made under section 1980A of title 38, United States Code, for fiscal year 2006, effective December 1, 2005. The amount received by the Secretary of Veterans Affairs under this subsection shall be deposited to the credit of the revolving fund in the Treasury of the United States established under section 1969(d) of title 38, United States Code.

(f) DEFINITIONS.—For purposes of this section, the term ''Secretary concerned'' has the meaning given that term in paragraph (25) of section 101 of title 38, United States Code.

(g) CONFORMING AMENDMENTS.—Section 1032 of Public Law 109–13 (119 Stat. 257) is amended—

(1) in subsection (a), by striking paragraph (1), including the amendment that would be made by that paragraph effective December 1, 2005; and

(2) by striking subsections (c) and (d).

SEC. 402. TECHNICAL AND CLERICAL AMENDMENTS.

Title 38, United States Code, is amended as follows:

(1) TYPOGRAPHICAL ERROR.—Section 1117(h)(1) is amended by striking ''nothwithstanding'' and inserting ''notwithstanding''.

(2) INSERTION OF MISSING WORD.—Section 1513(a) is amended by inserting ''section'' after ''prescribed by''.

(3) DELETION OF EXTRA WORDS.—Section 3012(a)(1)(C)(ii) is amended by striking ''on or''.

(4) CROSS REFERENCE CORRECTION.—Section 3017(b)(1)(D) is amended by striking ''3011(c)'' and inserting ''3011(e)''.

(5) STYLISTIC AMENDMENTS.—Section 3018A is amended—

(A) by striking ''of this section'' in subsections (b) and (c);

(B) by striking ''of this subsection'' in subsections (a)(4), (a)(5), (d)(1) (both places it appears), and (d)(3); and

(C) by striking ''of this chapter'' in subsection (d)(3) and inserting ''of this title''.

(6) CROSS REFERENCE CORRECTION.—Section 3117(b)(1) is amended—

(A) by striking ''section 8'' and inserting ''section 4(b)(1)''; and

(B) by striking ''633(b)'' and inserting ''633(b)(1)''.

(7) INSERTION OF MISSING WORD.—Section 3511(a)(1) is amended by inserting ''sections'' after ''under both''.

(8) SUBSECTION HEADINGS.—

(A) Sections 3461, 3462, 3481, 3565, 3680, and 3690 are each amended by revising each subsection heading for a subsection therein (appearing as a centered heading immediately before the text of the subsection) so that such heading appears immediately after the subsection designation and is set forth in capitals-and-small-capitals typeface, followed by a period and a one-em dash.

(B) Section 3461(c) is amended by inserting after the subsection designation the following: ''DURATION OF ENTITLEMENT.—''.

(C) Section 3462 is amended—

(i) in subsection (d), by inserting after the subsection designation the following: ''PRISONERS OF WAR.—''; and

(ii) in subsection (e), by inserting after the subsection designation the following: ''TERMINATION OF ASSISTANCE.—''.

(9) CROSS REFERENCE CORRECTION.—Section 3732(c)(10)(D) is amended by striking ''clause (B) of paragraphs (5), (6), (7), and (8) of this subsection'' and inserting ''paragraphs (5)(B), (6), (7)(B), and (8)(B)''.

(10) DATE OF ENACTMENT REFERENCE.—Section 3733(a)(7) is amended by striking ''the date of

the enactment of the Veterans' Benefits Act of 2003'' and inserting ''December 16, 2003''.

(11) REPEAL OF OBSOLETE PROVISIONS.—Section 4102A is amended

(A) in subsection (c)(7)—

(i) by striking ''With respect to program years beginning during or after fiscal year 2004, one percent of'' and inserting ''Of''; and

(ii) by striking ''for the program year'' and inserting ''for any program year, one percent''; and

(B) in subsection (f)(1), by striking ''By not later than May 7, 2003, the'' and inserting ''The''.

(12) REPEAL OF OBSOLETE PROVISIONS.—Section 4105(b) is amended—

(A) by striking ''shall provide,'' and all that follows through ''Affairs with'' and inserting ''shall, on the 15th day of each month, provide the Secretary and the Secretary of Veterans Affairs with updated information regarding''; and

(B) by striking ''and shall'' and all that follows through ''regarding the list''.

(13) CITATION CORRECTION.—Section 4110B is amended—

(A) by striking ''this Act'' and inserting ''the Workforce Investment Act of 1998''; and

(B) by inserting ''(29 U.S.C. 2822(b))'' before the period at the end.

(14) CROSS-REFERENCE CORRECTION.—Section 4331(b)(2)(C) is amended by striking ''section 2303(a)(2)(C)(ii)'' and inserting ''section 2302(a)(2)(C)(ii)''.

(15) CAPITALIZATION CORRECTION.—Section 7253(d)(5) is amended by striking ''court'' and inserting ''Court''.

Amend the title so as to read: ''A bill to provide adaptive housing assistance to disabled veterans residing temporarily in housing owned by a family member, to make certain improvements in veterans employment assistance programs, and for other purposes.''.

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

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

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

Madam Speaker, I am pleased to commend H.R. 3665, as amended, to the House for passage. This bill has several goals. First, we want to provide some flexibility in several VA programs, including the Adapted Housing Grant program and the Native American Loan program. Second, we want to protect and institutionalize the taxpayers' investment in the President's National Hiring Veterans Committee. Third, we want to reauthorize the Homeless Veterans Reintegration program for 3 years.

Madam Speaker, it is no secret that many of those wounded in Iraq and Afghanistan return home with significant disabilities. Many of those severely disabled servicemembers spend their convalescence at a family home before moving to their own home when they are well enough to do so. Under the current rules, VA cannot help adapt those family homes for their specific disabilities unless the veteran has an ownership interest in the property. This bill would eliminate the ownership requirement for a partial grant. Therefore, title I would provide a partial adaptive housing assistance grant up to $10,000 or $2,000, depending on the level of disability to veterans residing temporarily in housing owned by a family member. It would also authorize up to three specially adaptive housing grants within the allotted maximum amount.

Madam Speaker, this measure contains several provisions from H.R. 1773, originally introduced by the Economic Opportunity Subcommittee ranking member, Ms. HERSETH. I want to compliment her and her staff for their hard work on this issue. These provisions would make permanent the pilot program for housing loans to Native American veterans; extend the eligibility for Native American loans to certain non-Native American veterans who have a meaningful interest in the property under tribal law and are the spouses of a Native American. And finally, this would adjust the maximum loan to conform with the Freddie Mac limits similar to other VA loans, currently $59,650.

Madam Speaker, the taxpayers have made a significant investment in the work of the President's National Hire Veterans Committee, and we feel strongly that a 1-year extension will allow a proper transition of the duties and products of the committee to the Veterans Employment and Training Service of the Department of Labor. Therefore, title II would extend the committee's work until not later than December 31, 2006. Transition of its duties to the Assistant Secretary of Labor for Veterans Employment and Training require the Assistant Secretary of Labor for Veterans Employment and Training to develop a transition plan for those duties and modify the membership and duties of the advisory committee on veterans employment and training to include outreach activities.

Madam Speaker, we all know that homelessness among the veterans continues to be a problem. While there is some disagreement about the total number of homeless veterans needing a job to break the cycle of homelessness, there is no disagreement that the Homeless Veterans Reintegration program remains a valuable tool to put homeless veterans back to work. I want to emphasize that this is an employment program managed by the Veterans Employment and Training Service of the Department of Labor, not a housing program. Therefore, title III would reauthorize the Homeless Veterans Reintegration program for fiscal years 2007 through 2009 and retain the maximum authorization of $50 million per year.

Finally, title IV makes technical amendments to the servicemembers group life insurance legislation as well as clerical and technical amendments to a number of other sections of title 38.

Madam Speaker, I reserve the balance of my time.

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

I want to thank Chairman BUYER, Ranking Member EVANS, Subcommittee Chairman BOOZMAN, and Ranking Member HERSETH for bringing this bill to the floor. Ms. HERSETH has been detained at a legislative hearing before the Resources Committee concerning the bill she has introduced. I hope that she will be able to join us before the debate on the bill is completed, but I want to particularly thank her for her input into this important piece of legislation.

Madam Speaker, I am pleased to be an original cosponsor of H.R. 3665. As amended, the bill before us would provide greater flexibility to the VA's Adaptive Housing Grant program. It also includes measures to extend the Department of Labor's Veterans Employment and Training Service. The bill also includes language from H.R. 1773, which Ms. HERSETH introduced to make the Native American Veteran Home Loan program permanent.

Section 102 of the bill would make permanent the Native American Housing Loan program, currently a pilot program administered by the Veterans Administration since 1993. The Native American Housing Loan program has provided more than 443 direct loans nationwide since its inception. By all accounts, the pilot program has been a great success and, in fact, currently does not require any government subsidy.

The Congressional Budget Office estimates that enactment of the provision would generate savings of $1 million over the next 5 years. Section 103 of the bill would authorize non-Native American veterans married to a Native American spouse and living on trust or tribal land to fully participate in this direct loan program. Because certain tribal sovereignty rules prohibit ownership interest by nonnative persons, they have been unable to qualify for this home loan program. The language in section 103 would make it possible for a nonnative military member or for a nonnative military member or veteran to qualify for a VA loan if he or she shares a meaningful interest rather than an ownership interest with their respective spouse in their home.

Madam Speaker, on this Friday we will celebrate and honor the service of our Nation's veterans. Hopefully, we will all be in our home districts attending Veterans Day parades and other activities that we share with our veterans. As I do so, I am mindful that over 3,000 veterans in Nevada are homeless. Most of them are living on the streets in Las Vegas. The number of homeless veterans in America is, I am sorry to say, a national disgrace and simply must be addressed. According to the National Coalition for Homeless Veterans, there are already 400 veterans who have served in Iraq and Afghanistan who have sought shelter through homeless programs.

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I strongly support the provision in H.R. 3665 which would reauthorize appropriations for the Homeless Veterans Reintegration Program to help veterans get off the street and working again.

With increased efforts to deny VA benefits and, thereby, health care to veterans with post-traumatic stress disorder, I fear that our efforts to reduce the number of homeless veterans, many who are suffering from PTSD, may be at risk.

One homeless veteran who recently contacted the VA Committee had a VA claim pending for PTSD. We learned that because of a perceived pressure to deny claims, regional office adjudicators were afraid to accept the veteran's testimony of his Iraq combat experience, an article naming him and describing the attack, and a statement of his soldier passenger, who was wounded in the attack, as sufficient credible evidence of a stressor.

VA officials later acknowledged that the evidence provided by the veteran met the legal requirements and the claim was approved, finally.

This veteran's story is an example of how severely mentally disabled veterans are at risk of becoming homeless due to VA policies.

Congress must stop the administration's assault on veterans with severe PTSD. We must also provide opportunities to those veterans who are homeless due to their disabilities. H.R. 3665 will do just this.

I appreciate the cooperation of the gentleman from Arkansas (Mr. BOOZMAN) in including language I had suggested to eliminate the obsolete term ''helpless'' from title 38. Although severely disabled veterans may require significant help with activities of daily life, characterizing them as helpless is demeaning and, quite frankly, inaccurate.

The bill under consideration today will benefit our Nation's veterans and deserves the support of all Members of the House.

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

Mr. BOOZMAN. Madam Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. BROWN), chairman of the Health Subcommittee.

Mr. BROWN of South Carolina. Madam Speaker, I thank the chairman for yielding me time and for his leadership in bringing these bills to the floor.

Madam Speaker, H.R. 3665, the Veterans Housing and Employment Improvement Act of 2005, provides needed enhancements to veterans' benefit programs. Specifically, I would like to discuss the provisions which were contained in H.R. 3279, the Homeless Veterans Reintegration Program Reauthorization Act of 2005, of which I was an original cosponsor.

H.R. 3279 was rolled into H.R. 3665 in the full committee markup held on October 7. This legislation would reauthorize HVRP through fiscal year 2009. Currently, the authority for this program expires at the end of fiscal year 2006. This legislation continues the current authorization for $50 million per year. I am eager for this legislation to be sent to the President as soon as possible.

The Homeless Veterans Reintegration Program, or HVRP, is designed to take the men and women who are probably the most difficult population of veterans to serve off the streets and return them as productive contributors to society. It is a tall order and one that presents unique challenges to both the government and to those who deliver services to homeless veterans.

HVRP program providers have taken on this difficult task and have turned HVRP into one of the most successful programs in the Federal Government. HVRP grantees are taking on the difficult task of breaking the cycle of homelessness. I urge my colleagues to support this program and this important legislation.

Ms. BERKLEY. Madam Speaker, I yield 3 minutes to the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Madam Speaker, I rise today in strong support of H.R. 3665, the Veterans Housing and Employment Improvement Act. This legislation would permanently authorize a successful and worthy pilot program, commonly referred to as the Native American Home Loan Program.

Established in 1992 as a 5-year pilot program, Congress has extended the authority for this loan program on three separate occasions. Clearly, the program has proven very effective and deserves a permanent authorization.

Administered by the Department of Veterans Affairs, this program makes direct loans to Native American veterans who reside on tribal lands and veterans who reside on land trust properties in the United States territories, Hawaii and Alaska. We have thousands of veterans on Guam, many suffering from military-related illnesses. Currently, Madam Speaker, five veterans from my district of Guam have loan applications under this program, pending review by the Department.

These loans are for the purchase, renovation, or construction of new homes. And, as you know, home ownership is also a primary driver for economic growth of local communities. Affordable housing is important, very important, for our veterans. Furthermore, home ownership is part of the American dream.

Permanent authorization will ensure this important lending program remains an option for veterans who seek to purchase homes. Permanent authorization of this program will contribute to the growth of our local community. Permanent authorization will allow veterans to live the American dream which they have served to defend.

I want to take this opportunity, Madam Speaker, to thank my colleague from Arkansas, JOHN BOOZMAN; the chairman, STEVE BUYER; the ranking member, LANE EVANS; and the hardworking committee for their diligent work on this legislation. I strongly urge its passage.

Mr. BOOZMAN. Madam Speaker, I yield 2 minutes to the gentleman from Idaho (Mr. SIMPSON), the sponsor of the original bill to extend the operation of the President's National Hire Veterans Committee, and former chairman of the Veterans' Benefits Subcommittee.

Mr. SIMPSON. Madam Speaker, I want to thank Chairman BOOZMAN and Ranking Member HERSETH for their work on this piece of legislation.

Earlier this year, I introduced H.R. 419, which would authorize the President's National Hire Veterans Committee through 2008. The bill before us today, H.R. 3665, not only extends the life of this important committee, but also provides for its continued operation long into the future under a new Advisory Committee on Veterans Employment Training and Employer Outreach.

It is important that we continue to support and fund the work of this committee which strives to make employers and businesses more aware of the valuable role that veterans play in the public workforce.

Today's employers do not often realize the wealth of skills possessed by the men and woman returning from duty in the Armed Forces. Through the creation of the One Stop Career Centers for veterans and the development of hirevetsfirst.gov Web site for potential employers, the President's National Hire Veterans Committee has fostered a vital link between military and civilian employment.

As Veterans Day approaches many of us take for granted the sacrifices made by those who defend our Nation. Voting for this bill is a way to truly show our veterans that we appreciate them and are willing to support them not only when they are serving our country abroad, but when they return home as well.

I urge my colleagues to support H.R. 3665 and thank them for their work on this bill.

Ms. BERKLEY. Madam Speaker, I yield 4 minutes to the gentleman from the great State of Hawaii (Mr. CASE).

Mr. CASE. Madam Speaker, I also rise in full support of H.R. 3665, the Veterans Housing and Improvement Act of 2005, which addresses the critical housing needs of our Nation's disabled and Native American veterans.

I also would like to thank Representatives BOOZMAN and HERSETH for their leadership on this legislation and, of course, Veterans Committee Chair BUYER and Ranking Member EVANS for expeditiously bringing this bill to the House floor.

H.R. 3665, in part, provides permanent authority for the Native American Direct Home Loan Program and extends eligibility for such loan to non-Native American spouses of Native Americans living on Native American trust and tribal lands.

The Native American Direct Home Loan Program has been a highly successful veterans effort, particularly in my Hawaii, where it applies to veterans living on lands held in trust under this Congress' own Hawaiian Homes Commission Act of 1920. The majority of these Hawaiian homelands in my Second Congressional District on the islands of Oahu, Kauai, Molokai, Maui, Hawaii, and Lanai.

Since the inception of this program, which was spearheaded by the great Hawaii Senator Spark Matsunaga, and continued by Senator DANIEL AKAKA, native Hawaiian veterans have successfully used this direct home loan program for their acute housing needs, and I am proud to say with nominal deficiencies and delinquencies.

Over $20 million has now been approved for over 200 loans in Hawaii, with 106 loans totaling $7.5 million pending. This is an incredible help not only with the needs of many veterans who would likely otherwise be precluded from quality housing, but about Hawaii's overall housing crisis.

Due to its success over the last 13 years, the Native American Direct Home Loan Program, which initially started out as a pilot program, was twice extended by Congress but is currently set to expire on December 31 of this year. It is vital to understand why this program is so important to our Native American veterans and why we should make the program permanent, as this bill proposes.

Of course, the most basic reason is the success of the overall program in honoring our commitment to our Nation's veterans. Beyond that, Congress found some years ago that during the entire history to that date of the program, not a single Native American veteran living on Indian trust lands or Hawaii homelands had in fact received the VA home loan under the VA's traditional home loan program. The reason for that was quite simple.

The unique trust status of native lands did not lend itself to conventional lending practices because banks and other financial institutions did not recognize those lands as valid collateral.

As part of our obligation to all of our Nation's veterans, that obligation being to ensure that they are all able to tap fully into VA programs, the Native American Direct Home Loan Program addressed this unique and discrete challenge facing many Native American veterans and afforded them the same opportunity of home ownership availed their comrades-in-arms.

This bill recognizes and improves upon the clear success of this effort, and I ask my colleagues to vote in favor of H.R. 3665.

Mahalo.

Mr. BOOZMAN. Madam Speaker, I yield 1 minute to the gentleman from New Hampshire (Mr. BRADLEY), the vice chairman of the Veterans Disability and Memorial Affairs Subcommittee, a gentleman who, since coming to Congress, has been a tireless advocate for veterans.

Mr. BRADLEY of New Hampshire. Madam Speaker, I thank the chairman and the ranking minority member for their hard work to a make this bill a reality.

Madam Speaker, I rise in support of the Veterans Housing Improvement Act, H.R. 3665. All of us, as Members of Congress, have had the opportunity to meet our brave soldiers who are serving in Iraq and Afghanistan, fighting in the war on terror. One of the components of the war on terror is that many of them are coming home with disabling injuries.

This bill in a very significant way will help families to be able to allow the reintegration of these disabled heroes back into not only working life, but at-home life. The $10,000 grant will help home owners to be able to renovate their houses to make them suitable for disabled veterans, and that is why it is so important that we authorize and fund this pilot program to do what needs to be done to help these heroes integrate back into life.

I thank the chairman and the ranking member for their hard work and urge my colleagues to support this bill.

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

Mr. BOOZMAN. Madam Speaker, first, I would like to thank the chairman of the Committee on Veterans' Affairs, the gentleman from Indiana (Mr. BUYER), and the committee's ranking member, the gentleman from Illinois (Mr. EVANS), for their leadership and support in bringing this bill to the floor. I would also like to thank the ranking member of the Economic Opportunity Subcommittee, the gentlewoman from South Dakota (Ms. HERSETH), as well as her staff and my staff for their hard work and cooperation on this bipartisan legislation.

□ 1430

Special thanks to the gentlewoman from Nevada (Ms. BERKLEY), who is the ranking member for Disability Assistance and Memorial Affairs.

This bill is an example of how we can work together to achieve good things for veterans, and I urge my colleagues to support H.R. 3665, the Veterans Housing and Employment Improvement Act of 2005.

I do not think we can close today before noting that this coming Friday is Veterans Day, a day that originally marked the 11th hour of the 11th day of the 11th month in the war to end all wars. Unfortunately, that idealistic prediction failed, and several generations of Americans have since served in wartime. So today, instead of honoring the end of World War I, Veterans Day now honors all of those who have worn the uniform in defense of the Nation. Whether a veteran served in war or peacetime, we owe them our gratitude, and this bill is just one small token of our appreciation.

Madam Speaker, on behalf of the House, I want to say thank you to all who have served.

Ms. HERSETH. Madam Speaker, I rise today in strong support of H.R. 3665, as amended, the Veterans Housing and Employment Improvement Act of 2005. This bill incorporates a number of important measures aimed at improving the quality of life of our servicemembers, veterans and military families.

I would like to thank Chairman BUYER and Ranking Member EVANS for their leadership on the full committee and for their assistance in moving this bill to the floor today.

I also want to express my appreciation to the Chairman of the Economic Opportunity Subcommittee—Mr. BOOZMAN, for all his hard work and bipartisan leadership on the subcommittee this legislative session. I look forward to continue working with my friend from Arkansas as we begin discussions with the Senate to ensure passage of a bipartisan, bicameral veterans' benefits package for this year. I know that the veterans of my home state of South Dakota and all veterans of this nation will appreciate the important benefits and program improvements we have included in this legislative measure.

Madam Speaker, H.R. 3665, as amended, incorporates important provisions that would provide greater flexibility to the VA's adaptive housing grant program. It also includes important measures to extend the Homeless Veterans Reintegration Program and improve the Department of Labor's Veterans Employment and Training Service. In addition, the bill also includes language from H.R. 1773, the Native American Veteran Home Loan Act—a measure I introduced along with a number of colleagues earlier this year.

Section 102 of the bill would make permanent the Native American Housing Loan Program, currently a pilot program administered by VA since 1993. The Native American Housing Loan program has provided 443 direct loans nationwide since its inception—20 to veterans in South Dakota. By all accounts the pilot program has been a great success and in fact currently has a negative subsidy—that is, it actually pays for itself. The Congressional Budget Office estimates that enactment of the provision would generate savings of $1 million over five years.

Section 103 of the bill would authorize non-native American veterans married to a Native American spouse and living on trust or tribal land to fully participate in this direct loan program. Because certain tribal sovereignty rules prohibit ownership interests by non-native persons they have been unable to qualify for this home loan program. The language in section 103 now makes it possible for a non-native military member or veteran to qualify for a VA loan if he or she shares a "meaningful interest" rather than "ownership interest" with their respective spouse in their home.

I want to thank Mr. FALEOMAVAEGA the Delegate of American Samoa for bringing this issue to my attention, and I want to also thank the VA for its assistance in drafting this particular provision.

Madam Speaker, the service members, veterans and military families of this nation have earned and deserve our best efforts here in Congress. Indeed, they deserve so much more.

As we approach Veterans Day, I am very proud to support this legislation and confident

it will benefit the veterans of my home state of South Dakota, as well as the other veterans around the country.

I fully support H.R. 3665, as amended, and urge my colleagues to do the same.

Mr. BUYER. Madam Speaker, as Chairman of the House Committee on Veterans' Affairs, I rise in strong support of H.R. 3665, the Veterans Housing and Employment Improvement Act of 2005, as amended. This is a bipartisan bill that as amended also includes provisions from Chairman BOOZMAN's H.R. 3279, the Homeless Veteran Reintegration Program Reauthorization Act of 2005, Ranking Member HERSETH's H.R. 1773, the Native American Veteran Home Loan Act, and Mr. SIMPSON's H.R. 419, the Hire Veterans Act of 2005.

Title I of this bill, as amended, would improve the flexibility of the VA's Adapted Housing Grant Program, and make the Native American Veterans Home Loan Program permanent.

Title II of the bill would extend the life of the President's National Hire Veterans Committee (PNHVC), which was created by Public Law 107–288 to improve industry's awareness of the value inherent in increasing the number of veterans hired by the private sector. The Committee determined that a one-year extension of the PNHVC's three-year authority for purposes of winding down its operations, in addition to providing opportunity for added oversight, would be an appropriate way to ensure that the Department of Labor integrates the positive aspects of the PNHVC into its future activities.

Title III of the bill would reauthorize the Homeless Veterans' Reintegration Program (HVRP), which is administered by VETS. Based on testimony and meetings with HVRP providers, the program appears to be one of the more successful homeless programs in government by rehabilitating and finding jobs for the most difficult to place population of veterans.

Title IV of the bill would also make technical, clarifying, and conforming changes to new section 1980A of title 38, the Traumatic Injury Protection program, which was established in the supplemental.

Madam Speaker, as Chairman of the Committee on Veterans' Affairs, I would like to thank the Ranking Member of the Committee, Mr. LANE EVANS (IL) for his cooperation in moving this legislation to the floor. I would also like to acknowledge the hard work of Mr. BOOZMAN (AR), and Ms. HERSETH (SD), the Chairman and Ranking Member of the Subcommittee on Economic Opportunity, through whose leadership and hard work, this legislation has come before the House. Its timing is especially propitious, the day after tomorrow being Veterans' Day.

Madam Speaker, I strongly urge all my colleagues to support this important legislation.

Mr. EVANS. Madam Speaker, I rise in strong support of H.R. 3665, as amended.

It is only fitting that as November 11th approaches and we prepare to commemorate another Veterans Day, we are meeting here today on the House floor to discuss and pass this legislation, which is intended to honor the courage and sacrifice of the nation's veterans.

I would like to thank Chairman BUYER for his support of this bill.

I also want to thank the Chairman and Ranking Member of the Economic Opportunity Subcommittee, JOHN BOOZMAN and STEPHANIE HERSETH, for their work in developing and moving this important legislation to the floor.

The housing, employment and homeless provisions contained in the bill are very important and should be enacted into law.

Madam Speaker, I am proud to be an original cosponsor of this bill.

Our servicemembers, veterans and military families sacrifice greatly.

It is our responsibility to care and provide for them upon their return from service as we do when we send them off to war.

I strongly support this measure, Madam Speaker, and I urge all my colleagues to vote for its passage.

Mr. FALEOMAVAEGA. Madam Speaker, I rise in support of H.R. 3665, the Veterans Housing and Employment Improvement Act of 2005. I especially want to thank Chairman STEVE BUYER and Ranking Member LANE EVANS of the Committee on Veterans' Affairs and also Chairman JOHN BOOZMAN and Ranking Member STEPHANIE HERSETH of the Subcommittee on Economic Opportunity for their leadership in making it possible for Native Americans to participate in the veterans' housing loan program.

I am especially thankful that American Samoa's veterans have also been able to participate in this very successful program. Today, I am here to thank my colleagues for working with me to address the concerns of American Samoans without adversely affecting the rights of other tribes.

Many Samoans have served in the military and they are allowed to obtain home loans under current law. Other Samoans are married to non-Samoan veterans. Nonnative military spouses married to native Samoans have not been able to qualify for the VA home loan program. In part, this is because the Native American Home Loan program excludes the spouses of non-native Americans from qualifying for a VA home loan.

For my constituents, this is problematic. In brief, most land in American Samoa is communal, meaning that only Samoans of Tutuila, Manu's, Aunu'u, or Swain Islands may qualify for home loans offered by traditional lending institutions because only they can make claim to native land.

As a result of these land laws, non-native spouses of veterans or persons serving in the U.S. Armed Forces who are married to a Samoan may not qualify for a VA home loan. The VA has been helpful in assisting the Veterans' Affairs Committee and my office in drafting language to rectify this problem and I am pleased that this language has now been included in H.R. 3665.

As we have agreed, it is our understanding that this language now makes it possible for a non-Samoan military member or veteran to qualify for a VA loan if the non-Samoan military member has a "meaningful interest" in the housing a Samoan spouse has been granted permission to build on communal land. It is also our understanding that "meaningful interest" means that the veteran has the right to reside in the home under tribal laws.

Madam Speaker, I urge support of H.R. 3665 and I again thank my colleagues for including my provision in this important legislation. I also thank the VA for its assistance, and Ms. Mary Ellen McCarthy, Democratic Staff Director for Disability Assistance and Memorial Affairs, for her tireless efforts. I urge support of this legislation.

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

The SPEAKER pro tempore (Mrs. CAPITO). The question is on the motion offered by the gentleman from Arkansas (Mr. BOOZMAN) that the House suspend the rules and pass the bill, H.R. 3665, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. BOOZMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3665.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Conference report on H.R. 2419, by the yeas and nays;

Conference report on H.R. 2862, by the yeas and nays;

Motion to suspend the rules on S. 1894, by the yeas and nays.

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

CONFERENCE REPORT ON H.R. 2419, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. The pending business is the question on adoption of the conference report on the bill, H.R. 2419, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 399, nays 17, not voting 17, as follows:

[Roll No. 580]

YEAS—399

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
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)
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
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
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Mica
Michaud
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
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
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
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stark
Stupak
Sullivan
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—17

Andrews
Berkley
Bishop (NY)
Deal (GA)
Duncan
Flake
Gibbons
Green (WI)
Hefley
Hostettler
Kucinich
Matheson
Miller (FL)
Porter
Sensenbrenner
Stearns
Tancredo

NOT VOTING—17

Boswell
Brown-Waite, Ginny
Conaway
Davis (FL)
Hastings (FL)
Meeks (NY)
Millender-McDonald
Norwood
Oxley
Paul
Sessions
Slaughter
Solis
Strickland
Sweeney
Turner
Young (FL)

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Mr. GREEN of Wisconsin and Mr. KUCINICH changed their vote from ''yea'' to ''nay.''

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

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 580 on H.R. 2419, I was unavoidably detained. Had I been present, I would have voted "yea."

CONFERENCE REPORT ON H.R. 2862, SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore (Mrs. CAPITO). The pending business is the question on adoption of the conference report on the bill, H.R. 2862, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 397, nays 19, not voting 17, as follows:

[Roll No. 581]

YEAS—397

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
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
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
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 (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Mica
Michaud
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
Nunes
Nussle
Oberstar
Olver

Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
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)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—19

Baldwin
Capuano
Conyers
Doggett
Duncan
Flake
Green (WI)
Hefley
Hostettler
Jones (NC)
Matheson
McDermott
Obey
Otter
Paul
Tancredo
Taylor (MS)
Tierney
Velázquez

NOT VOTING—17

Boswell
Brown-Waite, Ginny
Castle
Conaway
Davis (FL)
Hastings (FL)
Meeks (NY)
Millender-McDonald
Norwood
Oxley
Pence
Sessions
Solis
Strickland
Sweeney
Turner
Young (FL)

□ 1504

Mr. MILLER of Florida changed his vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 581 on H.R. 2862, I was unavoidably detained. Had I been present, I would have voted "yea."

FAIR ACCESS FOSTER CARE ACT OF 2005

The SPEAKER pro tempore (Mrs. CAPITO). The unfinished business is the question of suspending the rules and passing the Senate bill, S. 1894.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the Senate bill, S. 1894, 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 408, nays 1, not voting 24, as follows:

[Roll No. 582]

YEAS—408

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)
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
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
Mack
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)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
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)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—1

Moore (WI)

NOT VOTING—24

Boswell
Brown-Waite, Ginny
Conaway
Davis (FL)
Emerson
Gohmert
Hastings (FL)
Higgins
Honda
Meeks (NY)
Melancon
Millender-McDonald
Norwood
Ortiz
Oxley
Pence
Sessions
Solis
Strickland
Sweeney
Tancredo
Turner
Waters
Young (FL)

□ 1514

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 582 on S. 1894, I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. OXLEY. Mr. Speaker, I was absent from the House floor during today's rollcall votes on H.R. 2419, the Fiscal Year 2006 Energy and Water Development appropriations conference report; H.R. 2862, the Fiscal Year 2006 Science, State, Justice, and Commerce appropriations conference report; and S. 1894, the Fair Access Foster Care Act.

Had I been present, I would have voted in favor of each of those measures.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4200

Mr. LEWIS of California. Madam Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 4200.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3199, USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

□ 1515

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. BOUCHER

Mr. BOUCHER. Madam Speaker, I have a motion to instruct at the desk which I offer on behalf of myself, the gentleman from California (Mr. ROHRABACHER), and the gentleman from Florida (Mr. MACK).

The Clerk read as follows:

Mr. Boucher moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 3199 be instructed to recede from disagreement with the provisions contained in subsections (a) and (b) of section 9 of the Senate amendment (relating to the modification of the PATRIOT Act sunset provision and the extension of the sunset of the ''Lone Wolf'' provision).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Virginia (Mr. BOUCHER) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 30 minutes.

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

Mr. BOUCHER. Madam Speaker, I yield 10 minutes to the gentleman from California (Mr. ROHRABACHER), and I ask unanimous consent that he be allowed to control that time.

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

There was no objection.

Mr. BOUCHER. Madam Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Virginia (Mr. SCOTT).

(Mr. SCOTT of Virginia asked and was given permission to revise and extend his remarks.)

Mr. SCOTT of Virginia. Madam Speaker, I rise in support of the motion to instruct.

The current House bill provisions for 10 year sunsets on the 215 and 206 roving wiretap powers is not much better than no sunset at all. What we are talking about under the 215 provision is power to get access to your personal records from a business, including a public library, without you ever knowing about it, or what is done with the information. And the librarian or other business operator cannot tell you or anyone else other than the business's attorney or appropriate superiors, about the FBI's taking your records.

Under the roving wiretaps provision, after obtaining a roving wiretap from the secret FISA court, the FBI can follow the target around and tap any phone the target has access to, including yours if he or she happens to be a neighbor and comes to your house, without having to first determine that the phone is actually being used by the target before they start listening in.

The 4-year sunsets worked to make the Justice Department responsive to Congress in providing the information needed to properly perform its oversight responsibility for the extraordinary powers extended under the PATRIOT Act, but only in the last year of the sunset. For most of the 4-year period leading up to the sunsets, the Justice Department refused any meaningful oversight of their PATRIOT Act powers and other war on terror authorities. Even with Chairman SENSENBRENNER threatening a subpoena because he was not getting answers to his PATRIOT Act questions, it wasn't until the powers were set to expire that we got real answers—hard numbers and at least anecdotal evidence of their use.

Take, for example, the effort to try to get information about library record requests under the secretive Section 215 powers where the recipient of the order is gagged from disclosing any information about it: first we were told that information about even the number of these orders was secret, so it couldn't be disclosed. It was only in the last year of the sunset that we were finally told that there had been no 215 orders issued to libraries, then we learned that this was misleading because most libraries cooperated with FBI requests for information without requiring a 215 order, and with all the secrecy and gag orders in effect, we still don't know what the full story is. Perhaps some of the pending lawsuits will finally reveal what has been going on in this area.

The problem with a 10-year sunset is that it will have no impact on the current Administration, or the next one and only have an impact in the last year of the 3rd Administration from now. Moreover, with a 20-year retirement period for most career officials, in 10 years most of today's officials will have retired. So, that's really of little oversight value if we have to wait that long to get the kind of responsive information for oversight we were finally able to get in the last year of the current sunsets.

Accordingly, we should accede to the Senate sunset provisions which call for 4-year sunsets on the three most controversial and worrisome PATRIOT powers—secret acquisition of library and other business records, roving wiretaps, and the ''lone wolf'' provision for terrorism investigations, which allows a single individual to fall under the extraordinary, secretly administered foreign surveillance powers otherwise reserved for use against agents of foreign governments or organizations.

Mr. SENSENBRENNER. Madam Speaker, I do not intend to oppose the motion to instruct, and I ask unanimous consent that I may control the 30 minutes that I have been allotted.

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

There was no objection.

Mr. BOUCHER. Madam Speaker, I yield myself 4 minutes.

Madam Speaker, I rise today in support of the Boucher-Rohrabacher-Mack motion to instruct the conferees to recede to the Senate with respect to sunsetting in 4 years the libraries and book stores, roving wire taps and loan wolf provisions of the USA PATRIOT Act.

The most effective way for Congress to maintain oversight of the most controversial powers that the PATRIOT Act conveys is to sunset those provisions within a reasonable period of time. In past years, well before the December 2005 sunsets contained in the original PATRIOT Act, we asked the Department of Justice how it was using the authorities that had been granted to the Department by the original act. Some questions simply went unanswered. Other questions were rebuffed, and we were told that the information was classified. And still others were avoided by telling us that the information simply was not available.

All of that changed in April of this year when the Department of Justice realized that straight reauthorization of the PATRIOT Act would not happen without serious answers to our reasonable questions. Suddenly, numbers and examples were no longer unavailable. Suddenly, the information we had long been seeking was provided. I have no doubt that if 16 provisions of the original act were not scheduled to sunset at the end of this year, we would still have little information on how these new authorities were being used.

If we have learned one thing over the last 4 years, it is that we will not get answers to our questions unless the Justice Department is compelled to come before us and justify its use of the more dangerous and intrusive powers that the law confers. Remember, sunsets do not in any way hinder law enforcement's use of the powers the PATRIOT Act confers. They merely ensure accountability and oversight, which are particularly important with respect to the three controversial provisions that are at issue today.

Section 215 of the law puts personal records, including library, bookstore and medical records, up for grabs by law enforcement with no requirement that the person whose records are sought be suspected of involvement in a crime. All law enforcement has to say is that the information is relevant to an investigation. It could be an investigation of someone the person has never met and about whom the person has no knowledge.

Moreover, an organization may not tell someone they have turned over his private information. So people have no way of knowing when their privacy has

been intruded upon. Earlier this year, the House, by a wide margin, voted to bar enforcement of this overly broad provision. But the House bill reauthorizing the act with some changes perpetuates it for 10 years, and I think that that is inappropriate. The Senate bill sunsets this provision in 4 years. Our motion to instruct directs conferees to adopt the 4-year sunset provision.

Section 206, John Doe roving wiretaps, allows law enforcement to obtain a single court order to tap any phone it believes a foreign agent would use, instead of getting separate orders for each phone. Moreover, the government is not required to name the target which allows wiretaps on phones of virtually anyone meeting the description of a John Doe. The combination of allowing blanket tapping of, for example, all of the pay phones in a target's neighborhood or the phones of all of his friends and relatives, combined with the ability to wiretap a vaguely described John Doe, means that roving John Doe wiretaps require so little specificity that they can easily be abused.

Sunsetting this provision in 4 years will allow Congress to revisit how this authority is being used and whether it continues to be necessary.

Reinstating is about accountability. This motion to instruct would simply assure that we have the authority to carry it out.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I think it is important for the Members to note that the motion to instruct deals specifically with the ''lone wolf'' provision and sunsets that. The lone wolf provision was not passed as a part of the PATRIOT Act in October 2001, but was included as a part of the intelligence bill which was enacted into law a little bit less than a year ago. So as a result, the committees and the public have not been able to have as extensive oversight and for as long a period of time as the other 16 provisions that were sunsetted in the act which the President signed in October 2001.

So I think it is appropriate to have a sunset on the lone wolf provision simply because we do not have the experience of being able to examine what the Justice Department has done with this new and expanded authority.

On the other hand, let me say that we are negotiating with the Senate at the present time on what the length of the sunset is, and I think that the sunset on this provision will be longer than 4 years, and the sunset on the other two provisions that were contained in the House-passed bill will be shorter than the 10 years that the House of Representatives placed in the bill, which was passed and sent over to the other body.

Having said all of this, I would like to make a couple of points. First of all, finding out what a Department or an agency of the executive branch is doing is entirely the prerogative of the committee that has the responsibility for the oversight and of its Chair. I have been extremely vigorous, since the enactment of the PATRIOT Act, in doing oversight over what the Department of Justice has done relative to that law, and I am happy to say that most of the oversight letters that have been sent to the Attorney General have been cosigned by the gentleman from Michigan (Mr. CONYERS), ranking member of the Judiciary Committee.

We have been kind of like tough school marms with the Department of Justice because when they were late and when they were nonresponsive to the questions, we required the Department of Justice to come up with responsive answers, and those responsive answers we placed on the committee's Web site so that anybody with Internet access could be able to find out what the questions were and what the answers were, with the exception of responses that were classified and which were sent to the Intelligence Committee rather than to the Judiciary Committee.

In addition to the oversight which was done, the original PATRIOT Act requires the Inspector General of the Department of Justice to report twice a year to the relevant committees of Congress the number of civil liberties violations that have been found against the Department of Justice as a result of its exercising the increased and new requirements and powers in the PATRIOT Act. We have received those reports by the Inspector General of the Department of Justice on a regular and on a timely basis, and the answer to how many civil liberties violations have been proven is none. Repeatedly they have said there are no civil liberties violations that the Inspector General has been able to uncover.

Further, I resisted a premature repeal or extension of the sunset prior to this Congress because I felt it was important that the oversight be done for as long a time as possible so that the Congress will be able to look over the shoulder of the Department of Justice and find out whether or not they were doing it the right way or whether or not they needed a tap on the shoulder from Capitol Hill for improvements in their methods of operation.

When we did get to this Congress with the oversight being completed and the sunset approaching, I fulfilled the promise that I made to the public and anybody who asked that we would be doing a section-by-section review of the expiring sections of the PATRIOT Act. The House Committee on the Judiciary had 12 separate hearings on the PATRIOT Act's sunset provisions. There were minority witnesses at all of the hearings except the one where the Attorney General and the one where the Deputy Attorney General appeared to testify. There was plenty of time for questions by every member of the committee.

As a result of all of those hearings, we found that all but two or three sections of the PATRIOT Act were essentially noncontroversial. Nobody was complaining about an abuse of power. Nobody had proved abuse of power. Nobody had alleged an abuse of power. And as a result, the House-passed bill eliminated the sunsets for those sections of the PATRIOT Act for which there was no complaint at these extensive series of hearings, and that is good policy. And if it is not good policy, then the message that is given downtown as well as to the public is that our oversight really does not make any difference. If the oversight shows they have been doing a good job, they ought to be rewarded.

Getting rid of the 14 of the 16 sunset provisions that were contained in the original PATRIOT Act does not mean that the Justice Department is not going to have the committee looking over its shoulder. We will do that; but, again, that depends upon the priorities of the committee and the priorities of its Chair. And as long as I am the chairman of the committee, there will be vigorous oversight of the Department of Justice, not only on how they are handling the PATRIOT Act but how they are handling all of the other laws that the committee has oversight jurisdiction over.

Because the motion to instruct only relates to the lone wolf provision and I believe that because we have had a much shorter period of time in viewing how they have dealt with the lone wolf provision because it was passed 3 years after the original PATRIOT Act was enacted into law, I think this motion to instruct is a proper one, although I do think that the difference between 4 years and 7 years still should be negotiated with the Senate. But because the gentleman from Virginia is 95 percent to where we ought to be, I am going to vote for it, and maybe he will be a little bit more flexible with the other 5 percent.

Madam Speaker, I reserve the balance of my time.

Mr. BOUCHER. Madam Speaker, I yield myself 30 seconds.

For basis of clarification, the motion to instruct that we have put forward applies to lone wolf, as the gentleman from Wisconsin indicates.

□ 1530

But it also applies to sections 206 and 215. The House sunsets those in 10 years, and we would instruct conferees to adopt the Senate 4-year sunset. I wanted to be sure that was well understood.

Madam Speaker, I reserve the balance of my time.

Mr. ROHRABACHER. Madam Speaker, first and foremost, I yield myself a moment here to thank the gentleman from Virginia (Mr. BOUCHER) for the time that he has yielded us and shown good faith with us in having an honest discussion of this very significant issue.

Madam Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Idaho (Mr. OTTER).

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

Mr. OTTER. Madam Speaker, I rise in support of the motion to instruct.

We have heard much from many sides about the USA PATRIOT Act—concerns about what the bill does, statements about what it does not do, and fears about what it could do in the future. We have shared these discussions with constituents, state and local officials, businesses, librarians, and other government agencies.

But earlier this year we had an important opportunity to move those conversations back to Congress to examine—in a light much more clear and objective than that in which we passed the original bill—how the PATRIOT Act has protected us from further terrorist attack, and also how balance between national security and personal security needs to be restored.

As a result of the opportunity to debate, deliberate, and discuss, we made important changes to the original USA PATRIOT Act in H.R. 3199, changes that enable law enforcement to continue to investigate and prosecute crime while protecting civil liberties. Congress was able to go back and make those changes because the original bill included a sunset and made many questionable provisions subject to it.

This sunset served us well, and so I am perplexed that in the same bill where we made vital revisions to the USA PATRIOT Act we also eliminated many of the sunsets and extended others for a decade or more. In doing so, H.R. 3199 takes away from Congress the opportunity to periodically review these provisions and ensure that the tools they provide law enforcement are necessary and that they are not being abused.

I am glad that, in respect to Sections 206 and 215 of the USA PATRIOT Act, the Senate did not act as rashly as we did. I strongly urge conferees to see the wisdom of four-year sunsets for these sections, as passed by the Senate, and I ask my colleagues to join me in supporting this motion to instruct.

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

Madam Speaker, I rise in strong support of this motion to instruct conferees on the PATRIOT Act. Let me note that I am one of several, if not many, Members of Congress who feel that it was an act of bad faith on the part of those in this body who turned the temporary sunsetted provisions of the PATRIOT Act into permanent law for the United States of America.

I supported the PATRIOT Act and would have again voted for the PATRIOT Act as it was when we first voted for it, except now we end up with a PATRIOT Act that permanently changes the balance of power in the United States between the police power and the limitations of power of the policing authorities of the Federal Government. That, I do not believe, should be tolerated by those of us who love liberty and justice and feel that limited government is vital to the protection of freedom.

Second of all, let me note that any, any investigation or hearings that we have had so far into the PATRIOT Act are irrelevant to the issue at hand, the issue at hand as to whether or not we have permanently changed this law and whether in the future there could be abuse. I would say, along with many others, that by permanently granting these excessive powers, or extended powers, to the Federal Government in a time of war and then permanently extending it so that now it is the norm for a time of peace is asking for abuse. So whatever hearings have been held so far in this conflict are irrelevant.

On September 11, our country was attacked and we saw 3,000 Americans slaughtered before our eyes, and it totally justified the major expansion of the police and investigative powers of our government. I voted for the PATRIOT Act, as I just said, and I continue to support its provisions as a necessary expansion of police powers in order to prosecute this war on Islamofacism. They declared war on us every bit as much as the Japanese declared war on us on December 7, 1941.

However, as I said in the original bill, sunset provisions were placed in all of these expanded police powers that were going to enable us to protect our people in this time of war. It was a consensus that when the war was won, it was a consensus when this war was won, those powers would be rescinded and their purposes would have then been served.

The expanded authority we are talking about in terms of eliminating these sunsets in the current bill, this has nothing to do with fighting the war or winning the War on Terror. It has everything to do with using that war as an excuse to permanently change the way we do business in the United States. The standard we set for a war when we are at war with radical Islam should not be the new standard set for America once that war is over. It is as simple as that.

I support the expansion of those powers until we win that war. But we cannot, and this is what we have been handed, a bill that permanently does it so our way of life is changed after the war is over.

The special grants of police power that we have approved we believe should only last for the duration of the war, and we must demand at least a forced reexamination of these provisions to ensure that winning the War on Terror does not result in a permanent change of our way of life.

Of course, we are not here to debate the PATRIOT Act again. Today, we are limited to instructing conferees to adopt the Senate's version of the bill, which would sunset in 4 years the same two provisions that the House bill would sunset in 10 years. The rest of the expansion of the police powers, such as the sneak-and-peak searches, Internet and credit card seizures, the lowering of standards for logging all calls dialed from one particular phone, and the rules against discussing property seizure, all without the traditional warrants that would be required for those activities, have been made permanent in U.S. law. The two provisions being allowed to sunset, as one might expect, are the most questionable of the lot.

Specifically, section 206 of the House version of the PATRIOT Act extends to Federal authorities for 10 years until 2015 the right to employ roving wiretaps, whether they have the name of a specific suspect or location notwithstanding. This should be reexamined before 10 years has lapsed if for no other reason than to just understand whether or not this tool is working for us in the War on Terror. Is it achieving the goals that it set out to achieve in this war?

The Senate version sunsets the clause in 4 years; that is much more responsible. Let us come back and reassess it. That is reasonable.

Section 215 will also be sunsetted in 2015 in the House version rather than in the 5 years in the Senate bill. This section allows for law enforcement to examine library and financial records of any person in connection with a Federal investigation. This provision is possibly the most controversial in the entire bill. My colleagues on one side of the aisle say that this is an unconscionable invasion of privacy, never justified, even in wartime. Others, however, argue that this particular provision is rarely, if ever, used, so why worry about it?

Well, let us be frank and admit that searching library and financial records of our citizens is hugely intrusive, even if it is rarely used. Nonetheless, this section 215 may be needed in a time of war to secure our country and to make sure our people are safe.

While granting the expansion of this police power with a reasonable time limit, such as the expansion of a shorter term of years to ensure section 215 is not abused, that seems reasonable. But it may, again, 215 may be justified now. We may have a justification to find out if someone who checked out a book on radical Islam has also checked out books on how to make bombs. That is why sunsetting this provision 4 years from now, rather than 10 years, is the right thing to do. We do not want to have that kind of power in the hands of the Federal police authorities after this war is over.

Finally, we need to ask, why do the radical Islamists hate us? They hate the openness of our society. They hate our tolerances, our belief in the equality before the law, the right of those of other faiths to worship, and the right of us to express our beliefs. In short, radical Islam is the enemy of freedom; thus, they are our enemy.

If we permanently alter the traditional limitations of our government here in America, the terrorists have won. They have changed our way of

life. During no war in the past, whether World War II or the Cold War, were the police powers of the Federal Government permanently changed so that after the war a new standard of government would exist.

Well, Ronald Reagan would never have supported such an expansion of Federal power and neither should we.

I ask my colleagues to vote on this motion to instruct conferees, and I would ask them to search their consciences about voting for a new PATRIOT Act at all that threatens to permanently change the American way of life.

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I am really disappointed that the gentleman from California (Mr. ROHRABACHER), whom I consider to be my friend, has said that the extensive oversight and the 12 hearings that the Judiciary Committee has done on a bipartisan basis is irrelevant. Because what he is saying is that the results of that oversight and the results of those hearings really do not make any difference when we are dealing with the extension of the PATRIOT Act.

I think they do. Because if you accept the argument that he has made, then the Congress should never do oversight because the results of the oversight are not going to make any difference in the policy.

To repeat myself, first, the Inspector General has not found a civil liberties violation. Secondly, of the 16 provisions where law enforcement powers were expanded, there were no allegations of misuse by the Justice Department in 14 of those 16 provisions. And when we had the hearings before the Judiciary Committee Subcommittee on Crime, the minority had at least one and, in some cases, two witnesses that could come in and present any information that they wanted to present.

Now, the way we make sure that there is not government overreaching in our system of government is to give the courts the power to declare unconstitutional overreaching by government agencies. The fourth amendment is alive and well, and the Supreme Court of the United States will never allow the Congress or State legislatures to ignore the provisions of the fourth amendment.

There has been not one of the 16 expanded powers in the PATRIOT Act, signed by President Bush in October of 2001, that has been declared unconstitutional. There has been no declaration of unconstitutionality of any of those powers. But what has been declared unconstitutional was a provision on national security letters that was put in the PATRIOT Act as a renumbering, but which was enacted as a result of a bill that originated in the other body in 1986. That bill was signed by President Ronald Reagan.

To the gentleman from California, you are wrong.

Madam Speaker, I reserve the balance of my time.

Mr. BOUCHER. Madam Speaker, I am pleased to yield 4 minutes to the distinguished ranking member of the House Committee on Intelligence, the gentlewoman from California (Ms. HARMAN).

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

Ms. HARMAN. Madam Speaker, I thank the gentleman for yielding me this time and I commend him for his leadership. And I am pleased to see that, so far, this debate has all been in favor of support of this motion to instruct, which I think is a very important statement for this House to make.

Madam Speaker, I take my responsibilities as ranking member of the Intelligence Committee very seriously. I spend a lot of my day and a lot of my weekend, and most of my nights thinking and dreaming about how I can add value to protecting Americans and American interests.

Earlier today, hotels in Amman, Jordan, were bombed. Over 50 people are dead, scores are wounded. The terrorists are there, and let us not make any mistake about it, they are trying to be here again. So it is absolutely correct that we need modern and appropriate legal authorities to find them, and prevent and disrupt their plans before they are able to execute them. Prevention and disruption is much better than response, and I think everyone in this Chamber is dedicated to making sure we have the right tools. That is why the PATRIOT Act passed 45 days after 9/11, overwhelmingly, and that is why the House bill passed again recently by a large margin.

However, consistent with statements that Mr. ROHRABACHER has just made, as we give these expanded authorities, we also need to assure the law-abiding public of America that we will be vigilant in supervising these authorities. Not just today, not just in the oversight hearings we held during this last year and, yes, we held a lot of them, but tomorrow and next year and the year after.

Having sunsets for these controversial provisions matters. That is why in the Intelligence Committee Mr. RUPPERSBERGER and Mr. HASTINGS offered amendments to impose sunsets. Some amendments passed, but they did not survive in the final House bill.

Sunsets are a good idea, and I think with very strong bipartisan support in this Chamber, that these new authorities need to carry with them the promise that Congress will be vigilant and, that 4 years from now, we will reconsider whether they are necessary.

Let me also add a word about national security letters, which were a remedy designed in the 1970s.

I think national security letters, a tool not in the PATRIOT Act, need to be reviewed as well by this House, and I think we need to consider whether the authority is too broad or whether, using a magistrate system or some other system, they should be reviewed before they are issued. They should not become the backdoor route to using PATRIOT Act authorities without going through this careful system we have set up.

So, in conclusion, Madam Speaker, it is a dangerous world. We need the tools necessary to find the so-called ''bad guys'' before they attack us, but we also need the tools necessary to assure law-abiding Americans that we are paying careful attention, and that the Congress, an independent branch, will not now, not ever, let down our responsibility to safeguard civil liberty for American citizens.

□ 1545

Mr. ROHRABACHER. Madam Speaker, I yield 1½ minutes to my colleague from Florida (Mr. MACK).

Mr. MACK. Madam Speaker, first of all I want to associate myself with the comments made by my colleague from California and also to state for the record that I support the motion to instruct. I also would like to thank the chairman for his comments today regarding the motion to instruct.

I ran on a platform of freedom like most people did in this Congress. And I believe it was Ronald Reagan, and I am paraphrasing, who said freedom is a fragile thing that must be defended by each generation. And that is what I am here to do. That is what I am here to do today. I believe that we ought to look for other or additional sections of this bill to sunset, but I am happy to see that this Congress is taking a hard look at the provisions and the sections that have already been mentioned to ensure that the freedoms that our families enjoy and the people in this country enjoy so much will be protected.

I also understand the arguments that have been made about the oversight of the committee; and, Mr. Chairman, I know that as the chair of that committee that will be done. My concern is for future generations and to make sure that none of the freedoms that Americans enjoy today will ever be taken away from them in the future.

Mr. BOUCHER. Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER), a distinguished member of the House Judiciary Committee.

Mr. NADLER. Madam Speaker, I rise in support of the motion to instruct. This bill makes permanent the most dangerous and intrusive provisions of the PATRIOT Act, 14 of the 16 previously sunsetted provisions. The remaining two sunsetting provisions are renewed for 10 years. Ten years is not a sunset. Ten years is quasi-permanent.

These provisions are particularly worrisome because they expand the powers of the police to pry into the privacy of ordinary Americans, to go into their homes, into their papers, into their Internet records, their telephone records, their medical records, their bank records.

Reinstating the sunset is about accountability. The breadth of these provisions providing for roving wiretaps,

for sneak-and-peek searches, for invading library privacy and section 505, expanding the use of national security letters invites abuse.

The administration assures us, the chairman assures us that these provisions have not been abused. But how do we know? It is all secret. We were told repeatedly that section 215 we should not worry about; it is rarely if ever used to demand library records. Now we know why.

The Washington Post revealed last Sunday that the FBI issues more than 30,000 section 505 national security letters a year, many to libraries for ''preliminary investigations and threat assessments'' before deciding whether or not to launch an investigation. These tens of thousands of invasive government demands for sensitive and private information which never even go before a judge have resulted in the collection of probably hundreds of millions of personal facts regarding innocent Americans, innocent American residents, citizens, and businesses. And the Bush administration has decided to file all this personal information in government databases even if no basis is found for a real investigation and they will not even rule out selling this information to private conditions.

Sunsets have been the major check, albeit probably inadequate checks, on abuse of the PATRIOT Act. They mean that at least every 4 years Congress is required to look at the law again, to revisit it, and has the opportunity to ask tough questions on the use or abuse of these powers, and most important, the administration cannot stonewall these questions except for every 4 years.

We should have to look into these burdens on our civil liberties at least one in four years and ask are these powers being abused, should they be fine tuned? Should they be narrowed? Have we made the right balance between security and liberty? What can we do to ensure that our constitutional rights are not violated?

I wish, Madam Speaker, that this motion to instruct were broader than it is, that it kept all the sunsetting provisions from being made permanent. The FBI will still have all the powers it needs. It will simply have to hold itself accountable to Congress and the American people every 4 years about how these powers are used. Why is that so terrible?

I call on all my colleagues, Democrats and Republicans, liberals and conservatives, to begin to safeguard the national security, not adequately, but to begin to safeguard the civil liberties of all Americans by voting for this very, very skimpy motion to instruct.

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

The discussion today is not whether or not the Federal Government after 9/11 should have had expanded police powers and investigative authority. That is not the issue. And I voted for that expansion of the police power, just as most of my colleagues on the other side of the aisle and all of my colleagues on this side of the aisle did, almost all of my colleagues on this side of the aisle voted. That is not the question, because when we voted for those expansions, we put in a sunset clause that after a certain number of years, 4 years, that the issues of those expanded authorities would be re-examined.

The only question at hand in the debate today is whether or not those expanded powers for wartime expansion in the war against radical Islam should be made permanent even now in this time of crisis. This is not a good strategy for free government to change permanently its law during a moment of crisis. I would vote for the PATRIOT Act again because I think that these powers that were just described are needed at this moment, even the ones that were just described by my friends on the other side of the aisle.

But that still does in no way justify permanently expanding those powers so that once the gentleman from Wisconsin is no longer here to conduct hearings that the Federal Government still has those powers perhaps for people who are less, let us say less responsible than Mr. SENSENBRENNER in overseeing those expanded powers. Our Founding Fathers understood limitations on government is a guarantee of freedom. Now is not the time for us to permanently change law and permanently put freedom at risk.

Mr. BOUCHER. Madam Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished minority whip of the House.

Mr. HOYER. Madam Speaker, I thank my friend for yielding, and I urge my colleagues to vote for this important motion to instruct on the PATRIOT Act. Like so many, I voted for the PATRIOT Act the first time and the second time. But I agree with the gentleman from California and the gentleman from Virginia, and as I understand it, perhaps the chairman as well. I simply do not understand the reticence to include sunset provisions on a law that affects the civil liberties of every American citizen.

In fact, when we reauthorized the PATRIOT Act in July, the Republican bill permanently authorized 14 of the 16 provisions. The other two provisions, one for roving wiretaps and the other dealing with the FBI's power to demand business records, were extended for 10 years. Democrats fought to sunset these provisions last summer; and we do so again today, apparently successfully, because, I think, people have, upon reflection, thought that this is a better policy. Because when it comes to the government's power to intrude on the private lives of citizens, the United States Congress should not give the government unchecked power to do so.

Just last Sunday the Washington Post documented, and it has been referenced here, the hundredfold increase in the issuance of national security letters seeking information about U.S. citizens and visitors who are not even alleged to be terrorist or spies. There are terrorists. Terrorism is a serious threat, and we need to be serious in our response. But privacy concerns must not be casually dismissed. In fact, it was not until several sections of the PATRIOT Act were set to expire that the Justice Department began to respond to congressional inquiries and we had the opportunity to assess, examine, and recalibrate our policies.

I submit to my colleagues they have given the Justice Department carte blanche. No matter how good the leadership is in the Justice Department, it is not a policy that we ought to pursue and would be an abdication of our congressional oversight responsibility and contrary to the interests of the American people.

Madam Speaker, this motion would recede to the Senate and create a 4-year sunset on the most controversial provisions in the PATRIOT Act, orders by the secret Foreign Intelligence Court, blank wiretap orders and the surveillance of agents of a foreign power who act alone. This motion, in my opinion, is a step in the right direction, and I hope the Members support it.

As I said, and I will echo the comments of so many here, terrorism is an immediate and proximate threat, as we lawyers say; and we need to respond effectively to keep America safe. But in the process, we must also protect the basic rights that our Founding Fathers knew were the bedrock of the United States democracy.

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

Madam Speaker, I am the author of the sunsets that were put in the PATRIOT Act that was signed by the President in October of 2001 because I agreed with what I heard from the gentleman from Maryland (Mr. HOYER), that we ought to look at what the Justice Department had done with these expanded powers. We have looked at those actions. We have looked at how those expanded powers have been utilized; and in 14 of the 16 cases, nobody had any complaint about how those expanded powers have been utilized.

Now, sunsets are very rare in congressional action. I am proud of the fact that I put the sunsets in almost 4 years ago. But what I will say is that we do not sunset a whole host of other programs. Social Security is not sunsetted, nor should it be. Amtrak is not sunsetted, maybe it should be, but it is not. And I have, I am looking at the Federal criminal code and the national security letters that have been complained of by people on the other side of the aisle; they are not sunsetted. The authority for the national security letters was passed in 1986 when, I recall, the current minority party had a significant majority in the House of Representatives.

Now, if sunsets were so important when we are dealing with the civil liberties of the people of the United States of America, why did you forget about them 19 years ago?

Madam Speaker, I reserve the balance of my time.

Mr. BOUCHER. Madam Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. Madam Speaker, I rise in support of the motion to instruct. Let me say up front that I think the PATRIOT Act provided essential tools that were not available before the 9/11 terrorist attacks. These tools are essential to identifying and tracking terrorists inside the United States, and that is the way it should be. It has to be national security first. But the PATRIOT Act was passed just 7 weeks after 9/11. When it was passed, there were concerns that some of the authorities were too broad or too susceptible to abuse. The proposal emerged to sunset 16 of the most controversial provisions. That was a sensible idea. The sunsets would allow the Justice Department and the public to evaluate the effectiveness of these provisions and decide whether there was a continuing need for them or a need to modify them.

The House bill includes important refinements to the PATRIOT Act passed 4 years ago. Honest people can disagree about whether these provisions were too broad or just right; but the point is, the sunset provisions worked. They compelled Congress to take a second look at key provisions in the PATRIOT Act and improve them. The sunsets forced us to have accountability as we expanded law enforcement authorities. That is a game plan that we should stick with. We should continue to scrutinize these authorities from time to time. That is why I offered an amendment to extend the PATRIOT Act sunsets during the Intelligence Committee markup of H.R. 3199.

□ 1600

Like my amendment, this instruction to conferees to accept the Senate sunsets would not alter the original PATRIOT Act authorities. After all, national security has to be our number one priority, but accepting the Senate sunsets would also force us to reevaluate again 4 years from now whether they are truly effective in fighting terrorism. Oversight and accountability is an essential element of the PATRIOT Act.

I would also like to respond to the chairman's point that there were not any abuses. The issue is not whether there were abuses. The issue is setting a system that we need to have in effect.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), another distinguished member of the House Judiciary Committee.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from the Judiciary Committee for the wisdom of this motion, and I applaud the joining by the chairman of the full committee and offer an explanation for the reason our colleagues should join us in supporting this motion to instruct, and frame it in the context of the crisis of the recent weeks, asking Congress to accept its responsibility to investigate the CIA leaks and now to investigate further the leaking of the CIA sites, some call it sites of torture, incarceration, of individuals around the world who have been charged or are alleged to have committed acts of terrorism.

It is important now to speak to the American people and argue that this motion to instruct does simply one thing. It now brings the American people into the focus of being the priority of the actions of this Congress.

Yes, the PATRIOT Act in some minds has offered to provide us more protection. There were aspects of the PATRIOT Act that I did support. The original writing was a bipartisan product. Unfortunately, the ultimate product was not as bipartisan.

But what is bipartisan is our responsibility to protect the American people. The 4-year sunset gives us that opportunity so that we can begin in 4 years to assess whether authorizing secret intelligence, going into libraries and getting a list of your library books helps or hurts the American people; whether the authorizing of a blank wiretap helps or hurts the American people; whether or not the lone wolf, where you can be one individual, not part of a terrorist organization or an association or to be part of a large massive group, but one individual who may be part of, words may have suggested that they are giving some comfort to those whose views we disagree with can be hauled in as a terrorist. This sunset allows us to protect the American people.

Many of us are familiar with the recent film that said ''Good Night and Good Luck.'' It reminded us of the days of the McCarthy era when no one seemed to want to rise to support the rights of the American people. I ask my colleagues to support this motion to instruct and sunset in 4 years so Congress can have the ability to protect the rights of the American people.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, we have had a pretty extensive debate on this motion to instruct. I think the motion to instruct is constructive and would urge the Members to support it.

On the other hand, after listening to the debate that has been going on here for the last 40 or 45 minutes or so, what we have heard from the people who have complained about the PATRIOT Act is the potential for abuse rather than abuse itself. I would point out that there is a potential for abuse of practically everything law enforcement does.

There is a tremendous amount of discretion that the law and the Constitution have given to our law enforcement personnel, to our prosecutors, to those who apply for search warrants as well as other tools that law enforcement utilizes to keep us safe and to try to track down those who commit crimes or who conspire to commit crimes or acts of terrorism.

I do not know why there seems to be a greater suspicion that law enforcement already abuses provisions under the PATRIOT Act rather than other provisions of law which are not sunset, including the national security letters, because the facts simply are not there that there has been abuse.

What I would like to ask the Members as we are debating the PATRIOT Act as it goes forward through conference and to the floor is to look at what the Justice Department has done; and where the Justice Department has done it right, the Justice Department should be told they have done it right. And that means eliminating the sunsets from those areas where it has done it right.

And where there has to be a greater scrutiny on it, such as the two provisions in the House-passed bill and the lone wolf provision that are being talked about, we can talk about future sunsets; and I support the concept of doing that.

But simply going around and painting with a broad brush the Justice Department for the potential of abuse which has not happened, I think, is unfair and does not go to the debate of whether the PATRIOT Act has actually served to protect the people of the United States without trampling on their civil liberties. It has done that.

That is why it is a good law and that is why some provisions should be made permanent and some provisions should be sunsetted to be looked at in the future.

Mr. Speaker, again I urge the Members to support the motion to instruct. When we come back with a conference report, I will urge the Members to support that as well.

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

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

Mr. Speaker, first of all, I want to commend the gentleman from California (Mr. ROHRABACHER) and the gentleman from Florida (Mr. MACK) for

partnering with us and structuring this motion to instruct conferees. I want to express appreciation to the gentleman from Wisconsin (Mr. SENSENBRENNER) for his constructive comments and for his support of the motion to instruct.

The motion to instruct promotes accountability. It assures that we remain in a strong position in our oversight function. Recent history clearly shows that in the absence of a near-term sunset we will not get answers to our questions about how controversial law enforcement powers are being used. In the absence of a near-term sunset, we cannot ensure that civil liberties are being protected.

This is not a matter about what the Department of Justice has done in the past, and I differ with the gentleman from Wisconsin on this matter. This is all about what the Department of Justice may do in the future. And having near-term sunsets will ensure that we can perform oversight over that performance.

Sunsets do not prevent law enforcement from using the broad powers the PATRIOT Act confers, but sunsets promote accountability. They ensure we get the information necessary to conduct oversight and to make decisions about whether powers that are subject to abuse should be contended.

Adopt this motion, let us adopt the Senate's 4-year sunsets and, in doing so, further the cause of protecting Americans' civil liberties. Mr. Speaker, I urge approval of the motion to instruct.

Mr. JONES of North Carolina. Mr. Speaker, I rise in support of this motion to instruct.

The American people want us to protect them from the terrorists—but the American people also want us to protect their liberties and constitutional rights from an overreaching government.

Our system of government is made up of checks and balances and this motion to instruct only expands these checks and balances.

A review every 4 years is the right action to assure American citizens that their civil liberties are protected.

Let me close with a quote attributed to Patrick Henry:

> The Constitution is not an instrument for the government to restrain the people, it is an instrument for the people to restrain the government—lest it come to dominate our lives and interests.

I ask that we restore the Senate's Sunsets in the Conference Report.

Mr. BOUCHER. 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 gentleman from Virginia (Mr. BOUCHER).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on the Judiciary, for consideration of the House bill (except section 132) and the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, COBLE, SMITH of Texas, GALLEGLY, CHABOT, JENKINS, CONYERS, BERMAN, BOUCHER, and NADLER.

Provided that Mr. SCOTT of Virginia is appointed in lieu of Mr. NADLER for consideration of sections 105, 109, 111–114, 120, 121, 124, 131, and title II of the House bill, and modifications committed to conference.

From the Permanent Select Committee on Intelligence, for consideration of sections 102, 103, 106, 107, 109, and 132 of the House bill, and sections 2, 3, 6, 7, 9, and 10 of the Senate amendment, and modifications committed to conference: Mr. HOEKSTRA, Mrs. WILSON of New Mexico, and Ms. HARMAN.

From the Committee on Energy and Commerce, for consideration of sections 124 and 231 of the House bill, and modifications committed to conference: Messrs. NORWOOD, SHADEGG, and DINGELL.

From the Committee on Financial Services, for consideration of section 117 of the House bill, and modifications committed to conference: Messrs. OXLEY, BACHUS, and FRANK of Massachusetts.

From the Committee on Homeland Security, for consideration of sections 127–129 of the House bill, and modifications committed to conference: Messrs. KING of New York, WELDON of Pennsylvania, and Ms. ZOE LOFGREN of California.

There was no objection.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1751.

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

There was no objection.

SECURE ACCESS TO JUSTICE AND COURT PROTECTION ACT OF 2005

The SPEAKER pro tempore (Mrs. CAPITO). Pursuant to House Resolution 540 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. 1751.

□ 1610

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. 1751) to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes, with Mr. SIMPSON 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 Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 30 minutes.

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

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

Mr. Chairman, I rise in support of H.R. 1751, the Secure Access to Justice and Court Protection Act of 2005.

Violent attacks and intimidation against courthouse personnel and law enforcement officers present a threat to the integrity of the justice system that Congress has a duty to confront. The murder of family members of United States District Judge Joan Lefkow, the brutal slayings of Judge Rowland Barnes, his court reporter, his deputy sheriff, and a Federal officer in Atlanta, and the cold-blooded shootings outside the Tyler, Texas, courthouse all underscore the need to provide better protection for judges, courthouse personnel, witnesses, law enforcement and their family members.

This bill is an important bipartisan measure introduced by the gentleman from Texas (Mr. GOHMERT) and the gentleman from New York (Mr. WEINER). It will help address the problem of violence in and around our Nation's courthouses.

Statistics show that aggravated assaults against police officers are a serious national problem. According to the Bureau of Justice Statistics, 52 law enforcement officers were killed in the United States in 2002 and 56 were killed in 2001. From 1994 through 2003 a total of 616 law enforcement officers were feloniously killed in the line of duty. Approximately 100 of these officers were murdered after being entrapped or ambushed by their killers. These attacks are simply unacceptable.

The lives of judicial personnel are also at great risk. According to the Administrative Office of the United States Courts, Federal judges receive nearly 700 threats a year and several Federal judges require security personnel to protect them and their families from terrorist associates, violent gangs, drug organizations and disgruntled litigants. The intimidation of judges directly assaults the impartial administration of justice our Constitution demands.

Court witnesses are also at risk. Threats and intimidation toward witnesses continue to grow, particularly at the State and local level. In 1996, a witness intimidation study by the Justice Department included that witness intimidation is a pervasive and insidious problem. No part of the country is spared and no witness can feel entirely free or safe.

Prosecutors interviewed in this study estimated that witness intimidation

occurs in 75 to 100 percent of the violent crimes committed in some gang-dominated neighborhoods.

This bill passed the Committee on the Judiciary by an overwhelming vote of 26–5. The legislation enhances criminal penalties for assaults and the killing of Federal, State and local judges, witnesses, law enforcement officers, courthouse personnel and their family members.

□ 1615

It provides grants to State and local courts to improve security services and improves the ability of the United States Marshals to protect the Federal judiciary.

The bill also prohibits public disclosure, on the Internet and other public sources, of personal information about judges, law enforcement, victims and witnesses to protect Federal judges and prosecutors from organized efforts to harass and intimidate them through false filings of liens and other encumbrances against their property and improves coordination between the marshals and the Federal judges.

The bill also contains vital security measures for Federal prosecutors handling dangerous trials against terrorists, drug organizations, and other organized crime figures.

Finally, the bill incorporates key provisions of the Peace Officer Justice Act, legislation introduced by the gentleman from California (Mr. DREIER), to bring justice to those who murder law enforcement personnel and flee to foreign nations to escape prosecution and justice in this country.

The bill is supported by those on the front lines of our criminal justice system and is backed by the Conference of Chief Justices and the Conference of State Court Administrators; the Federal Bar Association; the Federal Criminal Investigators Association; and the Fraternal Order of Police; the National Association of Assistant U.S. Attorneys; the International Union of Police Associations AFL–CIO; the Major County Sheriffs' Association; the National Law Enforcement Council; the National Sheriffs' Association; the National Troopers Coalition; the International Association of Campus Law Enforcement Administrators; and the American Federation of State, County and Municipal Employees.

When judges, prosecutors, law enforcement and courthouse personnel speak in a clear and unanimous voice, we have a duty to listen and to act to give their members the tools and resources necessary for their protection.

Mr. Chairman, Congress has an obligation to ensure that America's courts and the brave men and women of law enforcement render justice without fear of assault or retaliation. Judges, witnesses, courthouse personnel, and law enforcement officers must operate without fear in order to administer the law without bias.

I urge my colleagues to strengthen the integrity of America's justice system and the security of court and law enforcement personnel by supporting this vital and bipartisan legislation.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I might consume.

It is, I think, a very clear statement to make that we have faced extensive violence in our courts in recent times. The problem of violence and threats against judges, court officials, employees, witnesses, and victims is not a new one, but one that is growing rapidly.

Recent events, including the killing of a Fulton County judge and other court personnel in Atlanta, the murders of United States district judge Joan Lefkow's family members outside Chicago, Illinois, and the murders immediately outside the Tyler, Texas, courthouse have underscored the increasing significance of the problem.

According to the Administrative Office of United States Courts, there are almost 700 threats a year made against Federal judges; and in numerous cases, Federal judges have had security details assigned to them for fear of attack by members of violent gangs, drug organizations and disgruntled litigants.

With such tragic incidents, Mr. Chairman, we are in collaboration, if you will, on H.R. 1751, at least the premise, the Secure Access to Justice and Court Protection Act of 2005.

I commend the gentleman from Michigan (Mr. CONYERS), the ranking member, and the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman, for their collaborative efforts, and the gentleman from Texas (Mr. GOHMERT), my colleague, a former judge, and I guess one would say once a judge always a judge, who has taken the leadership on this issue.

None of us would step away from the purpose and the necessity of this legislation. In fact, I am very gratified to have secured an amendment that will allow State courts to establish a threat assessment database similar to that of the U.S. Marshals where they will be able to determine the threat status or situation against a respective court, and then, of course, to hopefully have an amendment that would pass that would provide grants to the highest State courts to be able to disseminate those moneys to create that database and that threat assessment database.

In addition, I would say that this hard work and commitment of Democratic members on the committee have also now provided for offers of grants to State courts so they can make meaningful enhancements to courtroom safety and security.

It provides the U.S. Marshal Service with an additional $100 million over the course of the next 5 years to increase ongoing investigations and expand the protective services it currently offers to members of the Federal judiciary.

It authorizes the Attorney General to establish a grant program for States to establish threat assessment databases.

Even with these valuable improvements, however, the bill still suffers from a number of fatal flaws, specifically its inclusion of 16 mandatory minimum sentences and its establishment of one new death-penalty-eligible offense.

Let me comment briefly on those mandatory sentences. Mandatory minimum penalties have been studied extensively; and the vast majority of available research clearly indicates that they do not, in many instances, work. Among many other things, they have been shown to distort the sentencing process to discriminate against minorities in their application and to waste valuable taxpayer money.

But the real emphasis is, although we are here today to protect our court systems and our court officials and our law enforcement officials, we are also here to recognize the discretion necessary for our courts; and in many instances, the judicial conference itself has indicated its desire to have more discretion in sentencing.

The Judicial Conference of the United States would see the impact of mandatory minimum sentences on individual cases, as well as on the criminal justice system as a whole, and has expressed its deep opposition to mandatory minimum sentencing over a dozen times to Congress, noting that these sentences severely distort and damage the Federal sentencing system. Yes, we must have deterrence, and I have supported enhancements of penalties, adding more time for individuals to serve; but at the same time, we must allow the courts to make that determination.

If heinous acts against our Federal courts have been perpetrated, then that judge hearing that particular case would then have the discretion to yield or to render, along with a jury and a jury trial, the highest sentence; but the mandatory minimum would not be there in place of a judge's discretion.

As I was saying, the Federal sentencing system, the Judicial Conference has said, and the mandatory sentencing undermine the sentencing guideline regimen established by Congress to promote fairness and proportionality and destroy honesty in sentencing by encouraging charge and fact plea bargains.

In fact, in a recent letter to members of the Crime Subcommittee regarding H.R. 1279, the Gang Deterrence and Community Protection Act of 2005, the conference noted that mandatory minimum sentences create the opposite of their intended effect. Far from fostering certainty in punishment, mandatory minimums result in unwarranted sentencing disparity, and mandatory minimums treat dissimilar offenders in a similar manner, although those offenders can be quite different with respect to the seriousness of their conduct or their danger to society.

So I would suggest that we are united around the necessity of this legislation. We must protect our courts and those officials. I might add that I hope

that we will have further discussion about lawyers who are engaged in the practice of law in cases where they come under particular threats, whether it is in particular the prosecutor who is covered by this or defense lawyers and other lawyers who engage in cases which generate threats against their lives. We might consider hearings that would discuss that propensity.

I might also say that the inconsistent and arbitrary nature of mandatory minimum sentences is made readily apparent by a quick analysis of section 2 of the bill. Section 2 establishes a 1-year mandatory minimum with 10-year maximum criminal penalty for assaulting the immediate family member of a law enforcement officer or judge, if the assault results in bodily injury. However, just a few lines later in the same section, an identical criminal penalty is established for a simple threat.

So, Mr. Chairman, I think it is important that as we support this legislation that we also take note of some of the inconsistencies that might warrant consideration as this bill makes its way through the House, through the Senate and, of course, conference.

On the issue of the death penalty, let me suggest these few thoughts. In creating a new death-penalty-eligible offense for anyone convicted of killing a federally funded public safety officer, there is no disagreement in the value of our public safety officer. It is just whether or not in addition to such an offense of death penalty, whether or not a substitute of life imprisonment without parole could have equally been used. Expansion of the use of the Federal death penalty in the current environment seems to warrant consideration.

The public is clearly rethinking the appropriateness of the death penalty in general due to the evidence that it is ineffective in deterring crime and is racially discriminatory and is more often than not found to be erroneously applied.

I know that for a fact in a recent case we had in Texas, Frances Newton, a young woman accused of killing her children and her husband, a horrific and heinous crime, certainly one would suggest that she warrants the ultimate penalty. However, unfortunately, in petitioning to get a new trial on the basis of real definitive new evidence, the courts would not consider such; and, of course, Frances Newton has gone to her death. I believe that she has gone to her death with raising the question of whether or not she was, in fact, innocent or guilty.

In a 23-year comprehensive study of death penalties, 68 percent were found to be erroneously applied. So it is not surprising that 119 people sentenced to death for murder over the past 12 years been completely exonerated of those crimes.

This is a good bill. It would have been even better if we had considered life without parole and considered the viability or the necessity of creating a new eligibility for the death penalty.

I would ask my colleagues to consider this legislation.

Let me begin by saying that I strongly support the need to protect judges and court officials from threats and violence. Despite this fact, I do have major concerns with this bill. For example, H.R. 1751 proposes to add 16 new mandatory minimum sentences to the current criminal code. Mandatory minimum penalties have been studied extensively and the vast majority of available research clearly indicates that they do not work. Among other things, they have been shown to distort the sentencing process, to discriminate against minorities in their application, and to waste valuable taxpayer money.

The Judicial Conference of the United States, which sees the impact of mandatory minimum sentences on individual cases as well as on the criminal justice system as a whole, has expressed its deep opposition to mandatory minimum sentencing over a dozen times to Congress, noting that these sentences "severely distort and damage the Federal sentencing system . . . undermine the Sentencing Guideline regimen" established by Congress to promote fairness and proportionality, and "destroy honesty in sentencing by encouraging charge and fact plea bargains."

In fact, in a recent letter to Members of the Crime Subcommittee regarding H.R. 1279, the "Gang Deterrence and Community Protection Act of 2005," the Conference noted that mandatory minimum sentences create "the opposite of their intended effect."

Far from fostering certainty in punishment, mandatory minimums result in unwarranted sentencing disparity. Mandatory minimums treat dissimilar offenders in a similar manner, although those offenders can be quite different with respect to the seriousness of their conduct or their danger to society.

The inconsistent and arbitrary nature of mandatory minimum sentences is made readily apparent by a quick analysis of section 2 of the bill. Section 2 establishes a one year mandatory minimum (with a 10 year maximum criminal penalty) for assaulting the immediate family member of a law enforcement officer or judge—if the assault results in bodily injury. However, just a few lines later in the same section, an identical criminal penalty is established for a simple threat. Thus, the same section of the bill makes two completely different actions, with considerably varying outcomes, subject to the same term of imprisonment.

Furthermore, H.R. 1751 unwisely creates a new death penalty eligible offense for anyone convicted of killing a federally funded public safety officer. Expansion of the use of the federal death penalty in the current environment is patently unwarranted. The public is clearly rethinking the appropriateness of the death penalty, in general, due to the evidence that it is ineffective in deterring crime, is racially discriminatory, and is more often than not found to be erroneously applied. In a 23-year comprehensive study of death penalties, 68 percent were found to be erroneously applied. So, it is not surprising that 119 people sentenced to death for murder over the past 12 years have been completely exonerated of those crimes. Nor is it surprising with that such a lackluster record of death penalty administrations that several states have abolished the death penalty. For example, Connecticut has not executed anyone in 45 years.

Without a doubt, the increasing numbers of innocent people released from death row illustrates the fallibility of the current system. Last year, a University of Michigan study identified 199 murder exonerations since 1989, 73 of them in capital cases. Moreover, the same study found that death row inmates represent a quarter of 1 percent of the prison population but 22 percent of the exonerated.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield 6 minutes to the gentleman from Texas (Mr. GOHMERT), the author of the bill.

Mr. GOHMERT. Mr. Chairman, I thank the gentleman very much. I do appreciate the time. I appreciate all the assistance in this bill. The chairman has been wonderful in helping with this and making this a reality.

Mr. Chairman, I rise today in strong support of H.R. 1751, the Secure Access to Justice and Court Protection Act of 2005. This bill prevents, protects, and punishes. It prevents future attacks, it protects the entire courthouse family, and it punishes those who threaten the safety and security of our Nation's courthouses. The time has come to restore some sanity and security, and it is the responsibility of the government to assure our citizens have a safe courtroom.

The legislation will work to prevent future attacks in our Nation's courthouses such as what happened at my former courthouse in east Texas. That tragic day in February, we lost a brave man, Mark Wilson, who stepped up to attempt to save the lives of innocent citizens at the courthouse and was killed the same day. Also, Deputy Sherman Dollison was badly injured while he attempted to protect those at the courthouse. With passage of the Secure Access to Justice and Court Protection Act, we are taking an important step toward prevention of similar events happening again.

This bill has garnered a lot of support across the country since its introduction in April, and I want to take a moment to thank some of those who have supported H.R. 1751.

First of all, I thank Judge Cynthia Kent, who hails from the Rose City of Tyler, Texas. Judge Kent is a talented judge and a good friend. She testified before the Crime, Terrorism and Homeland Security Subcommittee about the tragic events that took place right outside the courtroom she presides over. She, too, knows personally about threats against her and her family. Her input and support have been extremely helpful in developing this legislation.

Judge Jane Roth, former chairwoman of the Judicial Conference Committee on Security and Facilities, also testified and was very helpful; Honorable Paul McNulty, who was then the U.S. Attorney for the Eastern District of Virginia; and also Honorable John Clark, who at that time was a U.S. Marshal for the Eastern District of Virginia.

I would also like to thank Judge Joan Lefkow for her testimony before

the Senate supporting the court security legislation. I have spoken with her personally and again just in the last hour, and she is most gracious and also grateful for the overall bill. She had also mentioned previously when I talked with her a concern about provisions regarding writs of habeas corpus procedure. That has been pulled from the bill itself. It is not part of the overall bill today. We also know that her elderly mother and husband were tragically murdered by a disgruntled gentleman who was upset by a ruling she had made in a case.

This bill requires consultation and coordination of U.S. courts between U.S. Marshals and the courts themselves. It will open the lines of communication between the marshals and the courts and, therefore, help with the prevention, protection, and penalties in this bill.

Those of us who have had threats against us as judges, but particularly against our families, understand all too well the importance of this bill.

I would also like to thank Chairman SENSENBRENNER for shepherding this legislation as he has through his committee, through the rules and here to the floor. It is an honor to serve with him on the Judiciary Committee that he chairs, and I thank the chairman for that continued support.

□ 1630

This legislation will protect immediate family members of federally funded public safety officers and judges at all levels. It also provides enhanced penalties where the victims are U.S. judges, Federal law enforcement officers, federally funded public safety officers, and includes now a provision to protect National Guard troops when they are acting as public safety officers.

It increases the maximum punishment for crimes against victims, witnesses, jurors and informants.

This bill adds a new Federal crime prohibiting recording a fictitious lien by covering officers and employees of the United States, including the Federal judiciary and its employees. It provides a 30-year mandatory minimum to life in prison, or the death penalty for killing a federally funded public safety officer. Of course, for the defendant to get the death penalty, a death must have resulted from their actions. The bill includes killing members of the National Guard, as I mentioned, and gives them added protection.

There has been some mention by the gentlewoman from Texas regarding mandatory minimums, and it should be noted that we removed a number of mandatory minimums in this bill for things like simple assault and threats. So the court has that consideration. But when it comes to seriously threatening, killing, kidnapping, conspiring to do these things, there should be a mandatory minimum and there is. The folks that we attempt to protect are on the front lines. They need protection.

Mr. Chairman, I want to thank the Rules Committee chairman, the gentleman from California (Mr. DREIER). His bill was added to this, the David March provision, making a new Federal criminal offense for flight to avoid prosecution for killing a peace officer. It imposes 10 years in prison in addition to whatever the defendant receives. So it stacks it.

This is not intended to usurp State authority but to assist the States where they need it and where they are unable. This valuable piece of legislation is seeking to ensure the safety and security of America's last bastion of civility, our Nation's courthouses. I urge all Members to vote yes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself 1 minute.

Let me simply say that I think we will continue to have discussions as relates to mandatory minimums. I think this bill has great purpose; I think it is important, however, for us to raise those issues.

I will conclude by saying that we have a long way to go in the criminal justice system, and I hope that we will also bring to the floor of the House this whole issue of early release for those who are languishing in prisons. I hope the Good Time Early Release bill for nonviolent prisoners in our Federal prisons who are over 40 years old will have an opportunity for full debate, because they all go hand-in-hand.

Mr. SCOTT of Virginia. Mr. Chairman, can you advise how much time remains?

The CHAIRMAN. The gentleman from Virginia has 20½ minutes remaining and the gentleman from Wisconsin has 18½ minutes remaining.

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

Mr. Chairman, I rise in opposition to H.R. 1751. With several sensational incidents in recent years involving the murders of judges, family members of judges, court personnel, witnesses and other victims, we have seen the consequences of insufficient security for our court operations and personnel associated with the courts.

All are agreed that enhancement of security for our courts and all persons associated with them is imperative. However, the main focus of this bill is not the things that the courts have asked for to enhance their security, but on extraneous death penalties and mandatory minimum sentences which will do nothing to improve the security of our courts or personnel associated with them.

Mr. Chairman, I want to acknowledge and thank Chairman SENSENBRENNER for making significant improvements in this bill since our initial consideration of the bill in subcommittee, by removing a number of the superfluous mandatory minimum sentences and death penalties from the bill. However, all such provisions were not removed.

The notion that Congress has to direct judges on how to sentence those who harm or threaten judges and their families and others associated with court activities, or that Congress has to replace the States in prosecution of murders of State judges and other State officials is absurd. The kinds of people we are talking about clearly have not been deterred by death penalties and mandatory minimum sentences already on the books and applicable to them for those kinds of crimes, so they certainly will not be deterred by adding more such mandatory minimums. And judges facing such defendants clearly do not need congressional guidance on what the appropriate sentences may be.

Accordingly, I have prepared an amendment which would remove the provisions allowing the Federal Government, simply on the basis of someone's salary being paid in part by Federal funds, to take over traditional State prosecutions of State murder cases. I have also prepared an amendment which would remove the mandatory minimum sentencing in Federal cases involving judges, their family members or other court personnel, and replaced them with higher maximums that would allow even greater sentences than the bill allows in cases which warrant it, but would not require sentences which violate common sense.

The courts have not requested mandatory minimums or death penalties because they do nothing to protect the court. Nevertheless, here we go again with more mandatory minimums and more death penalties. In fact, Mr. Chairman, the Federal courts have consistently and loudly expressed their strong opposition to mandatory minimum sentences.

Through rigorous study and analysis, as well as through their everyday experiences in sentencing major players and bit players in crime, the courts have determined mandatory minimums to be less effective than regular sentencing. They have found them to be racially discriminatory in their application. They have found mandatory minimums to waste money compared to traditional sentences, and they have found mandatory minimums to be a violation of common sense.

The Judicial Conference has written us often to express their opposition to mandatory minimum sentencing and has just written us again with this bill to state their opposition to mandatory minimum sentences as a violation of the systemic sentencing scheme designed to ''reduce unwarranted disparity and to provide proportionality and fairness in punishment.'' That idea is violated with mandatory minimums.

The Judicial Conference and everyone concerned supports the grant programs in the bill aimed at strengthening court security and personnel and providing security for persons associated with the courts. Absent mandatory minimums and the extension of the death penalties, this bill would be one that we could all support.

Unfortunately, Mr. Chairman, because of the mandatory minimums and death penalty it is not one we can all support.

JUDICIAL CONFERENCE OF THE UNITED STATES,
Washington, DC, November 8, 2005.

Hon. JOHN CONYERS, Jr.,
Ranking Democrat, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR REPRESENTATIVE CONYERS: On behalf of the Judicial Conference of the United States, the policy-making body of the federal judiciary. I am writing to convey its views regarding several of the provisions contained in H.R. 1751, the ''Secure Access to Justice and Court Protection Act of 2005.''

Much of the impetus for portions of this bill arose from the tragic circumstances surrounding the attempted murder of Judge Joan Lefkow of the United States District Court for the Northern District of Illinois. Although Judge Lefkow survived the attack, her mother and husband were shot and killed by the assailant, a disgruntled litigant.

The current bill contains several provisions that are of particular interest to the federal courts. Section 13 of the bill requires the U.S. Marshals Service to consult with the Administrative Office of the U.S. Courts regarding the security requirements of the Judicial Branch. While the provision does not extend to a requirement that the Marshals Service ''coordinate'' with the judiciary, we believe the proposed change is positive and will enhance judicial security. Section 14 of the bill is positive in that it will help protect judges from the malicious recording of fictitious liens and is supported by the Judicial Conference. Section 16 of the bill is of particular interest to federal judges and their security because it will allow them to continue to redact sensitive information from their financial disclosure forms. Not a day goes by without some unauthorized incursion into an information database containing personal information and this provision is an important tool in protecting such personal information.

Unfortunately, the bill also contains various provisions that expand the application of mandatory minimum sentences. The Judicial Conference opposes mandatory minimum sentencing provisions because they undermine the sentencing guideline regime Congress established under the Sentencing Reform Act of 1984 by preventing the systematic development of guidelines that reduce unwarranted disparity and provide proportionality and fairness in punishment.

The bill also contains a provision that would allow the presiding judge, at all levels of the judicial process, to permit the photographing, electronic recording, broadcasting, or televising to the public of the court proceedings over which that judge presides. The Judicial Conference believes that the circuit councils of each circuit should retain the authority to establish rules for the photographing, recording, or broadcasting of appellate arguments in their courts. The Judicial Conference does not support legislation that would allow trial court judges the discretion to broadcast their courts' proceedings.

I appreciate having the opportunity to express the views of the Judicial Conference in relation to H.R., 1751, the ''Secure Access to Justice and Court Protection Act of 2005.'' If you have any questions regarding this legislation please contact Arthur White at (202) 502–1700.

Sincerely,

LEONIDAS RALPH MECHAM,
Secretary.

AMERICAN BAR ASSOCIATION,
GOVERNMENTAL AFFAIRS OFFICE,
Washington, DC, November 8, 2005.

HON. BOBBY SCOTT,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE SCOTT: We understand that during consideration by the House of Representatives of H.R. 1751, the Safe Access to Justice and Court Protection Act of 2005, an amendment will be offered by Representative Jeff Flake (R–AZ) to propose a range of changes in the law governing federal habeas corpus review of capital cases. The ABA strongly opposes this amendment and urges House members to reject it.

This amendment proposes a number of technical changes in a complicated area of law without the benefit of hearings or any previous consideration by the House Judiciary Committee. It is inconsistent with other pending House and Senate legislation and its enactment would create more confusion and chaos in a complex area of law.

We are particularly concerned about a provision in the amendment that would completely remove federal court jurisdiction for all sentencing phase claims, not just those found harmless by the state courts. Under this proposal, unless the claim goes to the validity of the conviction itself, it is not cognizable in the federal courts.

If such a profound change in law were enacted, there would no longer be a federal forum for claims of ineffective assistance of counsel at the sentencing phase. As a result, no matter how inadequate the representation (e.g., the sleeping lawyer case), the court would be without jurisdiction. Claims of prosecutorial misconduct relating to the penalty phase would not be cognizable. For example, if the prosecution suppressed evidence about the identity of the trigger-man, that would also not be cognizable. At a resentencing proceeding ordered by a state court on direct appeal, a prosecutor could commit a flagrant violation of Batson v. Kentucky by striking all African-Americans from the jury, and a federal court would be powerless to do anything about it. In short, no matter how unreasonable the state court decision was, there would be no federal jurisdiction for sentencing phase issues. The House should not act on such far-reaching changes in the law of federal habeas corpus jurisdiction without more careful consideration and should reject the Flake amendment when it considers H.R. 1751. Fairness and justice demand no less.

Sincerely,

ROBERT D. EVANS.

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC, November 9, 2005.

Re House Floor Vote on November 9, 2005, regarding H.R. 1751, Secure Access to Justice and Court Protection Act of 2005.

DEAR REPRESENTATIVE: On behalf of the American Civil Liberties Union, we write to express our opposition to H.R. 1751, the Secure Access to Justice and Court Protection Act of 2005. This legislation would create a 30-year mandatory minimum sentence for second-degree murder in federal criminal cases, add numerous other discriminatory mandatory minimum sentences as well as expand the number of crimes eligible for the federal death penalty. H.R. 1751 is scheduled for a floor vote on Wednesday, November 9; we urge you to oppose this legislation.

The House Rules Committee has made a number of amendments in order for the floor debate on H.R. 1751; we urge your support for the following amendments:

(1) Scott (VA) #8: This amendment replaces all mandatory minimum sentences with higher maximum sentences. This bill creates many new mandatory minimums and changes the criminal penalties for several existing federal crimes to mandatory minimum sentences. For instance, H.R. 1751 would make the punishment for second-degree murder a 30-year mandatory sentence. Mandatory minimum sentences deprive judges of the ability to impose sentences that fit the particular offense and offender. Although mandatory minimums were designed to reduce the racial inequalities that too often resulting from judicial sentencing discretion, in practice they shift discretion from the judge to the prosecutor. Prosecutors retain the power to plea bargain and choose which defendants they will offer plea agreements to in order for those defendants to avoid the mandatory penalty. It is not clear what standards (if any) prosecutors use to offer plea bargains, therefore only a few defendants get the benefit of avoiding the mandatory sentence. This creates unfair and inequitable sentences for people who commit similar crimes, thus contributing to the very problem mandatory minimums were created to address.

(2) Scott (VA) #9: This amendment strikes the death penalty for the killing of federally funded public safety officers. According to the Death Penalty Information Center, 121 prisoners on death row have now been exonerated since 1973. Chronic problems, including inadequate defense counsel and racial disparities, plague the death penalty system in the United States. As a matter of principle, Congress should not be expanding the federal death penalty while these problems remain unresolved.

We urge you to oppose the following amendment:

(1) Flake #2: This amendment would eliminate federal jurisdiction for all sentencing phase claims in habeas corpus proceedings, unless the claim went to the validity of the state conviction in a capital cases. For example, this would result in federal courts not having jurisdiction to review habeas petitions involving claims in state capital cases that were based on ineffective assistance of counsel or prosecutorial misconduct during the sentencing phase of the case—errors that could mean the difference between life and death for the petitioner. In addition, this amendment would authorize the U.S. Attorney General to determine whether in a capital case a state's indigent defense counsel system passes constitutional muster. The Attorney General, our nation's top federal prosecutor, is not an objective party and therefore should not decide whether states have provided competent defense counsel in death penalty cases.

For the above-mentioned reasons, we urge members to oppose H.R. 1751 when the House votes on the bill on November 9, 2005.

Sincerely,

CAROLINE FREDRICKSON,
Director.

JESSELYN MCCURDY,
Legislative Counsel.

Mr. CONYERS. Mr. Chairman, the legislation under consideration today represents a vast improvement over the version of the bill as originally introduced.

Thanks to the hard work and commitment of Democratic members on the committee, it now offers grants to state courts so that they can make meaningful enhancements to courtroom safety and security. It provides the US Marshals Service with an additional $100 million, over the course of the next five years, to increase ongoing investigations and expand the protective services it currently offers to members of the federal judiciary. And it authorizes the Attorney General to establish a grant program for states to establish threat assessment databases.

Even with these valuable improvements, however, the bill still suffers from two fatal flaws. Specifically, its inclusion of 16 new mandatory minimum sentences and its establishment of one new death penalty eligible offense.

Mandatory minimums have been studied extensively and have been proven to be ineffective in preventing crime. They also have been proven to distort the sentencing process, and waste valuable taxpayer money.

With more than 2.1 million Americans currently in jail or prison—roughly quadruple the number individuals incarcerated in 1985—it's hard to see how anyone can continue with such a deeply flawed strategy.

Today, this country incarcerates its citizens at a rate 14 times that of Japan, 8 times the rate of France and 6 times the rate of Canada.

We spend an estimated $40 billion a year to imprison criminal offenders, we choose to build prisons over schools and we fail to provide inmates released from prison with the necessary tools and assistance for a successful re-entry into society.

Thanks to mandatory minimum sentences, almost 10 percent of all inmates in state and federal prisons are serving life sentences, an increase of 83 percent from 1992. In two states alone, New York and California, almost 20 percent of inmates are serving life sentences.

We've also noted the numerous problems that exist with regard to the death penalty. Namely, that all of the available evidence clearly demonstrates that the current system is flawed, defendants rarely receive adequate legal representation and that its application is racially discriminatory .

There are now over 100 Americans that have been sentenced to death, only later to be exonerated. Proving that many of the people convicted and sentenced to death are actually innocent.

In the end, the few grants that this bill purports to offer in the area of witness protection and court security can't make up for its two fatal flaws.

I urge my colleagues to oppose this measure.

Mr. SCOTT of Georgia. Mr. Chairman, the entire country witnessed what happened in my district, in the Fulton County Courthouse, on the morning of March 11, 2005.

On that day, Brian Nichols, was to appear in a retrial for charges of rape and false imprisonment. As he was escorted from his holding cell to change into civilian clothes for the proceeding, he over-powered the female sheriff's deputy overseeing his transfer, stole her gun, and shot her in the face. Mr. Nichols then proceeded to run through the courthouse complex, unimpeded, steal another firearm and shoot 3 more people, including long-time superior court judge Rowland Barnes, a revered judicial figure in the Atlanta area.

Mr. Nichols managed to escape the courthouse and evade police for more than two days during which time he used the fire arms that he stole in the courthouse, injuring several more people, stole multiple vehicles and held one woman hostage before he was finally apprehended.

Mr. Speaker, this episode highlights the merits of this bill not just because of the security failures that allowed it to happen. This much is self-evident.

In the aftermath of the security failures at the Fulton County Courthouse, the entire Atlanta metropolitan area, an area of more than 4 million people, was on edge. Schools were put on lock down in several counties. If we had proper security measures in place on that fateful Friday morning, we could have avoided the hysteria and disruptions of normal life that followed.

My constituents, the residents of the Atlanta area, and the law-abiding citizens of this great nation deserve the right to go about their daily lives knowing that our court rooms are secure. Therefore, I urge the passing of this bill.

Mr. KIRK. Mr. Chairman, I rise in support of H.R. 1751 and in support of the dedicated public servants working in our criminal justice system. The very nature of their work brings them in contact with dangerous criminals on a daily basis. After conviction, some of these criminals seek revenge against the prosecutors and judges who put them in prison. As unfortunate as it is, we must do more to protect those in the justice system who work to protect all of us.

We all remember the brutal murders of Michael Lefkow and Donna Humphrey, the husband and mother of U.S. District Judge Joan Lefkow. The initial investigation focused on a likely suspect, white supremacist Matthew Hale, who had been convicted of soliciting Judge Lefkow's murder only a year before. As it turns out, Hale was not behind the murders, but another disgruntled individual with a history in front of Judge Lefkow was. Bart Ross, a plaintiff in a medical malpractice case Judge Lefkow dismissed, wrote a letter to a Chicago television station admitting he killed Michael Lefkow and Donna Humphrey and that his target had been the Judge. Included in the note was a "hit list" of others he felt had wronged him, many of whom were involved in his medical malpractice case. One of the individuals on the "hit list" is a constituent of mine and while we are thankful he and his family are safe, it is a chilling reminder that the security of judicial officials cannot be taken for granted.

This tragic case is just one example of the danger prosecutors and judges can face simply for doing their jobs. Even though Matthew Hale and his white supremacist group were not responsible for the Letkow murders, they were vocal in their praise for the killings on the Internet. The fact remains that judges, prosecutors, and their families are often targeted and they can be in danger wherever they go, even in their own homes. Mr. Chairman, I support this legislation and I believe the Congress should do all it can to protect judges and their families and enhance courthouse security.

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

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

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. 1751

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 ''Secure Access to Justice and Court Protection Act of 2005''.

SEC. 2. PENALTIES FOR INFLUENCING, IMPEDING, OR RETALIATING AGAINST JUDGES AND OTHER OFFICIALS BY THREATENING OR INJURING A FAMILY MEMBER.

Section 115 of title 18, United States Code, is amended—

(1) in each of subparagraphs (A) and (B) of subsection (a)(1), by inserting ''federally funded public safety officer (as defined for the purposes of section 1123)'' after ''Federal law enforcement officer,'';

(2) so that subsection (b) reads as follows:

''(b)(1) Except as provided in paragraph (2), the punishment for an offense under this section is as follows:

''(A) The punishment for an assault in violation of this section is the same as that provided for a like offense under section 111.

''(B) The punishment for a kidnapping, attempted kidnapping, or conspiracy to kidnap in violation of this section is the same as provided for a like violation in section 1201.

''(C) The punishment for a murder, attempted murder, or conspiracy to murder in violation of this section is the same as provided for a like offense under section 1111, 1113, and 1117.

''(D) A threat made in violation of this section shall be punished by a fine under this title or imprisonment for not more than 10 years, or both.

''(2) If the victim of the offense under this section is an immediate family member of a United States judge, a Federal law enforcement officer (as defined for the purposes of section 1114) or of a federally funded public safety officer (as defined for the purposes of section 1123), in lieu of the punishments otherwise provided by paragraph (1), the punishments shall be as follows:

''(A) The punishment for an assault in violation of this section is as follows:

''(i) If the assault is a simple assault, a fine under this title or a term of imprisonment for not more than one year, or both.

''(ii) If the assault resulted in bodily injury (as defined in section 1365), a fine under this title and a term of imprisonment for not less than one year nor more than 10 years.

''(iii) If the assault resulted in substantial bodily injury (as defined in section 113), a fine under this title and a term of imprisonment for not less than 3 years nor more than 12 years.

''(iv) If the assault resulted in serious bodily injury (as defined in section 2119), a fine under this title and a term of imprisonment for not less than 10 years nor more than 30 years.

''(B) The punishment for a kidnapping, attempted kidnapping, or conspiracy to kidnap in violation of this section is a fine under this title and imprisonment for any term of years not less than 30, or for life.

''(C) The punishment for a murder, attempted murder, or conspiracy to murder in violation of this section is a fine under this title and imprisonment for any term of years not less than 30, or for life, or, if death results, the offender may be sentenced to death.

''(D) A threat made in violation of this section shall be punished by a fine under this title and imprisonment for not less than one year nor more than 10 years.

''(E) If a dangerous weapon was used during and in relation to the offense, the punishment shall include a term of imprisonment of 5 years in addition to that otherwise imposed under this paragraph.''.

SEC. 3. PENALTIES FOR CERTAIN ASSAULTS.

(a) INCLUSION OF FEDERALLY FUNDED PUBLIC SAFETY OFFICERS.—Section 111(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting ''or a federally funded public safety officer (as defined in section 1123)'' after ''1114 of this title''; and

(2) in paragraph (2), by inserting ''or a federally funded public safety officer (as defined in section 1123)'' after ''1114''.

(b) ALTERNATE PENALTY WHERE VICTIM IS A UNITED STATES JUDGE, A FEDERAL LAW ENFORCEMENT OFFICER, OR FEDERALLY FUNDED PUBLIC SAFETY OFFICER.—Section 111 of title 18, United States Code, is amended by adding at the end the following:

''(c) ALTERNATE PENALTY WHERE VICTIM IS A UNITED STATES JUDGE, A FEDERAL LAW ENFORCEMENT OFFICER, OR FEDERALLY FUNDED PUBLIC SAFETY OFFICER.—(1) Except as provided in paragraph (2), if the offense is an assault and the victim of the offense under this section is a United States judge, a Federal law enforcement officer (as defined for the purposes of section 1114) or of a federally funded public safety officer (as defined for the purposes of section 1123), in lieu of the penalties otherwise set forth in this section, the offender shall be subject to a fine under this title and—

''(A) If the assault is a simple assault, a fine under this title or a term of imprisonment for not more than one year, or both.

''(B) if the assault resulted in bodily injury (as defined in section 1365), shall be imprisoned not less than one nor more than 10 years;

''(C) if the assault resulted in substantial bodily injury (as defined in section 113), shall be imprisoned not less than 3 nor more than 12 years; and

''(D) if the assault resulted in serious bodily injury (as defined in section 2119), shall be imprisoned not less than 10 nor more than 30 years.

''(2) If a dangerous weapon was used during and in relation to the offense, the punishment shall include a term of imprisonment of 5 years in addition to that otherwise imposed under this subsection.''.

SEC. 4. PROTECTION OF FEDERALLY FUNDED PUBLIC SAFETY OFFICERS.

(a) OFFENSE.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following:

''§ 1123. Killing of federally funded public safety officers

''(a) Whoever kills, or attempts or conspires to kill, a federally funded public safety officer while that officer is engaged in official duties, or arising out of the performance of official duties, or kills a former federally funded public safety officer arising out of the performance of official duties, shall be punished by a fine under this title and imprisonment for any term of years not less than 30, or for life, or, if death results, may be sentenced to death.

''(b) As used in this section—

''(1) the term 'federally funded public safety officer' means a public safety officer for a public agency (including a court system, the National Guard of a State to the extent the personnel of that National Guard are not in Federal service, and the defense forces of a State authorized by section 109 of title 32) that receives Federal financial assistance, of an entity that is a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any territory or possession of the United States, an Indian tribe, or a unit of local government of that entity;

''(2) the term 'public safety officer' means an individual serving a public agency in an official capacity, as a judicial officer, as a law enforcement officer, as a firefighter, as a chaplain, or as a member of a rescue squad or ambulance crew;

''(3) the term 'judicial officer' means a judge or other officer or employee of a court, including prosecutors, court security, pretrial services officers, court reporters, and corrections, probation, and parole officers; and

''(4) the term 'firefighter' includes an individual serving as an official recognized or designated member of a legally organized volunteer fire department and an officially recognized or designated public employee member of a rescue squad or ambulance crew; and

''(5) the term 'law enforcement officer' means an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the laws.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

''1123. Killing of federally funded public safety officers.''.

SEC. 5. GENERAL MODIFICATIONS OF FEDERAL MURDER CRIME AND RELATED CRIMES.

(a) MURDER AMENDMENTS.—Section 1111 of title 18, United States Code, is amended in subsection (b), by inserting ''not less than 30'' after ''any term of years''.

(b) MANSLAUGHTER AMENDMENTS.—Section 1112(b) of title 18, United States Code, is amended—

(1) by striking ''ten years'' and inserting ''20 years''; and

(2) by striking ''six years'' and inserting ''10 years''.

SEC. 6. MODIFICATION OF DEFINITION OF OFFENSE AND OF THE PENALTIES FOR, INFLUENCING OR INJURING OFFICER OR JUROR GENERALLY.

Section 1503 of title 18, United States Code, is amended—

(1) so that subsection (a) reads as follows:

''(a)(1) Whoever—

''(A) corruptly, or by threats of force or force, endeavors to influence, intimidate, or impede a juror or officer in a judicial proceeding in the discharge of that juror or officer's duty;

''(B) injures a juror or an officer in a judicial proceeding arising out of the performance of official duties as such juror or officer; or

''(C) corruptly, or by threats of force or force, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice;

or attempts or conspires to do so, shall be punished as provided in subsection (b).

''(2) As used in this section, the term 'juror or officer in a judicial proceeding' means a grand or petit juror, or other officer in or of any court of the United States, or an officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate.''; and

(2) in subsection (b), by striking paragraphs (1) through (3) and inserting the following:

''(1) in the case of a killing, or an attempt or a conspiracy to kill, the punishment provided in section 1111, 1112, 1113, and 1117; and

''(2) in any other case, a fine under this title and imprisonment for not more than 30 years.''.

SEC. 7. MODIFICATION OF TAMPERING WITH A WITNESS, VICTIM, OR AN INFORMANT OFFENSE.

(a) CHANGES IN PENALTIES.—Section 1512 of title 18, United States Code, is amended—

(1) in each of paragraphs (1) and (2) of subsection (a), insert ''or conspires'' after ''attempts'';

(2) so that subparagraph (A) of subsection (a)(3) reads as follows:

''(A) in the case of a killing, the punishment provided in sections 1111 and 1112;'';

(3) in subsection (a)(3)—

(A) in the matter following clause (ii) of subparagraph (B) by striking ''20 years'' and inserting ''30 years'' ; and

(B) in subparagraph (C), by striking ''10 years'' and inserting ''20 years'';

(4) in subsection (b), by striking ''ten years'' and inserting ''30 years''; and

(5) in subsection (d), by striking ''one year'' and inserting ''20 years''.

SEC. 8. MODIFICATION OF RETALIATION OFFENSE.

Section 1513 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by inserting ''or conspires'' after ''attempts'';

(2) in subsection (a)(1)(B)—

(A) by inserting a comma after ''probation''; and

(B) by striking the comma which immediately follows another comma;

(3) in subsection (a)(2)(B), by striking ''20 years'' and inserting ''30 years'';

(4) in subsection (b), by striking ''ten years'' and inserting ''30 years'';

(5) in the first subsection (e), by striking ''10 years'' and inserting ''30 years''; and

(6) by redesignating the second subsection (e) as subsection (f).

SEC. 9. INCLUSION OF INTIMIDATION AND RETALIATION AGAINST WITNESSES IN STATE PROSECUTIONS AS BASIS FOR FEDERAL PROSECUTION.

Section 1952 of title 18, United States Code, is amended in subsection (b)(2), by inserting ''intimidation of, or retaliation against, a witness, victim, juror, or informant,'' after ''extortion, bribery,''.

SEC. 10. CLARIFICATION OF VENUE FOR RETALIATION AGAINST A WITNESS.

Section 1513 of title 18, United States Code, is amended by adding at the end the following:

''(g) A prosecution under this section may be brought in the district in which the official proceeding (whether or not pending, about to be instituted or completed) was intended to be affected or was completed, or in which the conduct constituting the alleged offense occurred.''.

SEC. 11. WITNESS PROTECTION GRANT PROGRAM.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after part BB (42 U.S.C. 3797j et seq.) the following new part:

''PART CC—WITNESS PROTECTION GRANTS

''SEC. 2811. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—From amounts made available to carry out this part, the Attorney General may make grants to States, units of local government, and Indian tribes to create and expand witness protection programs in order to prevent threats, intimidation, and retaliation against victims of, and witnesses to, crimes.

''(b) USES OF FUNDS.—Grants awarded under this part shall be—

''(1) distributed directly to the State, unit of local government, or Indian tribe; and

''(2) used for the creation and expansion of witness protection programs in the jurisdiction of the grantee.

''(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this part, the Attorney General may give preferential consideration, if feasible, to an application from a jurisdiction that—

''(1) has the greatest need for witness and victim protection programs;

''(2) has a serious violent crime problem in the jurisdiction; and

''(3) has had, or is likely to have, instances of threats, intimidation, and retaliation against victims of, and witnesses to, crimes.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2006 through 2010.''.

SEC. 12. GRANTS TO STATES TO PROTECT WITNESSES AND VICTIMS OF CRIMES.

(a) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; and'' ; and

(3) by adding at the end the following:

''(5) to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law

Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

"SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $20,000,000 for each of the fiscal years 2006 through 2010 to carry out this subtitle.''.

SEC. 13. JUDICIAL BRANCH SECURITY REQUIREMENTS.

(a) ENSURING CONSULTATION AND COORDINATION WITH THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—Section 566 of title 28, United States Code, is amended by adding at the end the following:

''(i) The United States Marshals Service shall consult with the Administrative Office of the United States Courts on a continuing basis regarding the security requirements for the Judicial Branch, and inform the Administrative Office of the measures the Marshals Service intends to take to meet those requirements.''.

(b) CONFORMING AMENDMENT.—Section 604(a) of title 28, United States Code, is amended—

(1) by redesignating existing paragraph (24) as paragraph (25);

(2) by striking ''and'' at the end of paragraph (23); and

(3) by inserting after paragraph (23) the following:

''(24) Consult with the United States Marshals Service on a continuing basis regarding the security requirements for the Judicial Branch, and inform the Administrative Office of the measures the Marshals Service intends to take to meet those requirements; and''.

SEC. 14. PROTECTIONS AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST A FEDERAL EMPLOYEE.

(a) OFFENSE.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

"§ 1521. Retaliating against a Federal employee by false claim or slander of title

''Whoever, with the intent to harass a person designated in section 1114 on account of the performance of official duties, files, in any public record or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of that person, or attempts or conspires to do so, shall be fined under this title or imprisoned not more than 10 years, or both.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

''1521. Retaliating against a Federal employee by false claim or slander of title.''.

SEC. 15. PROHIBITION OF POSSESSION OF DANGEROUS WEAPONS IN FEDERAL COURT FACILITIES.

Section 930(e) of title 18, United States Code, is amended by inserting ''or other dangerous weapon'' after ''firearm''.

SEC. 16. REPEAL OF SUNSET PROVISION.

Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended by striking subparagraph (E).

SEC. 17. PROTECTION OF INDIVIDUALS PERFORMING CERTAIN FEDERAL AND OTHER FUNCTIONS.

(a) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

"§ 117. Protection of individuals performing certain Federal and federally assisted functions

''(a) Whoever knowingly, and with intent to harm, intimidate, or retaliate against a covered official makes restricted personal information about that covered official publicly available through the Internet shall be fined under this title and imprisoned not more than 5 years, or both.

''(b) It is a defense to a prosecution under this section that the defendant is a provider of Internet services and did not knowingly participate in the offense.

''(c) As used in this section—

''(1) the term 'restricted personal information' means, with respect to an individual, the Social Security number, the home address, home phone number, mobile phone number, personal email, or home fax number of, and identifiable to, that individual; and

''(2) the term 'covered official' means—

''(A) an individual designated in section 1114;

''(B) a public safety officer (as that term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968); or

''(C) a grand or petit juror, witness, or other officer in or of, any court of the United States, or an officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

''117. Protection of individuals performing certain Federal and federally assisted functions.''.

SEC. 18. ELIGIBILITY OF COURTS TO APPLY DIRECTLY FOR LAW ENFORCEMENT DISCRETIONARY GRANTS AND REQUIREMENT THAT STATE AND LOCAL GOVERNMENTS CONSIDER COURTS WHEN APPLYING FOR GRANT FUNDS.

(a) COURTS TREATED AS UNITS OF LOCAL GOVERNMENTS FOR PURPOSES OF DISCRETIONARY GRANTS.—Section 901 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791) is amended in subsection (a)(3)—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(2) by inserting after subparagraph (B) the following new subparagraph:

''(C) the judicial branch of a State or of a unit of local government within the State for purposes of discretionary grants;''.

(b) STATE AND LOCAL GOVERNMENTS TO CONSIDER COURTS.—The Attorney General shall ensure that whenever a State or unit of local government applies for a grant from the Department of Justice, the State or unit demonstrate that, in developing the application and distributing funds, the State or unit—

(1) considered the needs of the judicial branch of the State or unit, as the case may be; and

(2) consulted with the chief judicial officer of the highest court of the State or unit, as the case may be.

SEC. 19. REPORT ON SECURITY OF FEDERAL PROSECUTORS.

Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the security of assistant United States attorneys and other Federal attorneys arising from the prosecution of terrorists, violent criminal gangs, drug traffickers, gun traffickers, white supremacists, and those who commit fraud and other white-collar offenses. The report shall describe each of the following:

(1) The number and nature of threats and assaults against attorneys handling those prosecutions and the reporting requirements and methods.

(2) The security measures that are in place to protect the attorneys who are handling those prosecutions, including measures such as threat assessments, response procedures, availability of security systems and other devices, firearms licensing (deputations), and other measures designed to protect the attorneys and their families.

(3) The Department of Justice's firearms deputation policies, including the number of attorneys deputized and the time between receipt of threat and completion of the deputation and training process.

(4) For each measure covered by paragraphs (1) through (3), when the report or measure was developed and who was responsible for developing and implementing the report or measure.

(5) The programs that are made available to the attorneys for personal security training, including training relating to limitations on public information disclosure, basic home security, firearms handling and safety, family safety, mail handling, counter- surveillance, and self-defense tactics.

(6) The measures that are taken to provide the attorneys with secure parking facilities, and how priorities for such facilities are established—

(A) among Federal employees within the facility;

(B) among Department of Justice employees within the facility; and

(C) among attorneys within the facility.

(7) The frequency such attorneys are called upon to work beyond standard work hours and the security measures provided to protect attorneys at such times during travel between office and available parking facilities.

(8) With respect to attorneys who are licensed under State laws to carry firearms, the Department of Justice's policy as to—

(A) carrying the firearm between available parking and office buildings;

(B) securing the weapon at the office buildings; and

(C) equipment and training provided to facilitate safe storage at Department of Justice facilities.

(9) The offices in the Department of Justice that are responsible for ensuring the security of the attorneys, the organization and staffing of the offices, and the manner in which the offices coordinate with offices in specific districts.

(10) The role, if any, that the United States Marshals Service or any other Department of Justice component plays in protecting, or providing security services or training for, the attorneys.

SEC. 20. FLIGHT TO AVOID PROSECUTION FOR KILLING PEACE OFFICERS.

(a) FLIGHT.—Chapter 49 of title 18, United States Code, is amended by adding at the end the following:

"§ 1075. Flight to avoid prosecution for killing peace officers

''Whoever moves or travels in interstate or foreign commerce with intent to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which he flees or under section 1114 or 1123, for a crime consisting of the killing, an attempted killing, or a conspiracy to kill, an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the laws or for a crime punishable by section 1114 or 1123, shall be fined under this title and imprisoned, in addition to any other imprisonment for the underlying offense, for any term of years not less than 10.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 49 of title 18, United States Code, is amended by adding at the end the following new item:

''1075. Flight to avoid prosecution for killing peace officers.''.

SEC. 21. SPECIAL PENALTIES FOR MURDER, KIDNAPPING, AND RELATED CRIMES AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.

(a) MURDER.—Section 1114 of title 18, United States Code, is amended—

(1) by inserting ''(a)'' before ''Whoever''; and

(2) by adding at the end the following:

''(b) If the victim of a murder punishable under this section is a United States judge (as defined in section 115) or a Federal law enforcement officer (as defined in 115) the offender shall be punished by a fine under this title and

imprisonment for any term of years not less than 30, or for life, or, if death results, may be sentenced to death.''.

(b) KIDNAPPING.—Section 1201(a) of title 18, United States Code, is amended by adding at the end the following: ''If the victim of the offense punishable under this subsection is a United States judge (as defined in section 115) or a Federal law enforcement officer (as defined in 115) the offender shall be punished by a fine under this title and imprisonment for any term of years not less than 30, or for life, or, if death results, may be sentenced to death.''.

SEC. 22. MEDIA COVERAGE OF COURT PROCEEDINGS.

(a) FINDINGS.—The Congress makes the following findings:

(1) The right of the people of the United States to freedom of speech, particularly as it relates to comment on governmental activities, as protected by the first amendment to the Constitution, cannot be meaningfully exercised without the ability of the public to obtain facts and information about the Government upon which to base their judgments regarding important issues and events. As the United States Supreme Court articulated in Craig v. Harney, 331 U.S. 367 (1947), ''A trial is a public event. What transpires in the court room is public property.''.

(2) The right of the people of the United States to a free press, with the ability to report on all aspects of the conduct of the business of government, as protected by the first amendment to the Constitution, cannot be meaningfully exercised without the ability of the news media to gather facts and information freely for dissemination to the public.

(3) The right of the people of the United States to petition the Government to redress grievances, particularly as it relates to the manner in which the Government exercises its legislative, executive, and judicial powers, as protected by the first amendment to the Constitution, cannot be meaningfully exercised without the availability to the public of information about how the affairs of government are being conducted. As the Supreme Court noted in Richmond Newspapers, Inc. v. Commonwealth of Virginia (1980), ''People in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing.''.

(4) In the twenty-first century, the people of the United States obtain information regarding judicial matters involving the Constitution, civil rights, and other important legal subjects principally through the print and electronic media. Television, in particular, provides a degree of public access to courtroom proceedings that more closely approximates the ideal of actual physical presence than newspaper coverage or still photography.

(5) Providing statutory authority for the courts of the United States to exercise their discretion in permitting televised coverage of courtroom proceedings would enhance significantly the access of the people to the Federal judiciary.

(6) Inasmuch as the first amendment to the Constitution prevents Congress from abridging the ability of the people to exercise their inherent rights to freedom of speech, to freedom of the press, and to petition the Government for a redress of grievances, it is good public policy for the Congress affirmatively to facilitate the ability of the people to exercise those rights.

(7) The granting of such authority would assist in the implementation of the constitutional guarantee of public trials in criminal cases, as provided by the sixth amendment to the Constitution. As the Supreme Court stated in In re Oliver (1948), ''Whatever other benefits the guarantee to an accused that his trial be conducted in public may confer upon our society, the guarantee has always been recognized as a safeguard against any attempt to employ our courts as instruments of persecution. The knowledge that every criminal trial is subject to contemporaneous review in the forum of public opinion is an effective restraint on possible abuse of judicial power.''.

(b) AUTHORITY OF PRESIDING JUDGE TO ALLOW MEDIA COVERAGE OF COURT PROCEEDINGS.—

(1) AUTHORITY OF APPELLATE COURTS.—Notwithstanding any other provision of law, the presiding judge of an appellate court of the United States may, in his or her discretion, permit the photographing, electronic recording, broadcasting, or televising to the public of court proceedings over which that judge presides.

(2) AUTHORITY OF DISTRICT COURTS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, any presiding judge of a district court of the United States may, in his or her discretion, permit the photographing, electronic recording, broadcasting, or televising to the public of court proceedings over which that judge presides.

(B) OBSCURING OF WITNESSES AND JURORS.—(i) Upon the request of any witness (other than a party) or a juror in a trial proceeding, the court shall order the face and voice of the witness or juror (as the case may be) to be disguised or otherwise obscured in such manner as to render the witness or juror unrecognizable to the broadcast audience of the trial proceeding.

(ii) The presiding judge in a trial proceeding shall inform—

(I) each witness who is not a party that the witness has the right to request that his or her image and voice be obscured during the witness' testimony; and

(II) each juror that the juror has the right to request that his or her image be obscured during the trial proceeding.

(3) ADVISORY GUIDELINES.—The Judicial Conference of the United States is authorized to promulgate advisory guidelines to which a presiding judge, in his or her discretion, may refer in making decisions with respect to the management and administration of photographing, recording, broadcasting, or televising described in paragraphs (1) and (2).

(c) DEFINITIONS.—In this section:

(1) PRESIDING JUDGE.—The term ''presiding judge'' means the judge presiding over the court proceeding concerned. In proceedings in which more than one judge participates, the presiding judge shall be the senior active judge so participating or, in the case of a circuit court of appeals, the senior active circuit judge so participating, except that—

(A) in en banc sittings of any United States circuit court of appeals, the presiding judge shall be the chief judge of the circuit whenever the chief judge participates; and

(B) in en banc sittings of the Supreme Court of the United States, the presiding judge shall be the Chief Justice whenever the Chief Justice participates.

(2) APPELLATE COURT OF THE UNITED STATES.—The term ''appellate court of the United States'' means any United States circuit court of appeals and the Supreme Court of the United States.

(d) SUNSET.—The authority under subsection (b)(2) shall terminate on the date that is 3 years after the date of the enactment of this Act.

SEC. 23. FUNDING FOR STATE COURTS TO ASSESS AND ENHANCE COURT SECURITY AND EMERGENCY PREPAREDNESS.

(a) IN GENERAL.—The Attorney General, through the Office of Justice Programs, shall make grants under this section to the highest State courts in States participating in the program, for the purpose of enabling such courts—

(1) to conduct assessments focused on the essential elements for effective courtroom safety and security planning; and

(2) to implement changes deemed necessary as a result of the assessments.

(b) ESSENTIAL ELEMENTS.—As used in subsection (a)(1), the essential elements include, but are not limited to—

(1) operational security and standard operating procedures;

(2) facility security planning and self-audit surveys of court facilities;

(3) emergency preparedness and response and continuity of operations;

(4) disaster recovery and the essential elements of a plan;

(5) threat assessment;

(6) incident reporting;

(7) security equipment;

(8) developing resources and building partnerships; and

(9) new courthouse design.

(c) APPLICATIONS.—To be eligible for a grant under this section, a highest State court shall submit to the Attorney General an application at such time, in such form, and including such information and assurances as the Attorney General shall require.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2006 through 2010.

SEC. 24. ADDITIONAL AMOUNTS FOR UNITED STATES MARSHALS SERVICE TO PROTECT THE JUDICIARY.

In addition to any other amounts authorized to be appropriated for the United States Marshals Service, there are authorized to be appropriated for the United States Marshals Service to protect the judiciary, $20,000,000 for each of fiscal years 2006 through 2010 for—

(1) hiring entry-level deputy marshals for providing judicial security;

(2) hiring senior-level deputy marshals for investigating threats to the judiciary and providing protective details to members of the judiciary and Assistant United States Attorneys; and

(3) for the Office of Protective Intelligence, for hiring senior-level deputy marshals, hiring program analysts, and providing secure computer systems.

SEC. 25. GRANTS TO STATES FOR THREAT ASSESSMENT DATABASES.

(a) IN GENERAL.—From amounts made available to carry out this section, the Attorney General shall carry out a program under which the Attorney General makes grants to States for use by the State to establish and maintain a threat assessment database described in subsection (b).

(b) DATABASE.—For purposes of subsection (a), a threat assessment database is a database through which a State can—

(1) analyze trends and patterns in domestic terrorism and crime;

(2) project the probabilities that specific acts of domestic terrorism or crime will occur; and

(3) develop measures and procedures that can effectively reduce the probabilities that those acts will occur.

(c) CORE ELEMENTS.—The Attorney General shall define a core set of data elements to be used by each database funded by this section so that the information in the database can be effectively shared with other States and with the Department of Justice.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2006 through 2009.

SEC. 26. GRANTS FOR YOUNG WITNESS ASSISTANCE.

(a) DEFINITIONS.—For purposes of this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Bureau of Justice Assistance.

(2) JUVENILE.—The term ''juvenile'' means an individual who is 17 years of age or younger.

(3) YOUNG ADULT.—The term ''young adult'' means an individual who is between the ages of 18 and 21.

(4) STATE.—The term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(b) PROGRAM AUTHORIZATION.—The Director may make grants to State and local prosecutors

and law enforcement agencies in support of juvenile and young adult witness assistance programs, including State and local prosecutors and law enforcement agencies that have existing juvenile and adult witness assistance programs.

(c) ELIGIBILITY.—To be eligible to receive a grant under this section, State and local prosecutors and law enforcement officials shall—

(1) submit an application to the Director in such form and containing such information as the Director may reasonably require; and

(2) give assurances that each applicant has developed, or is in the process of developing, a witness assistance program that specifically targets the unique needs of juvenile and young adult witnesses and their families.

(d) USE OF FUNDS.—Grants made available under this section may be used—

(1) to assess the needs of juvenile and young adult witnesses;

(2) to develop appropriate program goals and objectives; and

(3) to develop and administer a variety of witness assistance services, which includes—

(A) counseling services to young witnesses dealing with trauma associated in witnessing a violent crime;

(B) pre- and post-trial assistance for the youth and their family;

(C) providing education services if the child is removed from or changes their school for safety concerns;

(D) protective services for young witnesses and their families when a serious threat of harm from the perpetrators or their associates is made; and

(E) community outreach and school-based initiatives that stimulate and maintain public awareness and support.

(e) REPORTS.—

(1) REPORT.—State and local prosecutors and law enforcement agencies that receive funds under this section shall submit to the Director a report not later than May 1st of each year in which grants are made available under this section. Reports shall describe progress achieved in carrying out the purpose of this section.

(2) REPORT TO CONGRESS.—The Director shall submit to Congress a report by July 1st of each year which contains a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by applicants, and an evaluation of programs established under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2006, 2007, and 2008.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 109–279. 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. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 109–279 offered by Mr. SENSENBRENNER:

In the matter proposed to be inserted by section 2 as subsection (b)(2)(C) of section 115 of title 18, United States Code, after ''if death results'' insert ''and the offender is prosecuted as a principal''.

In the matter proposed to be inserted by section 4(a) as section 1123(a) of title 18, United States Code, after ''if death results'' insert ''and the offender is prosecuted as a principal''.

In the matter proposed to be inserted by section 18(a) as subparagraph (C) of section 901(a)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 insert after ''within the State'' the following: ''or of an Indian tribe,''.

In section 18(b), strike ''local unit of government'' and insert ''unit of local government or Indian tribe'' and strike ''State or unit'' each place it appears and insert ''State, unit, or tribe''.

In the matter proposed to be inserted by section 13(b)(3) as paragraph (24) of section 604(a) of title 28, United States Code, strike '', and inform'' and all that follows through ''requirements''.

The CHAIRMAN. Pursuant to House Resolution 540, the gentleman from Wisconsin (Mr. SENSENBRENNER) and a Member opposed each will control 5 minutes.

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

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

Mr. Chairman, I offer this manager's amendment to clarify that offenders who attempt to murder or conspire to murder a Federal judge, Federal law enforcement officer, or a federally funded public safety officer are subject to a penalty of life imprisonment. If death results, the death penalty can be applied to offenders who are principals.

In addition, the amendment adds Indian tribes as eligible entities for court security grants in section 18 of the bill.

Finally, the amendment clarifies the language as to the coordination between the Marshals Service and the Administrative Office on security issues. I urge my colleagues to support the amendment to this important bill.

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

The CHAIRMAN. Who seeks time in opposition?

Mr. SCOTT of Virginia. Mr. Chairman, I think the amendment is clarifying in nature, and I have no objection. I am not aware of any objection.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. SCOTT OF VIRGINIA

Mr. SCOTT of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 printed in House Report 109–279 offered by Mr. SCOTT of Virginia:

In the matter proposed to be inserted by section 2 as a subsection (b)(2)(A)(ii) of section 115 of title 18, United States Code, strike ''and a term of imprisonment'' and all that follows through ''10 years'' and insert ''or a term of imprisonment for not more than 20 years, or both''.

In the matter proposed to be inserted by section 2 as a subsection (b)(2)(A)(iii) of section 115 of title 18, United States Code, strike ''and a term of imprisonment'' and all that follows through ''12 years'' and insert ''or a term of imprisonment for not more than 30 years, or both''.

In the matter proposed to be inserted by section 2 as a subsection (b)(2)(A)(iv) of section 115 of title 18, United States Code, strike ''and a term of imprisonment'' and all that follows through ''30 years'' and insert ''or a term of imprisonment for not more than 40 years, or both''.

In the matter proposed to be inserted by section 2 as a subsection (b)(2)(B), strike ''not less than 30''.

In the matter proposed to be inserted by section 2 as a subsection (b)(2)(C), strike ''not less than 30''.

In the matter proposed to be inserted by section 2 as a subsection (b)(2)(D) of section 115 of title 18, United States Code, strike ''and imprisonment'' and all that follows through ''10 years'' and insert ''or imprisonment for not more than 20 years, or both''.

In the matter proposed to be inserted by section 2 as a subsection (b)(2)(E) of section 115 of title 18, United States Code, strike ''5 years'' and insert ''not more than 10 years''.

In the matter proposed to be inserted by section 3(b) as a subsection (c)(1)(B) of section 111 of title 18, United States Code, strike ''not less'' and all that follows through ''10 years'' and insert ''not more than 20 years''.

In the matter proposed to be inserted by section 3(b) as a subsection (c)(1)(C) of section 111 of title 18, United States Code, strike ''not less'' and all that follows through ''12 years'' and insert ''not more than 30 years''.

In the matter proposed to be inserted by section 3(b) as a subsection (c)(1)(D) of section 111 of title 18, United States Code, strike ''not less'' and all that follows through ''30 years'' and insert ''not more than 40 years''.

In the matter proposed to be inserted by section 3(b) as a subsection (c)(2) of section 111 of title 18, United States Code, strike ''5 years'' and insert ''not more than 10 years''.

In the matter proposed to be inserted by section 20(a) as a section 1075 of title 18, United States Code, strike ''not less than 10'' and insert ''not more than 20''.

In the matter proposed to be inserted by section 21(a) as a subsection (b) of section 1114 of title 18, United States Code, strike ''and imprisonment'' and all that follows through ''or for life'' and insert ''or imprisonment for any term of years, or for life, or both''.

In the matter proposed to be inserted by section 21(b) in section 1201(a) of title 18, United States Code, strike ''and imprisonment'' and all that follows through ''or for life'' and insert ''or imprisonment for any term of years, or for life, or both''.

The CHAIRMAN. Pursuant to House Resolution 540, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

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

Mr. Chairman, this amendment eliminates the mandatory minimum sentences in the bill and replaces them with increases in maximum sentences

for which a defendant can be sentenced. This is not a soft-on-crime amendment but a sensible-on-crime amendment. In each instance in which it eliminates a mandatory minimum sentence, it raises the maximum term to which an offender can be sentenced, except in situations where they can already get life.

With the higher maximums, offenders who deserve it can be sentenced to even greater sentences than the bill allows. But those who are bit players in an offense or those who do not deserve as much time as ringleaders, do not have to be sentenced to that time anyway. What sense does it make to sentence an offender to more time than anyone believes they deserve? That is an inevitable result of mandatory minimum sentencing.

The notion that we have to have mandatory minimum sentences to force judges to sentence those who kill, injure or threaten judges or their families or others associated with the courts is obviously absurd. Judges have not asked for mandatory minimum sentences as a protection for themselves and their families. Indeed, they have asked for just the opposite.

Having the experience of sentencing people on an ongoing basis, judges see the differences in activities, roles, backgrounds of the offenders of crime. They know it makes no sense to sentence just on the basis of the name of the crime rather than on the basis of the facts and circumstances of the crime and the level of involvement and background of the offenders. Having heard all the facts and circumstances in the case, they are in a much better position to sentence offenders than Congress is in sentencing offenders with no knowledge of the individual case.

To ensure a systemic approach in sentencing like offenders in a similar manner, we have created the Sentencing Commission and the sentencing guideline system. By increasing the maximums, we signal to the Sentencing Commission to consider increasing the guideline minimums, which they characteristically do when we make such suggestions. The sentencing statistics do not establish that the courts have not followed the guidelines, especially when you take into account that most of the deviations result from government motions, or acquiescences in sentences, and guideline-sanctioned departures. Sentencing is not an exact science and should not be held to rigid statistical measurements.

Some have suggested that mandatory minimum sentencing is necessary because of recent Supreme Court decisions that prevent sentencing increases based on factors not established at the trial. Yet, their positions on mandatory minimum sentences appear to be no different before those cases were decided.

Mandatory minimums have been studied and have been found to disrupt an orderly sentencing scheme, to be discriminatory against minorities, to waste the taxpayers' money when compared to traditional sentencing where individual roles and culpability can be taken into account. If we do not trust judges to sentence offenders sufficient in other cases, the one instance where we should be able to trust judges is in the case where the charge is murder, injury, or threats to judges.

Certainly, Mr. Chairman, mandatory minimums are not indicated in this bill, so I urge my colleagues to support this amendment and remove the mandatory minimums from the bill.

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

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

Mr. Chairman, I rise in opposition to the Scott amendment. It strips all of the mandatory minimum penalties out of the bill.

The amendment seeks to strip the core provisions of the bill. Let me remind everyone of the nature of the problem we face today. More than 57,000 law enforcement officers were assaulted in 2003, or one in every 10 officers serving in the United States. The numbers have been increasing since 1999, even as every other crime has decreased or held steady.

The Executive Director of the Fraternal Order of Police noted recently ''There is less respect for authority in general and police officers specifically. The predisposition of criminals to use firearms is probably at the highest point of our history.''

The secure access proposal addresses this problem by sending a message of deterrence. The existing penalty for assaulting a law enforcement officer is 8 years, 15 if with a weapon. Under current criminal law, a false statement made to an FBI agent in a terrorism investigation carries the same penalty as a violent assault of a police officer.

Federal, State, and local judges have suffered from rising threats, and deadly attacks have been directed against judges as well as courthouse participants.

□ 1645

According to the Administrative Office of United States Courts, there are almost 700 threats made a year against Federal judges, and in numerous cases Federal judges have had security details assigned to them for fear of attack by members of terrorist organizations, violent gangs, and disgruntled litigants.

H.R. 1751 provides a reasonable penalty structure for assaults against judges, prosecutors and public safety officers, as well as members of their families. The bill adopts a penalty structure requiring 1 to 10 years for an assault that results in bodily injury, such as a cut, abrasion, bruise, burn, disfigurement, pain or illness; 3 to 12 years for substantial bodily injury, temporary but substantial disfigurement, temporary but substantial loss or impairment; and 10 to 30 years for serious bodily injury, substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

These penalties roughly correspond to existing guideline ranges and simply ensure that Federal judges impose the required penalty, but can exercise discretion to a higher penalty if warranted.

Law enforcement officers deserve our fullest protection, brazen criminals show less and less regard for the police and the hard work that they do. Our message is simple: If you attack a police officer or kill a police officer, you will be going to jail for a long time.

As revised, the mandatory minimums are commensurate with existing Federal sentencing guidelines, but in the absence of a mandatory minimum guideline system, there is too much at risk to leave the sentencing to judges who have already demonstrated their willingness to depart from the guidelines when presented with a case.

Mandatory minimum penalties are effective for ensuring consistency in sentencing. Since the Supreme Court's decision in United States v. Booker, judges now have virtually unlimited discretion to ignore the Federal sentencing guidelines and impose whatever sentence they like, all to the detriment of public safety and fairness and sentencing through consistent and clear punishment schemes. Judges are now completely unaccountable.

Congress has a duty to set sentencing policies for Federal crimes and to make sure that judges impose such sentences. Unfortunately, that has not been the experience since the Booker decision. Once freed from mandatory sentencing schemes, Federal judges are now starting to ignore the guidelines: In one of every 10 criminal cases, they are imposing sentences below the previously mandated guideline range.

In a recently released report, the Sentencing Commission data confirmed that this trend is continuing, and specifically broke out such data by circuits, which showed that judges in the Second and Ninth Circuits followed the guideline ranges in imposing sentences in a substantially lower percentage than the other circuits. Sentences now for similar crimes are being handed in disparate fashion, depending on the region where the offense occurs. This is not equal justice under the law in the Federal system.

Those judges, when they go to the Supreme Court, ought to look at the motto that is underneath the roof of the Court at the main entrance when they walk in. For these reasons, I urge my colleagues to oppose the amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The amendment was rejected.

AMENDMENT NO. 3 OFFERED BY MR. SCOTT OF VIRGINIA

Mr. SCOTT of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 printed in House Report 109–279 offered by Mr. SCOTT of Virginia:

In the matter proposed to be inserted by section 4 as section 1123(a) of title 18, United States Code, strike ''shall be punished'' and all that follows through ''death'' and insert ''shall be fined under this title or imprisoned for any term or years or for life, or both''.

The CHAIRMAN. Pursuant to House Resolution 540, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

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

Mr. Chairman, this amendment would eliminate the expansion of the Federal death penalty jurisdiction on the basis of any portion of the salary of a State or local official being covered with Federal funds. That means they could be eligible for a Federal death penalty. The notion that the Federal Government has to replace the States and localities in murder prosecutions against those who would murder a State judge or others associated with a judge or courts is absurd.

States have shown themselves quite capable of prosecuting murder cases and in obtaining death penalties where applicable. They have done far more of it, frankly, than the Federal Government, so there is no indication that this raw extension of Federal power is necessary or even desired. If a State has chosen to represent the will of its citizens by not authorizing a death penalty, why should Congress step in and impose it in spite of the State's public policy choice?

The States certainly have not asked that we add a Federal death penalty to apply to the murder of federally funded State or local officials. And there is no evidence that the kind of people who would kill or plot to kill a State court judge or other officials may be deterred by a Federal death penalty.

The public is clearly rethinking the appropriateness of the death penalty, in general, due to the evidence that it is ineffective in deterring crime, that it is racially discriminatory, and found more often than not to be erroneously applied.

A 23-year comprehensive study of the death penalty found that the death penalty had been erroneously applied 68 percent of the time. So it is not surprising that over 120 people sentenced to death over the last 10 years have been released from death row, having been completely exonerated of the crimes for which they are convicted or otherwise found to be not guilty.

Nor is it surprising that with such a sorry record of death penalty administration, that several States have abolished the death penalty or placed moratoriums on the applications of their death penalty while studies are being conducted, and why some, while they have it on the books, have not applied it in many years.

In recognition of the problems States and localities were having with administering the death penalty, Congress adopted the Innocence Protection Act just a few years ago. It provides funding to State and local entities to help ensure that there is competent counsel at all parts of the trial.

Mr. Chairman, during committee deliberations of the death penalty, we heard references to econometric research of economist Joanna M. Shepherd. I want to point out, more recently, she has done further analysis in elaboration of her research and found, in terms of deterring murders, executions deter murders in six States, have no effect on murders in eight States, and increased murders in 13 States.

Mr. Chairman, despite the fact that the death penalty is arbitrarily applied, it is discriminatory and we make mistakes, I would hope that we would delete the death penalty from this bill by adopting the amendment.

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

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

I rise in opposition to the Scott amendment which eliminates the death penalty for the killing of a federally funded public safety officer, such as a judge, police officer, firefighter, prosecutor, or a family member of a public safety officer.

According to the Bureau of Justice Statistics, 52 law enforcement officers were feloniously killed in the United States in 2003 and 56 officers were killed in the previous year.

In the 10-year period from 1994 through 2003, a total of 616 law enforcement officers were feloniously killed in the line of duty in the United States, 100 of whom were killed in ambush situations, entrapment or premeditated situations. If not for the advent of bulletproof vests, an additional 400 officers would have been killed over the last decade, except for the fact that they were wearing protective armor.

Of those responsible for killing police officers between 1994 and 2003, 521 had a prior criminal arrest, including 153 who had a prior arrest for assaulting a police officer or resisting arrest, 264 for a crime of violence, 230 for a weapons violation, and 23 for murder.

Recent events include the killing of an individual with a grenade in the Seattle Federal courthouse; the killing of Judge Roland Barnes, his deputy sheriff and a Federal agent in Atlanta; the murders of Federal Judge Lefkow's husband and mother; and the murders immediately outside the Tyler, Texas, courthouse.

These recent attacks follow on the heels of the 1998 bombing of Circuit Judge Robert Vance in the 11th Circuit; the 1998 shooting of Judge Daronoco; and the 1979 shooting of Judge Wood outside his San Antonio home.

According to the Administrative Office, there are almost 700 threats a year made against Federal judges, and security detail have had to be assigned to those Federal judges because of the threats of attacks.

The Secure Access bill authorizes, but does not require prosecution of federally funded State and local judges and first responders if there is a threat or an assault against them.

First, jurisdiction only exists when it involves Federal funding and protection of Federal investment.

Second, under current Federal law, the Department of Justice pays survivor benefits to families of first responders who are killed in the line of duty. The Federal interest in minimizing these assaults and murders is obvious and cost-saving.

The intent underlying this provision is to authorize Federal prosecution after State and local prosecutors and Federal prosecutors determine where such prosecution would best be brought. Some States do not have a death penalty and Federal prosecution of a cop killer may be warranted. Federal prosecution may be advantageous over State or local prosecutions for a variety of reasons, such as laws relating to evidence, statute of limitations, or other reasons.

The provisions do not require Federal prosecution, but only add another tool in the arsenal to protect law enforcement officers, judges, and other courthouse personnel.

The need for a swift and effective death penalty is significant in the case of violent offenders who assault and kill law enforcement officers, judges and witnesses. Several scientifically valid statistical studies that examine a period of years and control for national trends consistently show that capital punishment is a substantial deterrent and saves lives. Recent estimates show that each execution deters 18 murders.

I urge a ''no'' vote on the amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SENSENBRENNER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia (Mr. SCOTT) will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. CUELLAR

Mr. CUELLAR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 printed in House Report 109–279 offered by Mr. CUELLAR:

Section 11(c) is amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(3) by inserting after paragragraph (3) the following:

(4) shares an international border and faces a demonstrable threat from cross border crime and violence.

The CHAIRMAN. Pursuant to House Resolution 540, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

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

Mr. Chairman, my amendment is an amendment that adds a category of preferential consideration for witness protection grants for jurisdictions that share an international border and face a threat from cross-border crime.

Basically, this would allow the border prosecutors an opportunity to protect the witness that sometimes fears that they might get a threat from international cross-border threats. I believe this amendment is acceptable to Chairman SENSENBRENNER.

Mr. Chairman, Chairman SENSENBRENNER and Ranking Member CONYERS, Congressman SCOTT, thank you for this opportunity to offer my amendment to H.R. 1751, the Secure Access to Justice and Court Protection Act of 2005.

Crime and violence along the US-Mexico border presents unique challenges to the law enforcement community. Border crimes can be especially difficult to prosecute: a witness to a crime along the border may be hesitant to testify if he or she fears it is related to criminal activity across the border in another country.

The Cuellar amendment is simple; it adds a category of preferential consideration for witness protection grants for jurisdictions that share an international border and face a demonstrable threat from cross-border crime. This category will benefit such jurisdictions that choose to apply for witness protection grants.

We must provide prosecutors every means possible to adjudicate crimes along the border, and giving them preferential consideration for witness protection grants will help that goal.

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

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

Mr. SENSENBRENNER. Mr. Chairman, the amendment is a very good amendment. It is not acceptable, but it is something that I enthusiastically support.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. CUELLAR. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for his very wise amendment. He comes from a region that has suffered an enormous amount of border violence. But his local officials, in working with the gentleman, has brought this to the Nation's attention.

This amendment will protect witnesses who I think are the crux of solving some of these heinous crimes. I have supported amendments such as this, which include language in legislation that I have which deals with rewarding informants in order to get them to tell the facts that would allow for busting drug cartels and others who are perpetrating violence. This is a wise amendment, and I am happy to support it.

Mr. CUELLAR. Mr. Chairman, I thank the gentlewoman for the work she has done.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 printed in House Report 109–279 offered by Ms. JACKSON-LEE of Texas:

In section 25, strike subsection (a) and insert the following:

''(a) IN GENERAL.—The Attorney General, through the Office of Justice Programs, shall make grants under this section to the highest State courts in States participating in the program, for the purpose of enabling such courts to establish and maintain a threat assessment database described in subsection (b).''.

The CHAIRMAN. Pursuant to House Resolution 540, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I want to thank the ranking member and the chairman of the full committee and the chairman and the ranking member of the subcommittee to allow the amendment that I secured that has to do with providing courts the opportunity to establish a threat assessment database similar to that of U.S. Marshals.

□ 1700

This provides our courts hands-on immediate information in order to determine the threats that are waged against these particular courts. This simple amendment, rather than include the attorney, in essence, the change of this amendment would require the Attorney General to work through the Office of Justice Programs to make grants to the highest State courts in States participating in the Threat Assessment Database program.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I support this amendment. It makes a technical change to section 25 of the bill, and it broadens the eligibility for grants. I think it is a good amendment and urge the committee to adopt it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I thank the distinguished chairman for his support.

Let me conclude by simply saying again I remind colleagues I hope that some day we will be able to discuss the Good Time Early Relief bill that speaks to the question of individuals languishing in Federal prisons who have been nonviolent and would welcome this discussion and this legislation.

I am grateful for this amendment, and I ask my colleagues to support the amendment.

Mr. Chairman, I rise to offer an amendment to H.R. 1751, the Secure Access to Justice and Court Protection Act of 2005. Before doing so, I want to thank the Chairman and the Ranking Minority Member of the House Judiciary Committee for their efforts on this bill. Let me briefly explain the thrust of my amendment. This amendment is only a small technical change to my original amendment that was adopted during the Full Committee Markup last week. In essence, the change would require the Attorney General to work, through the Office of Justice Programs, to make grants to the highest State courts in States participating in the threat assessment database program.

The rationale for changing the language to make State Supreme Courts eligible for receiving grants for the creation of a threat assessment database is that the State courts are on the ground and have the best understanding of what type of threats are out there and where they are coming from. In addition:

The Department of Justice has interpreted language giving ''grants to States'' as going directly to State executives (Governors) and they have sometimes bypassed the State courts.

The State court administrating agencies (led by the State supreme courts) are in a better position to know about the kind of threats and attacks they experience in a given year.

The State court administrating agencies are in a better position to know how to respond to attacks and develop procedures to counter threats to the State courts.

If the grants go to the State executive, there is a chance that money expended under this program will go to another part of the State budget such as roads or education, not court security.

I respectfully request that my amendment be made in order.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 printed in House Report 109–279 offered by Mr. FILNER:

Section 26(d)(3) is amended

(1) by redesignating subparagraphs ''(D)'' and ''(E)''as subparagraphs ''(E)'' and ''(F)'', respectively; and

(2) by inserting after subparagraph (C) the following:

''(D) support for young witnesses who are trying to leave a criminal gang and information to prevent initial gang recruitment.''.

The CHAIRMAN. Pursuant to House Resolution 540, the gentleman from California (Mr. FILNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

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

I thank Chairman SENSENBRENNER and the Rules Committee for allowing this amendment to proceed. There is a very good section of the bill talking about grants for young witness assistance, and I think when we talk about that, as the bill does, very importantly, we also must explicitly talk about gangs because we know that youth witness intimidation generally comes at the hands of criminal gangs. So my amendment adds language to this section that provides for this bill to allow the use of witness protection grants by youths who are trying to leave a criminal gang or to prevent initial gang recruitment.

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

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

Mr. SENSENBRENNER. Mr. Chairman, I am happy to support this amendment. I think it plugs a hole in the original bill, and we certainly want to do whatever we can to prevent people from going into gangs and from being threatened if they are witnesses and are sworn to tell the truth, the whole truth, and nothing but the truth in criminal trials involving gang members.

Mr. FILNER. Mr. Chairman, I thank the chairman for his support.

Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Chairman, I am here to support the gentleman from California (Mr. FILNER) and his amendment to H.R. 1751. I would like to thank the chair for accepting that amendment.

What he is trying to do is to help that young person extricate him or herself and let the courts and law enforcement know aspects of gang crime that are key in convicting our most dangerous criminals on the streets.

In my district I think we have exported gang activities around the country and maybe even around the world, South Central Los Angeles. So as a result, I started a series of youth violence summits with intervention specialists, educators, counselors, and the youth themselves. And one clear message that has resonated amongst all of them is the dire need to promise our youth that if they are involved in gang activity and remove themselves, they will not be harmed or killed by the very gang that they wisely ostracize themselves from.

So this amendment clearly provides much-needed witness protection for our youth who are fearful of leaving a gang and who will come forward to testify about the inner workings of these gangs.

So I thank the gentleman very much for recognizing that we need to have options for the young people that are trying to be responsible in the process. And we are going to come back next year with a comprehensive bill because we have been studying this issue, working with it for the last 20 years; and I thank Mr. FILNER and Mr. SENSENBRENNER so much for recognizing the need to have these programs.

Mr. FILNER. If I may conclude, Mr. Chairman, according to the past president of the National District Attorneys Association, Mr. Robert P. McCullough, he said that ''prosecutors across the country believe that the issue of witness intimidation is the single biggest hurdle facing any successful gang prosecution.''

So I appreciate the chairman's acceptance of this amendment. I look forward to these grants helping our young people avoid gangs or at least avoid intimidation.

I believe when you talk about witness assistance programs for children, which this bill does, you have to talk about gangs because as many know youth witness intimidation generally comes at the hand of criminal gangs.

My amendment adds language to the witness protection grants provided in this bill to allow their use by youths who are trying to leave a criminal gang or to prevent initial gang recruitment.

Unfortunately, my district like many others across the country has a problem with gangs, which is why I introduced this amendment.

In San Diego, police department records count no fewer than 3,750 gang members on the street. Most are young—pre-teens to mid–20s. During the first six months of this year, gang violence resulted in eight homicides in San Diego, nearly a third of the total of 23.

However, don't let these statistics mislead you, gang violence is not limited to California and or big urban areas—that might have been true a while ago but it is no longer the case today. While big cities still have the majority of gangs their tentacles reach out from the cities into every aspect of our society. For example, Mara Salvatrucha, also known as MS–13, has grown from a gang that once numbered a few thousand and was involved in street violence and turf battles in Southern California into a gang that operates in at least 33 states, with an international membership in the hundreds of thousands.

Three thousand jurisdictions across the U.S. are estimated to have had gang activity in 2001. In 2002, 32% of cities with a population of 25 to 50 thousand reported a gang-related homicide. Furthermore, it is estimated that there are 840,000 active gang members in the U.S. operating in every state of the Union.

These gangs are effective because they bind their members to loyalty and create fear throughout the community in which they operate. This fear, most noticeable in children, prevents residents from cooperating with law enforcement officials and testifying against gang members. My amendment, while not a panacea for the gang problem, is a step in the right direction. It provides support to prevent initial gang recruitment and helps those young witnesses who are trying to leave criminal gangs. Passage of my amendment will decrease youth witness intimidation by gangs and as a result lead to improved prosecution of gang members.

According to the past president of the National District Attorneys Association, Robert P. McCullough, "prosecutors across the country believe that the issue of witness intimidation is the single biggest hurdle facing any successful gang prosecution." I could not agree with him more, which is why I am urging you to support my amendment.

Finally, as a matter of clarification, my amendment does not "require" states to provide such criminal gang witness assistance to be eligible for young adult witness assistance grants.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. FILNER).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. WEINER

Mr. WEINER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 printed in House Report 109–279 offered by Mr. WEINER:

At the end of the bill add the following:

SEC. . STATE AND LOCAL COURT ELIGIBILITY.

(a) BUREAU GRANTS.—Section 302(c)(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732(c)(1)) is amended by inserting ''State and local courts,'' after ''contracts with''.

(b) EDWARD BRYNE GRANTS.—

(1) FORMULA GRANTS.—Section 501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751) is amended—

(A) in subsection (a), by striking ''and units of local government'' and inserting '', units of local government, and State and local courts''; and

(B) in subsection (b), by inserting '', State and local courts,'' after ''use by States''.

(2) DISCRETIONARY GRANTS.—Section 510(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760(a)) is amended by inserting '', State and local courts,'' after ''private agencies,''.

(c) ARMOR VESTS.—Section 2501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (3796ii) is amended—

(1) in subsection (a), by inserting ''State and local court,'' after ''local,''; and

(2) in subsection (b), by inserting ''State and local court'' after ''government,''.

(d) CHILD ABUSE PREVENTION.—Section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended—

(1) in the section heading, by inserting ''**STATE AND LOCAL COURTS,**'' after ''**AGENCIES**'';

(2) in subsection (a), by inserting ''and State and local courts'' after ''such agencies or organizations)''; and

(3) in subsection (a)(1), by inserting ''and State and local courts'' after ''organizations''.

The CHAIRMAN. Pursuant to House Resolution 540, the gentleman from New York (Mr. WEINER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

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

This is a technical amendment that fixes an oversight in the bill that left out four programs that would be helpful for courts, court officers, and court security personnel to take advantage of: the Bulletproof Vest Partnership Grant program; the Byrne Memorial State and Local Law Enforcement Assistance Discretionary Grant program; the Assistance for Children's Justice Act, CJA, grants; and State Justice Statistics program for Statistical Analysis Centers.

These four grant programs, I think, the authors of the bill, Mr. GOHMERT, myself and members of the committee, had intended to be available to courts as a result of this bill, and this amendment would include those.

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

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

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman for yielding to me.

The gentleman from New York is absolutely correct in that there was an oversight in that State and local courts would not be eligible for the four grant programs that the gentleman outlined in his remarks. This amendment corrects the oversight, and I am happy to support it and hope that the committee adopts it.

Mr. WEINER. Mr. Chairman, reclaiming my time, I thank the chairman for his support.

For the balance my time here, I do want to point out one other provision that has gone largely unnoticed, but is a very important part of this bill.

I have beside me, and it is difficult to read from afar and, frankly, it is difficult to even read from up close, a Web site that distributes the personal information about judges, police officers, elected officials, and the like. This Web site, and we have obviously obscured the URL, goes so far as to talk about the comings and goings of undercover officers in New York City. It provides sensitive details of about 79 different officers, things such as what type of car they drive, things about what the comings and goings of their families are, personal habits. This is an example where we find the matrix, or perhaps I would call it the conflict, of the virtues of the Internet, how it is a place to bring information far and wide and the ability to use the Internet for what is in this case a very pernicious, mean-spirited, and perhaps deadly cause.

We know from the examples we have had judges' families stalked based on information the criminals were able to find on the Internet. In this bill we essentially incorporate H.R. 1710, the Internet Police Protection Act, that I offered. It becomes section 18 of this bill. What it says is there is a lot of publicly accessible information about judges; there is a lot of publicly accessible information about police officers. If someone wants to, if they really want to harass or harm a police officer or a judge, we should not allow the Internet to be used as a repository for information like that.

I am someone who spends a great deal of time as a member of the Judiciary Committee and a Member of this House fighting for the rights of people to free speech. I know there are going to be things on the Internet that are troubling to us, and we are always going to be in a tug and a push to try to figure out where we draw the line.

In this case, the line clearly gets drawn in the following place: if people are going to use the Internet to harass, intimidate, or harm law enforcement personnel, to harm court officers, to harm judges, then they should be illegal. This makes the test very simple. If they simply compile the database and a police officer's name happens to be on it with no intention of ill will, then obviously this would not make that illegal. But if it is clear that they are compiling a Web site like this one, which starts out, I should point out, the very first line says: ''Welcome to this legal, noncriminal Web site which provides publicly available information about NYPD, New York City Police Department, officers. This page is this Web site's most visited page,'' and it goes on to talk about how the information that was gathered was gathered in a lawful way. That is probably right. But it should be illegal. This is just the type of harassment tool, and perhaps even worse, that we need to keep off of the Internet.

I also draw another distinction, Mr. Chairman. When one is an elected official, a public official, their comings and goings are going to be more public than others. That is part of the cost of doing business. Any information about where a Congressman shows up obviously is not going to be covered by this legislation. But if one is a police officer, if one is an undercover police officer, imagine what it feels like to go home after a hard day at work dealing with some very bad people and find information about their comings and goings posted on a Web page.

This bill, the Court Protection Act, is going to make that illegal, as it should. And there may be tests that we have to figure out where the line gets drawn. Courts have come down in different places, but one thing we know: threatening speech is not protected speech. Speech that endangers someone's livelihood, endangers someone's life is not protected speech, and this provision in the Court Security Act will make that abundantly clear.

I ask for a ''yes'' vote on the Weiner amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 printed in House Report 109–279 offered by Mr. KING of Iowa:

At the end of the bill, add the following:

SEC. _____. AUTHORITY OF FEDERAL JUDGES AND PROSECUTORS TO CARRY FIREARMS.

(a) IN GENERAL.—Chapter 203 of title 18, United States Code, is amended by inserting after section 3053 the following:

''§ 3054. Authority of Federal judges and prosecutors to carry firearms

''Any justice of the United States or judge of the United States (as defined in section 451 of title 28), any judge of a court created under article I of the United States Constitution, any bankruptcy judge, any magistrate judge, any United States attorney, and any other officer or employee of the Department of Justice whose duties include representing the United States in a court of law, may carry firearms, subject to such regulations as the Attorney General shall prescribe. Such regulations shall provide for training and regular certification in the use of firearms and shall, with respect to justices, judges, bankruptcy judges, and magistrate judges, be prescribed after consultation with the Judicial Conference of the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 3053 the following:

''3054. Authority of Federal judges and prosecutors to carry firearms.''.

The CHAIRMAN. Pursuant to House Resolution 540, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

First, Mr. Chairman, I want to thank Chairman SENSENBRENNER and Mr. GOHMERT for bringing this underlying bill to the floor, H.R. 1751.

My amendment specifically addresses the problem of violence in and around Federal courthouses. The amendment authorizes any Federal judge, magistrate, United States Attorney, or any other officer of the Department of Justice who represents the U.S. in a court of law to carry firearms. They would be subject to training and regulation as prescribed by the Attorney General.

Currently, a number of States permit State prosecutors to carry firearms. However, this right is not extended to all Federal prosecutors and Federal judges. My amendment would allow both Federal judges and Federal prosecutors to carry firearms for their and their families' protection and provide for training and regular certification.

The need for my amendment was made clear by the recent tragedies involving, and we have heard the chairman speak to these issues, the brutal

murder of family members of U.S. District Judge Joan Lefkow; the slaying of Judge Rowland Barnes, his court reporter, deputy sheriff, and a Federal officer in Atlanta; the cold-blooded shootings outside the Tyler, Texas courthouse, among others. These situations underscore the importance of security for judges and prosecutors.

There is a significant need to allow judges and U.S. Attorneys to carry firearms because threats and dangerous assaults upon them are steadily increasing. By virtue of their positions, United States judges and prosecutors are high-profile targets. They and their families have often been victims of violent crimes, murder, and threats to their personal safety.

United States judges, justices, and U.S. Attorneys bravely serve the people of the United States of America. They prosecute our most serious, sophisticated, and violent offenders. These offenders range from international terrorists to armed career criminals.

Protecting the courthouse is important, Mr. Chairman, but the courthouse is just a building. This amendment is designed to provide meaningful protection to the actual person and his or her family. My amendment extends protection from the courthouse to the homes in the areas where the judges and prosecutors live.

Our Nation relies and depends upon the sound and unintimidated judgment of these dedicated public servants. We owe them every reasonable tool to protect themselves and their families. This includes the right to carry an effective personal security tool.

Mr. Chairman, I urge a ''yes'' vote on this amendment.

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

Mr. SCOTT of Virginia. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed.

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

There was no objection.

Mr. SCOTT of Virginia. Mr. Chairman, I wonder if the gentleman from Iowa would respond to a couple of questions. I would ask the gentleman whether or not this applies to Federal officials only; we are not imposing this on State officials.

Mr. KING of Iowa. Mr. Chairman, will the gentleman yield?

Mr. SCOTT of Virginia. I yield to the gentleman from Iowa.

Mr. KING of Iowa. Yes, Mr. Chairman, it applies only to Federal officials who will represent the United States of America in a court of law, the voice of the Federal Government in a court of law.

Mr. SCOTT of Virginia. Mr. Chairman, reclaiming my time, also, did the Federal officials ask for this new power?

I yield to the gentleman.

□ 1715

Mr. KING of Iowa. Mr. Chairman, on that specific question, I cannot answer ''yes'' to or ''no'' to. I am working with a piece of language I believe in, and I have not looked a Federal official in the eye that specifically asked me.

Mr. SCOTT of Virginia. Mr. Chairman, reclaiming my time, it is my understanding that this was in fact their request, in fact, their number one request. Does the gentleman have any evidence or know anything contrary to that?

Mr. KING of Iowa. I have been informed that, yes, we have Federal officials that have asked for this legislation. I would point out that it is not mandatory that they accept carrying a firearm; it is their option that they exercise under the regulation provided by the Attorney General.

Mr. SCOTT of Virginia. Reclaiming my time, I would finally ask, is this the right to carry, subject to training and regulation prescribed by the Attorney General? I yield to the gentleman.

Mr. KING of Iowa. It is subject to training and regulation as prescribed by the Attorney General.

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

Mr. SCOTT of Virginia. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I appreciate the gentleman yielding. I support the amendment as well, and I understand why Federal officials who are designating the amendment would feel a need for this. As long as it is optional and as long as it requires training and certification, I think that this is an appropriate thing, to empower those Federal officials designated who feel the need to carry a firearm to be able to do so.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY SCOTT OF VIRGINIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. SCOTT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 97, noes 325, not voting 11, as follows:

[Roll No. 583]

AYES—97

Abercrombie
Ackerman
Allen
Baldwin
Bartlett (MD)
Berman
Blumenauer
Brown (OH)
Capuano
Carson
Clay
Cleaver
Clyburn
Conyers
Cummings
Davis (IL)
DeGette
Delahunt
Dingell
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Green, Al
Gutierrez
Hinchey
Hoekstra
Holt
Honda
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kildee
Kilpatrick (MI)
Kucinich
Lee
Levin
Lewis (GA)
Lowey
Lynch
Maloney
Markey
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore (WI)
Nadler
Neal (MA)
Oberstar
Obey
Olver
Owens
Pastor
Paul
Payne
Pelosi
Rahall
Rangel
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (VA)
Serrano
Slaughter
Smith (NJ)
Smith (WA)
Solis
Stark
Tierney
Towns
Udall (CO)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Woolsey

NOES—325

Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Emanuel
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Holden
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
Matsui

McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Melancon
Menendez
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Ney
Northup
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (TX)
Snyder
Sodrel
Souder
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Udall (NM)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)

NOT VOTING—11

Boswell
Brown-Waite, Ginny
Conaway
Davis (FL)
Hastings (FL)
Norwood
Pence
Sessions
Strickland
Sweeney
Young (FL)

□ 1745

Messrs. BRADY of Pennsylvania, GARRETT of New Jersey, GARY G. MILLER of California, RYAN of Wisconsin, McCAUL of Texas, MORAN of Virginia, BUTTERFIELD, UDALL of New Mexico, Ms. HARRIS, Ms. CORRINE BROWN of Florida, Ms. DELAURO and Ms. MATSUI changed their vote from ''aye'' to ''no.''

Mr. UDALL of Colorado and Ms. SOLIS changed their vote from ''no'' to ''aye.''

So the amendment 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. TERRY) having assumed the chair, Mr. SIMPSON, 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. 1751) to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes, pursuant to House Resolution 540, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on 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. HIGGINS

Mr. HIGGINS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HIGGINS. Yes, in its current form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Higgins moves to recommit the bill H.R. 1751 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Insert at the appropriate place the following:

SEC. ____. PROHIBITION OF PROFITEERING AND FRAUD IN CONNECTION WITH MILITARY ACTIONS AND DISASTER RELIEF.

(a) IN GENERAL.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following:

''§ 1351. Profiteering and fraud in connection with military actions and disaster relief

''(a) PROHIBITION.—Whoever, directly or indirectly, in any matter involving a contract with the Federal Government or the provision of goods or services to or on behalf of the Federal Government, in connection with military action, or relief or reconstruction activities in Iraq or Afghanistan or any other foreign country, or relief or reconstruction efforts provided in response to a major disaster declaration under section 401 of the Disaster Relief Act of 1974, or an emergency declaration under section 501 of the Disaster Relief Act of 1974, knowingly and willfully—

''(1) executes or attempts to execute a scheme or artifice to defraud the United States;

''(2) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

''(3) 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

''(4) materially overvalues any good or service with the specific intent to excessively profit from the federal disaster or emergency;

shall be fined under subsection (b), imprisoned not more than 30 years, or both.

''(b) FINE.—A person convicted of an offense under subsection (a) may be fined the greater of—

''(1) $1,000,000; or

''(2) if such person derives profits or other proceeds from the offense, not more than 3 times the gross profits or other proceeds.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 63 of title 18, United States Code, is amended by adding at the end the following new item:

''1351. Profiteering and fraud in connection with military actions and disaster relief.''.

Mr. HIGGINS (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

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

Mr. SENSENBRENNER. Mr. Speaker, reserving the right to object, the majority was recently, within the last 2 or 3 minutes, given a copy of this motion to recommit. This comes as a complete surprise. This is not the way to legislate, Mr. Speaker. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue the reading.

The Clerk continued to read the motion to recommit.

PARLIAMENTARY INQUIRY

Mr. RANGEL (during the reading). Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RANGEL. Mr. Speaker, I have no idea as to what the objection was raised to. The House was not in order when the gentleman was speaking. The House has no way to know as to what objection he raised.

Is it possible for the Chair to edify the House as to why the objection was made to dispensing with the reading?

The SPEAKER pro tempore. The gentleman from Wisconsin objected to the dispensing of the reading.

The Clerk will continue to read.

Mr. RANGEL. Mr. Speaker, my parliamentary inquiry was, could the Chair share with us the reason given by the distinguished objector?

The SPEAKER pro tempore. An objection has already been heard.

Mr. RANGEL. I cannot hear the Chair.

The SPEAKER pro tempore. An objection has been heard.

The Clerk will continue reading the motion.

The Clerk continued reading the motion to recommit.

Mr. SENSENBRENNER (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the motion to recommit be dispensed with.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York is recognized for 5 minutes in support of his motion to recommit.

Mr. HIGGINS. Mr. Speaker, when this Nation has been hit with terrorist attacks or national disasters, America has always responded with a strong, decisive, generous spirit. Four years ago on September 11, 2001, without warning, like missiles from hell, two planes filled with the most innocent of victims slammed into the World Trade Center's twin towers, 3,000 dead seemingly in an instant. America's response was quick, decisive and powerful.

On that day, we as Americans took a hit, but we stood united and we responded with confidence, blue States and red States, suburban and urban, black and white, rich and poor, together, united. Everyone suffered equally and resolved collectively to rebuild, to sacrifice, to reaffirm boldly what the scum terrorists had tried to destroy. People reached deep within themselves and from the collective heart a supremely compassionate response for and from the ages, a source of national pride forever. Confidence in public officials and institutions soared.

Today, Mr. Speaker, we are a nation that is stumbling. We have lost our confident and compassionate way. In the wake of Hurricane Katrina, the Federal Government's response was slow and sluggish, sloppy and uneven. No one took responsibility and there was no leadership. None. Our collective and national compassion was reduced to internal retreat and rapacious impulses. While so-called leaders spun blame, the poor, the sick and the stranded continued to suffer. We, as a nation, collectively fell down and hard, and against and away from the greater good that is in all of us.

Mr. Speaker, government-sponsored no-bid contractors at politically motivated firms like Halliburton are exploiting our Nation's generosity here in America and abroad. In the gulf coast region of this Nation and in the Middle East region of this world, contractors are pillaging the very people whose economic interests we have been sent here to protect. In the midst of war and in the aftermath of natural disaster, hundreds of millions in taxpayer-funded relief and recovery are being wasted, squandered, lost forever.

Mr. Speaker, the motion I offer today will impose stiff fines and criminal penalties on contractors who knowingly falsify information in order to win approval of government contracts during Presidentially declared emergencies. While in this Chamber the proper role of government is often debated, the one undisputed and unifying principle is that above all else, our responsibility to each other and to the American people is to protect the Nation from entities who seek to injure and destroy us and from natural disasters that devastate our community.

Mr. Speaker, the motion I offer today at this defining moment in our Nation's history will either reaffirm the promise of our Nation's greatness or condemn us from this moment on for failing to live up to our obligations as a nation that deserves and demands only from us fairness and goodness.

Mr. Speaker, I urge all the Members to support this motion to end this culture of corruption.

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

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Speaker, this motion is offered by a Member who stated to the Speaker that he is opposed to this bill. He is opposed to providing additional security to judges, to prosecutors, to witnesses, to victims and their family members. He is opposed to a bill that has been worked on significantly on a bipartisan basis. And he has stated that he is opposed to doing something where there is a crying need, given the threats and the murders in courthouses all around the country, and not just Federal courthouses but State and local courthouses as well.

Now, what does he propose to do in the motion to recommit? He proposes to add additional criminal penalties for things that are already criminal. And all that does is to confuse juries, to confuse prosecutors, to confuse people who are attempting to do business with the government.

Profiteering in an illegal manner is already criminal under the United States Code. We do not need to confuse the issue with an additional statutes. And we do not need to defeat this bill by this motion that has been offered by several proclaimed opponents of this bill.

□ 1800

The bill is a good one. In order to get it passed and signed into law to protect the judicial branch and those who do business and work for it, vote this silly motion down and pass the bill as has been worked out on a bipartisan basis.

Mr. FARR. Mr. Speaker, I rise in support of the motion to instruct conferees on the PATRIOT and Terrorism Prevention Reauthorization bill.

This Motion to Instruct would take the most contentious provisions of this bill and sunset them in 4 years. These provisions include section 215, which allows officials to order the surrender of anything when relevant to a terror investigation, section 206 which allows secret wiretap orders without definition of who and where the tap will go, and the "Lone Wolf" provision which allows the government to surveil so called "agents of a foreign power" who act alone.

Egregious law that robs the civil liberties of law abiding Americans should be reviewed sooner than later, therefore I strongly support these sunset provisions proposed in this motion to instruct.

My constituents agree that the American people should not have to compromise their civil liberties in order to combat extremism. The local governments of Pacific Grove, Salinas, Santa Cruz, and Watsonville, CA have all passed resolutions expressing their concerns with the anti-privacy and anti-liberty nature of the PATRIOT Act.

I also would like to note my disappointment that the fiscal year 2006 State-Science-Justice-Commerce Appropriations bill included one of the most invasive provisions of the PATRIOT Act that permits sweeping searches and seizures of library and bookstore patron records, despite this body's condemnation of the provision earlier this year.

Voices in the Congress echo voices of people across America.

I urge a "yea" vote on the motion to instruct.

The SPEAKER pro tempore (Mr. TERRY). 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. HIGGINS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 201, noes 221, not voting 11, as follows:

[Roll No. 584]

AYES—201

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
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky

Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—221

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

NOT VOTING—11

Boswell
Brown-Waite, Ginny
Conaway
Davis (FL)
Hastings (FL)
Norwood
Pence
Sessions
Strickland
Sweeney
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1818

Mr. CLEAVER changed his vote from ''no'' to ''aye.''

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.

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 375, nays 45, not voting 13, as follows:

[Roll No. 585]

YEAS—375

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
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
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
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)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Obey
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)

NAYS—45

Baldwin
Carson
Clay
Conyers
Cummings
Davis (IL)
Delahunt
Filner
Grijalva
Hinchey
Holt
Jackson (IL)
Kildee
Kilpatrick (MI)
Kucinich
Lee
Lewis (GA)
Markey
McDermott
McGovern
McKinney
Michaud
Miller, George
Mollohan
Moore (WI)
Nadler
Oberstar
Olver
Owens
Paul
Payne
Rahall
Roybal-Allard
Rush
Sabo
Schakowsky
Scott (VA)
Solis
Stark
Tierney
Velázquez
Waters
Watt
Waxman
Woolsey

NOT VOTING—13

Boswell
Brown-Waite, Ginny
Conaway
Davis (FL)
Hastings (FL)
McCollum (MN)
Norwood
Pence
Price (GA)
Sessions
Strickland
Sweeney
Young (FL)

□ 1831

Ms. KILPATRICK of Michigan and Mr. OWENS changed their vote from ''yea'' to ''nay.''

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. PRICE of Georgia. Mr. Speaker, on roll-call No. 585 I was inadverently detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. PENCE. Mr. Speaker, I was detained this afternoon. Had I been present, I would have voted in the following manner: Rollcall 581 (On passage—H.R. 2862)—"aye"; rollcall 582 (On passage—S. 1894)—"aye"; rollcall 583 (On Agreeing to the Scott #9 Amendment)—"nay"; rollcall 584 (On Motion to Recommit with Instructions—H.R. 1751)—"nay"; and rollcall 585 (On Passage—H.R. 1751)—"aye."

PERSONAL EXPLANATION

Mr. NORWOOD. Mr. Speaker, though I was absent on Wednesday, November 9, 2005, for medical reasons, I wish to have my intended votes recorded in the CONGRESSIONAL RECORD for the following votes: Rollcall vote 577 on H. Res. 539—"aye"; rollcall vote 578 on H. Res. 538—"aye"; rollcall vote 579 on H. Res. 540—"aye"; rollcall vote 580 on the Adoption of Conference Report on H.R. 2419—"nay"; rollcall vote 581 on the Adoption of Conference Report on H.R. 2862—"aye"; rollcall vote 582 on S. 1894—"aye"; rollcall vote 583 on Amendment numbered 3 in House Report 109–279—"nay"; rollcall vote 585 on H.R. 1751—"aye."

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Mr. Speaker, do the House rules not require that the proponent of an unsuccessful motion to recommit, who has stated that he or she is opposed to the bill in its present form, vote against the bill on final passage?

The SPEAKER pro tempore (Mr. TERRY). A Member must state his opposition to the bill in order to qualify to offer a motion to recommit.

Mr. SENSENBRENNER. Mr. Speaker, further parliamentary inquiry. I noticed that the proponent of the motion to recommit, who stated his opposition, voted in favor of the bill after the motion to recommit was rejected by the House.

Is that not in violation of the rules?

The SPEAKER pro tempore. The positive rule is satisfied when the gentleman states his opposition to the bill in qualifying to be recognized to offer the motion.

Mr. SENSENBRENNER. Mr. Speaker, further parliamentary inquiry. If the gentleman states his opposition to the bill and then does not follow up his statement, are not the rules violated or the House misled?

The SPEAKER pro tempore. The Chair accepts the gentleman's statement as final, but it does not bind his vote on passage as a matter of positive rule.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1751, SECURE ACCESS TO JUSTICE AND COURT PROTECTION ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1751, the Clerk be authorized to make technical corrections and conforming changes to the bill.

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

There was no objection.

SAYING FAREWELL TO HOUSE PARLIAMENTARIAN MUFTIAH McCARTIN

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

Mr. DREIER. Mr. Speaker, I would like to say that all of us as Members of this great institution owe a tremendous debt of gratitude to our Parliamentarian and his staff of Parliamentarians who do a phenomenal job for us.

One of the very best examples of success from those Parliamentarians who work daily to ensure the orderly operation of this great institution is our friend, Muftiah McCartin.

After nearly three decades in the Office of the Parliamentarian, Muftiah is retiring to spend more time with her family. As anyone who has worked with Muftiah can attest, speaking with her is like having a double espresso. Her enthusiasm for her job is infectious, and there is no doubt that we will sorely miss her, for after working here 30 years, she is retiring.

Muftiah has worked in the House longer than most Members. This year I marked my 25th year of service in this institution, and she was working here 5 years before I arrived. Over the course of those three decades, she has served under six Speakers and during the tenure of six Presidents. Most importantly, she has worked for three Parliamentarians of the House.

Mr. Speaker, throughout her career in this institution, Muftiah has strived for personal and professional excellence; and she, without a doubt, achieved both. After earning her bachelor's degree and law degree while working in the office as a clerk, Muftiah became the first woman to be appointed a Parliamentarian in January, 1991.

In my position chairing the House Rules Committee, we have a special bond with Muftiah. She has worked very closely with the staff members of the Rules Committee in drafting many of the rules for considering legislation on the floor. As Members know, at this moment, we are in the process of dealing with something of a challenge as we put together the manager's amendment for the measure that we will be passing out of this House tomorrow.

She also served as the long-time editor of the House Rules and Manual. I have my appropriate prop right here for those who have not seen that. And she edited two editions of House Practice. I know she takes great pride in both the contents and the craftsmanship of these beautiful, leather-bound volumes that each of us has in our office.

Muftiah has always had a passion for service and an endearment for this institution and a commitment to our great democracy. Over many years and many late nights, she has been essential to the work of the House. Her unvarnished advice has helped countless bills receive a proper hearing on the floor. We were very lucky to have her. Though they may not have known her name, the American people have been very, very fortunate to have had Muftiah McCartin working on their behalf.

Mr. Speaker, on behalf of all of the Members and the staff Muftiah so ably served over these past 30 years, I would like to offer my sincere thanks and very best wishes for a happy and fulfilling retirement to Muftiah.

Congratulations, Muftiah.

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

Mr. DREIER. I yield to my very good friend from Peoria, Illinois.

Mr. LAHOOD. Mr. Speaker, I thank the chairman of the Rules Committee for taking time this evening to honor Muftiah, because as some Members know, when we came here in 1994, which is the class I was elected to, not one of us had ever really served as Speaker pro tem because we had been out of the majority for 40 years. For those of us who have had the privilege of acting as Speaker pro tem, we have relied almost exclusively on the Parliamentarians to give us good advice, to share with us the importance of chairing the House in a way that dignifies this body, by following the rules, doing it in a fair and bipartisan way; and for the kind of opportunity that I think Muftiah has provided to those of us who have had this privilege, we are very, very grateful to her.

As one who was a former staffer of 17 years for two previous Members, one who served as the longest-serving Republican leader, Bob Michel, in the minority we relied a great deal on the Parliamentarians to help guide us through meeting the challenges of trying to get things done as a minority party. Muftiah was certainly a part of that team that really helped us do that.

Then coming into the majority party and serving with great privilege and honor as Speaker pro tem, I can tell you that Muftiah was extraordinary in her ability to help us get through some very, very important legislation not only for those of us in the majority party, but for the country. We could not have done it without her great assistance and great knowledge.

She is an extraordinary person, outside of the work she does here in the House and aiding all of us who sit in the Chair, but in her own personal life, as the mother of four children, having a spouse, and having to work long hours. As one who has served here as a staffer, I can tell you that the staff does not get enough credit for the good work that goes on around here in helping us do the work that we do.

In particular, the Parliamentarians do an extraordinary job in making sure that things are done correctly, by the book, and Muftiah has certainly been a part of a great team and will be greatly missed.

Muftiah, thank you for the wonderful, wonderful, good, solid advice and the professional manner with which you have distinguished yourself in this House of Representatives. I know it is very difficult to walk away.

Mr. Speaker, we owe her a great deal for what she has done for those of us who have had the privilege of presiding and for her great advice.

Good luck and Godspeed. We are very grateful to you.

Mr. DREIER. Mr. Speaker, reclaiming my time, I would say to my friend that so many of us have seen the gentleman from Illinois, in an extraordinarily able manner, preside over this institution. The word is now out that it is not RAY LAHOOD who is presiding so ably over this great institution, it is Muftiah McCartin who is, in fact, making that happen.

When it comes to appreciation, the gentleman is absolutely right, Mr. Speaker, we do not express enough appreciation to our staff.

Muftiah, I will say to you, you saw what RAY LAHOOD did to ensure that he was adequately appreciated. He went from serving as a staff member to becoming a Member of Congress. I don't want to necessarily recommend that to you as you head into retirement, but if you do want to follow the LaHood model, it is certainly something you might consider.

Let me say again, congratulations to Muftiah for her phenomenal service. I know on behalf of Speaker HASTERT, the House leadership, and all the Members of this institution on both sides of the aisle, we are very, very honored to have had you serve here so ably.

Ms. PELOSI. Mr. Speaker, I rise today to honor the many years of service of House parliamentarian, Muftiah McCartin, who completes her excellent work in this body later this week.

Ms. McCartin joined the Parliamentarian's office in 1976, and has served during the tenure of six Speakers of the House, and six Presidents.

In 1991, she became the first woman to be appointed a Parliamentarian. As someone who understands the importance of breaking glass ceilings, I am particularly honored to acknowledge her outstanding work.

Muftiah has always had a wonderful smile and a warm demeanor on the House floor. As we know, it can get pretty heated in debate and very partisan.

But Muftiah has always been a calm and rationale presence to Members of both sides of the aisle and their staff who seek parliamentary advice. She has brought a keen mind, and a clear understanding of House rules that has served this institution very well.

In addition to the long, grueling hours that she has spent on the House floor, Muftiah McCartin has managed to raise four wonderful children: Marissa, Elaine, Sandra, and Luke. I'm sure she will welcome spending the extra time with her family and her husband, Terry.

Muftiah, today we thank you for your service to this great institution and wish you the very best. You have been a tremendous asset to the work that we do every day. And we will miss you.

Thank you again for your many years of commitment toward making this House of Representatives a better place.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the 1-minute speech I just offered.

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

There was no objection.

SAYING FAREWELL TO MUFTIAH McCARTIN

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

Mr. DEFAZIO. Mr. Speaker, I rise today to honor the many years of service of House Parliamentarian Muftiah McCartin, who completes her excellent work in this body later this week. Ms. McCartin joined the Parliamentarian's Office in 1976, and has served during the tenure of six Speakers and six Presidents. In 1991, she became the first woman to be appointed a Parliamentarian.

The minority leader, Ms. PELOSI, is someone who understands the importance of breaking glass ceilings. She had hoped to be here personally to congratulate Muftiah on her outstanding work and her dedication over the many years.

She goes on to say Muftiah always had such a wonderful smile and warm demeanor on the House floor, which I might comment often lacks smiles and warm demeanors. Well, it is warm; sometimes heated. As we know, it can get heated in debate and very partisan, but she has always been a calm and rational presence to Members on both sides of the aisle and their staff who seek parliamentary advice. She brought a keen mind and a clear understanding of House rules that have served this institution very well.

In addition to the long, grueling hours she has spent on the House floor, she has managed to raise four wonderful children: Marissa, Elaine, Sandra, and Luke, one of whom has the great, good sense to have moved to my congressional district. That is my district, not Ms. PELOSI's. I am sure she will welcome spending the extra time with her family and her husband, Terry.

Muftiah, today we thank you for your service to this great institution and wish you the very best. You have been a tremendous asset to the work we do every day, and we will miss you. Thank you again for your many years of commitment toward making the House of Representatives a better place.

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

Mr. DEFAZIO. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, I find it a great irony and some goodness that I can get some time from my friend.

I was sitting in my office and I did not know, frankly, that Muftiah was old enough to retire, take on another job, or leave the nest here, or whatever she is doing, but as somebody who has personally benefited from her expertise and wisdom, as I have had the honor to sit in the Chair, I can say we could not have laymen go up there and hold the gavel without somebody like Muftiah at our right arm telling us sometimes what to say and what not to say. I am sure she never would sit down when I had the gavel because she was nervous something would go awry.

The other thing that is important, when school kids and visitors come to the House Chamber, I often point to the picture of George Washington and the fact that you can still see the sword painted out of his hand. I explain to school kids the reason the sword was painted out of his hand in his portrait in the House Chamber is that we philosophically believe that our debate here, our spirited debate, sometimes our acrimonious debate, sometimes our bitter debate, is still better than the alternative, and that alternative is civil war or civil disruption, as we see around the world.

□ 1845

I believe that all of our Parliamentarians aid that in that sometimes we get out of line, Democrats or Republicans, in the spirit of the moment, in the emotion of the moment, and we say something that we regret saying; and it is at that time when all eyes turn to a nonpartisan, objective third party who can say everybody sit down, a little calmness here, let us get through this maze of parliamentary mystery and then get back on the course of civil discussion.

I want to say, Muftiah, thank you for being part of that team and thank you for everything that you are doing. Your job is a profound one, and it is one that should be studied in every civics class in every school at every level of education in America.

And I want to say to my friend from the west coast who does not always vote green when I vote red and vice versa, we always agree that this is the place where we can come and have good, open debate thanks to people like Muftiah and the Parliamentarians.

Mr. DEFAZIO. Mr. Speaker, reclaiming my time, that is correct. I only regret that she trained him too well.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. FORTENBERRY). 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 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.)

HONORING THE 100TH TEXAN: MARINE STAFF SERGEANT RUSSELL SLAY

Mr. POE. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Indiana.

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

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, it has been said that ''never in the history of the world has any soldier sacrificed more for the freedom and liberty of total strangers than the American soldier,'' said by Zell Miller about the American fighting men.

I rise today to honor a young American marine from my southeast Texas district, Marine Staff Sergeant Russell Slay, who valiantly served the Nation in Iraq and who died doing so. He was a member of the 2nd Assault Amphibian Battalion of the 2nd Marine Division at Camp Lejeune, North Carolina.

Russell Slay grew up in my hometown of Humble, Texas. As a student at Humble High School, he played football and was in the band. After he graduated from Humble High School, he started working, but quickly realized that he needed something more in his life. His high school friend Jason Tucker had joined the Marine Corps, and he had made the decision to join him and fight for his country. His father, Roy, a retired Houston police officer and a long-time friend of mine, said of his son, ''Russell wanted to be somewhere that would teach and inspire him.''

During his 10-year military career, he was trained to drive armored vehicles that carried combat troops from ships to beachheads during amphibious attacks. During his first tour of Iraq in 2002, Slay took part in overtaking Baghdad. He had been in charge of a section of four armored all-terrain vehicles. He left for his second mission on September 11, 2004.

Upon receiving his orders to report for a second tour in Iraq, Staff Sergeant Slay told his family and friends that he did not think he would make it back. A year ago today, Russell Slay's perceptive premonition became a reality. He was the 100th Texas member of the Armed Forces to be killed in Iraq. And, by the way, Mr. Speaker, one out of every 10 Americans wearing the uniform today is from the State Texas. Russell Slay was 28 years old. He died in combat with seven others in Fallujah when his armored vehicle was attacked by terrorists.

His funeral was a moving memorial to him as a devoted father, son, and friend. More than 450 people paid their respects to a man that was remembered for his engaging spirit and his love of life. Family and friends expressed that Slay was nothing short of spectacular. His sense of humor was contagious. He was a loving, loyal, and dedicated father.

He left behind a 9-year-old daughter, Kinlee, and a 5-year-old son, Walker. At the funeral, Marine Captain Mike Evans read letters that Slay had prepared for his children in anticipation of his death. He told his daughter, Kinlee: ''I love you and never knew what life was before you were born. You will always be Daddy's little girl.'' He encouraged her to have the best life possible and to be sure that she went to college. He said: ''Daddy will always be with you and watching out for you. Hugs and kisses. I'll miss you.''

He also wrote to his son, Walker, and told him that watching him grow up was ''like reliving his own youth. He said: ''You're the best little man there ever was. Be a studious son and stay in school. Always be a man. If you make mistakes, stand up and say so.'' Russell Slay encouraged his son to have children of his own so he too could feel the joy and happiness that had been brought to him.

He insisted in his letter that his family know how much he loved them, and he wrote: ''I promise you my family was my last thought. Don't mourn for me, but celebrate my life.''

Nine-year-old daughter Kinlee spoke at her father's funeral, and through tears she talked about playing cars with her dad and brother and shopping at Wal-Mart. She spoke fondly about the weekend family ritual of washing the car.

Charlie Flannigan, who officiated the funeral service, told of Slay's skills in the band that he and his buddies had created in Iraq. They called it the Texas Trio. He said Russell was not the best athlete, but he sure knew how to play a guitar.

Staff Sergeant Russell Slay in 28 short years had already exhibited a lifetime of bravery and boldness. Mr. Speaker, Thomas Jefferson once said: ''From time to time the tree of liberty must be watered with the blood of tyrants and patriots.'' Russell Slay was a true American patriot. Russell Slay died for Americans. He died for Iraqis. He died for freedom.

Staff Sergeant Russell Slay, we will never forget the price you paid for America, and we thank you for devoting your life to your country. You are a true American hero. You make us proud.

So Semper Fi, Staff Sergeant Slay, Semper Fi.

HONORING THE AMERICAN FALLEN IN IRAQ AND AFGHANISTAN

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, Veterans Day marks the 87th anniversary of the armistice ending World War I. On this date we honor the soldiers, sailors, marines, and aviators who have protected the United States in times of war.

Today, we are again a Nation at war; 2,058 American military personnel have now given their lives fighting in Iraq; 247 Americans have fallen in Afghanistan.

This Veterans Day we must honor those who have served, those who have been wounded, and those who have fallen.

For this reason, I have introduced a resolution, with 73 cosponsors, honoring each of the fallen from Iraq and Afghanistan by name.

I have also led a bipartisan group of 21 Members of Congress in reading the names of the fallen into the CONGRESSIONAL RECORD. Tonight, we continue this tribute with the names of the most recently fallen, completing all 2,300.

God bless each of the brave Americans, men and women, whose memory we honor tonight; and their families are in our prayers.

Sergeant Eric A. Fifer, Private 1st Class Nicholas J. Greer, Lance Corporal Sergio H. Escobar, Staff Sergeant Gary R. Harper Jr., Staff Sergeant Jerry L. Bonifacio Jr., Specialist Jeremy M. Hodge, Lieutenant Colonel Leon G. James II, Sergeant Leon M. Johnson, Sergeant 1st Class Brandon K. Sneed, Staff Sergeant Matthew A. Kimmell, Sergeant Donald D. Furman, Specialist James T. Grijalva, Master Sergeant Kenneth E. Hunt, Jr., Sergeant Lorenzo Ponce Ruiz, Petty Officer 1st Class Howard E. Babcock IV, Specialist Robert W. Tucker, Specialist Samuel M. Boswell, Specialist Bernard L. Ceo, Sergeant Brian R. Conner, Sergeant Mark P. Adams, Specialist Thomas H. Byrd, Specialist Jeffrey W. Corban, Specialist Richard Allen Hardy, Staff Sergeant Vincent E. Summers, Specialist Timothy D. Watkins, Lance Corporal Daniel Scott R. Bubb, Lance Corporal Chad R. Hildebrandt, Chief Warrant Officer Paul J. Pillen, Lance Corporal Christopher M. Poston, Specialist Lucas A. Frantz, Lance Corporal Norman W. Anderson III, Specialist Daniel D. Bartels, Staff Sergeant Tommy Ike Folks, Jr., Specialist Kendall K. Frederick, Sergeant Arthur A. Mora, Jr., Specialist Russell H. Nahvi, Specialist Jose E. Rosario, Sergeant Jacob D. Dones, Staff Sergeant Dennis P. Merck, Staff Sergeant Richard T. Pummill, Lance Corporal Andrew D. Russoli, Lance Corporal Steven W. Szwydek, Lance Corporal Kenneth J. Butler, Corporal Benny Gray Cockerham III, Corporal Seamus M. Davey, Captain Tyler B. Swisher, Petty Officer 3rd Class Christopher W.

Thompson, Staff Sergeant George T. Alexander, Jr., Lance Corporal Jonathan R. Spears, Corporal Benjamin D. Hoeffner, Specialist Christopher T. Monroe, Sergeant Michael T. Robertson, Sergeant 1st Class Ramon A. Acevedoaponte, Staff Sergeant Lewis J. Gentry, Sergeant Evan S. Parker, Master Sergeant Thomas A. Wallsmith, Sergeant James Witkowski, Lance Corporal Robert F. Eckfield, Jr., Lance Corporal Jared J. Kremm, Staff Sergeant Daniel R. Lightner, Jr., Captain Michael J. Mackinnon, Colonel William W. Wood, 1st Lieutenant Debra A. Banaszak, Private 1st Class Dillon M. Jutras, Sergeant Shaker T. Guy, Captain Raymond D. Hill II, Staff Sergeant Travis W. Nixon, Private 1st Class Kenny D. Rojas, Staff Sergeant Joel P. Dameron, Sergeant Michael Paul Hodshire, Specialist William J. Byler, Specialist Derence W. Jack, Private Adam R. ''A.J.'' Johnson, Sergeant 1st Class Matthew R. Kading, Staff Sergeant Wilgene T. Lieto.

Mr. Speaker, Veterans Day is Friday. Let us remember each of these fallen heroes and all who came before them. In the words of President Franklin Delano Roosevelt: ''Each of these heroes stands in the unbroken line of patriots who have dared to die that freedom might live and grow and increase in its blessings.''

Let us also remember the brave men and women who continue to serve our Nation with distinction in Iraq, Afghanistan, and throughout the world. Our thoughts and prayers and gratitude are with you and your families at this time until you return home safely to your fellow man and woman, citizens of this country.

This Friday we will remember the 2,058 military personnel who have fallen in Iraq and the 247 Americans who have fallen in Afghanistan.

□ 1900

The SPEAKER pro tempore (Mr. FORTENBERRY). Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

(Mr. OSBORNE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HEARINGS TO ADDRESS WASTE, FRAUD, AND ABUSE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that I might speak at this time.

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

There was no objection.

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. Mr. Speaker, I came to the floor last week and read part of an article that appeared on October 23 in the article by Knight Ridder reporters about the Pentagon program costing taxpayers millions in inflated prices. I came to the floor and I reported that there was some reports that we were paying anywhere from $20 for a plastic ice tray that should cost about 89 cents. In addition to that, we were paying $81 for coffee makers that you can buy at a retail store for $29. In addition, I said that we were paying for a 5-cubic-foot refrigerator $27,000 that should cost about $3,000 or $4,000, and these are the kinds of refrigerators that are put on aircraft.

I wanted to report to the House tonight that I am extremely pleased. I wrote a letter to the chairman and ranking member, Chairman DUNCAN HUNTER and Ranking Member IKE SKELTON, and today we held hearings on this issue of inflated prices. I want to say that the hearing was attended by a fair number of those on the Armed Services Committee.

The witnesses, the Admiral and the Under Secretary that were there present, we were able to ask about these inflated prices. They explained this program that is called the Prime Vendor program. We talked about how it used to be when there were competitive prices, and now we have gone to where there is a middleman that works with the prime vendors.

From that, Mr. Speaker, the reason I wanted to come to the floor tonight is because I was so encouraged by the response of the chairman and the ranking member that next week we are going to bring the prime vendors to the committee to talk about these inflated prices.

Mr. Speaker, as I said today on the Armed Services Committee, there is one thing that the American people, maybe they do not follow us when we talk about deficits and debt and some of these other issues that are very important to the future of this Nation; but there is one thing they know, that if you are paying $20 for a plastic ice cube tray that you can buy for 89 cents, they know that is not right. I also said to those on the panel today that when you are paying $24,000 or $25,000 for a 5-cubic-foot refrigerator, the taxpayers know that is not a wise investment as well.

So tonight I want to give credit to the chairman and the ranking member of the Armed Services Committee. It was a very informative hearing today that will lead to additional hearings next week. And what I am hoping will come from this is that the taxpayers will know that we do care about abuses and we do care about inflated prices.

We are going to get to the bottom of this, thanks to the leadership of Chairman HUNTER and Ranking Member SKELTON and the committee members, both Republican and Democrat. We are going to get to the bottom of this and we are going to be able to say to the taxpayers and to the reporters for Knight Ridder that wrote this article that we are going to see that wrongs are made right and we are going to do exactly what is in the best interests of the taxpayers.

Mr. Speaker, before I close, I know that my friend from Texas and my friend from Illinois talked about those who serve in this Nation and who have given their lives. As I close this way all over my district, I will close this way tonight.

I ask God to please bless our men and women in uniform, to please bless their families. I ask God to please hold in his loving arms the families who have given a child, dying for freedom.

IRAQ AND THE 250TH MILITARY INTELLIGENCE BATTALION

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, usually, when I speak on the House floor each evening, I voice my concern about some of the Bush administration's woeful policies in Iraq. Trust me, there is no shortage of material to speak about.

But tonight I want to boast a little bit. I want to share how very proud I am to represent the 250th Military Intelligence Battalion, an Army unit that returned home from Iraq today. They returned home to Marin County, just north of the Golden Gate Bridge in California's Sixth Congressional District.

I had the great pleasure to meet and enjoy dinner with the members of the 250th battalion this past September during my visit to Iraq. Their vigilance and dedication to the welfare of the United States is admirable. Everything they do, they do to serve their country. And I could not be more proud to represent them as their voice in Congress. They are truly American heroes.

Unfortunately, the members of the 250th Military Intelligence Battalion and other military units that have served or are currently serving in Iraq have not always gotten the treatment they deserve from their government. Far too often, the Bush administration has failed to live up to its promise to the troops, whether it is denying them full veterans' benefits, sending them on second, third, and now fourth deployments to Iraq and/or to Afghanistan, or failing to provide them with the life-saving body armor or equipment that they need. One thing is clear: This administration has failed our troops time and again.

Sadly, the hundreds of thousands of soldiers who have been deployed to Iraq, and their families, were not the only ones affected by the war in Iraq. That is because just about every single American will suffer from the billions of dollars in budget cuts to important domestic programs since the U.S. invaded Iraq. These budget cuts are directly related to not only the tax cuts for the wealthiest among us, but also to the ludicrous spending for the military misadventures around the world

of the civilian leadership, with the White House, the Pentagon, and this Congress making decisions that cost our country billions, in fact, $1 billion a week, actually. Anyone who thinks that the more than $200 billion that Congress has allocated for the Iraq war so far has not affected important domestic programs is just kidding himself or herself.

In the last example and the very latest example, tomorrow, the House will vote on a reconciliation bill that would give tax breaks to the wealthy of $70 billion to $100 billion in tax breaks, while slashing safety net programs for the poor, programs like Medicaid, student loans, child support enforcement, and veterans' health care. This is just wrong.

If he wants to get things right, President Bush and his administration would actually send a clear message that it has let the American people down, and now it is time to start anew. First and foremost, that means leaving Iraq.

After all, the President's notion that we are fighting the terrorists in Iraq so we will not have to fight them here at home is pure nonsense. If that were true, how could the President explain the London subway bombings earlier this year? How could he explain the terrible bombs that went off at three hotels in Jordan earlier today, already killing over 50 people and wounding more than 100?

Mr. Speaker, our troops and the American people have endured enough sacrifice. We need to end this war and bring our fine soldiers home. We need to give Iraq back to the Iraqi people through a range of economic, political, and humanitarian partnerships.

The American people deserve better than a war that has destroyed the social safety net here at home, and the extraordinary men and women whom I met in Iraq certainly deserve better. In return for their unfailing loyalty, they deserve basic competence and integrity from their Federal Government. They deserve leaders as courageous as they are.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

(Mr. MCHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

NOVEMBER IS NATIONAL HOSPICE AND PALLIATIVE CARE MONTH

Mr. GINGREY. Mr. Speaker, I ask unanimous consent to speak out of turn.

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

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, I rise today to encourage all Americans to take the time to prepare an advance directive. November is National Hospice and Palliative Care Month, and this month should serve as a reminder for individuals to take the time to discuss with their loved ones important end-of-life and medical decisions.

As people discuss their end-of-life health care wishes, there are two legal documents that can help. The first is a living will. Living wills are probably the most recognizable and familiar document to aid individuals in communicating their wishes.

However, Mr. Speaker, today I would like to draw the attention of the American public to a different type of advance directive, a medical power of attorney. A medical power of attorney, or health care proxy, allows you to appoint a person whom you trust to serve as your health care agent.

Each State government has a medical power of attorney form that a citizen can fill out and have witnessed. This then authorizes the appointed agent to make health care decisions on an individual's behalf. Mr. Speaker, people should not be scared away by these forms; they are written in plain English, and they are very easy to fill out.

I have brought with me an example from my home State of Georgia in order to illustrate how easy this process can be for the American public. The form is simple and straightforward, and is only 6 pages long. I have highlighted two sections for us to look at today.

First is the portion where you identify yourself and then name your power of attorney, and I call my colleagues' attention to the first poster. It may be a little bit difficult to read from the back of the Chamber but basically, Georgia's statuary short form durable power of attorney for health care. And the instructions, again, pretty simple. Print the date, print your name and address, print the name and address of your agent. It is that simple. This authorizes the individual to act for you and, as my colleagues can see, in Georgia, you have the opportunity to initial the statement also. This is the second poster, Mr. Speaker, to check the box really that best reflects your wishes, and there are three. It is just a simple, initial process.

The first one is, I do not want my life to be prolonged, nor do I want life-sustaining or death-delaying treatment, et cetera.

The second check box: I want my life to be prolonged, and I want life-sustaining or death-delaying treatment to be provided, under certain circumstances.

And then the last box, and again, a simple check: I want my life to be prolonged to the greatest extent possible without regard to my condition, the chances I have for recovery, or the cost of the procedure. It is as simple as that.

In addition to State government and public health departments, many organizations and hospitals around the country have advance directives available for patients and loved ones who may find themselves facing these tough decisions.

Mr. Speaker, executing living wills and powers of attorney are so important, I plan to introduce legislation next week that encourages all Americans at all stages of life to prepare these advance directives. My legislation will offer a one-time, refundable tax credit to those individuals who prepare an advance directive.

The refundability of this tax credit is essential in incentivizing lower-income Americans, who often are unaware or unable to adequately prepare for end-of-life medical decisions, to prepare advance directives to ensure that their wishes are honored and valuable health care resources are used where they are needed and wanted.

Mr. Speaker, it has been shown that medical care at the end of life consumes almost 15 percent of our country's health care budget and nearly 30 percent of the Medicare budget. In addition, according to an article in the Journal of the American Medical Association, it has been estimated that hospice care and advance directives can save between 25 and 40 percent of health care costs just during the last month of life.

Mr. Speaker, the Federal Government needs to provide an incentive to the American people to have these conversations and to take these important actions. It is not only in the best interests of patients and families, but also our country's health care system and the American taxpayer.

Mr. Speaker, I would like to encourage my colleagues on both sides of the aisle to join me in cosponsoring this important piece of legislation.

FISCAL RESPONSIBILITY

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, there seems to be a new-found sense of fiscal responsibility on the Republican majority side of the aisle. There should be.

Last year, the fiscal year was a record deficit, nearly $600 billion. Not only did the United States of America borrow over $400 billion from investors, and a great deal from China and other foreign interests, they also borrowed the entire Social Security trust fund surplus for the year, about $180 billion, money that was intended to pay for future benefits for Social Security retirees to ensure that those benefits would be there to pay for the looming retirement of the baby boomers.

Mr. Speaker, $180 billion extracted only from people who earn salary and wages and earn less than $90,000 a year was borrowed and spent. Some of it was

spent to give tax refunds to profitable corporations, some of it was spent to give huge new tax breaks to people who earn over $300,000, and some of it was spent on other Federal Government purposes.

Now, they are projecting that the first quarter next year, we will borrow more money in one quarter than any quarter in the history of the United States of America. So they maybe should get some new-found fiscal responsibility on that side of the aisle. They have raised the Federal debt by 62 percent in 5 short years. George Bush has more than doubled the Federal debt in 5 short years.

Now, DICK CHENEY, the Vice President, of course says deficits do not matter, but I think they do, and I think the American people know they do. They know they cannot spend more money than they know they have in income every month forever. They know they cannot continuously borrow money on their credit cards or from the bank.

□ 1915

Likewise, the United States of America. Now, what are they doing about it. Well, they are bringing up with great fanfare a bill tomorrow called the reconciliation bill, $53.9 billion of supposed new income or cuts and programs. There are some real cuts. There are real cuts that will hit hard at middle-income and struggling families. The biggest cuts are to the student loan programs, $14.3 billion, adding about 6,000 bucks to the average kid's public school 4-year cost with new interest charges and up-front charges. Cuts in foster care, cuts in long-term care. This is the family values side of the aisle over here, they like to claim, remember. And many other vital Federal programs.

And then they are assuming some phony revenues, 50 times as much per acre to lease out the Alaska National Wildlife Refuge with unknown reserves, as we just got a few months ago for the naval petroleum reserve with known reserve closer to the pipeline. So phony baloney and mean cuts.

But that is not even the end of the story. They are going to follow these mean cuts and the phony baloney with $70 billion in real cuts to the richest among us, predominantly weighted toward those who earn over $300,000 a year, particularly toward those who earn over a $1.2 million a year. They are averaging $120,000 a year in tax cuts now. Under their proposal, it will be even more generous, and that is because those wealthy people, also their contributors, are going to trickle down on the rest of us and bring new prosperity to America and wipe out the deficits with that new prosperity.

After all, when we wax their yachts, when we cut their lawns, when we do other things that they will employ us to do when they are not spending the money overseas or on luxury items produced overseas that will bring jobs to America. As they say famously on that side, they never saw a poor person give anybody a job. No, those poor people are doing the work and paying taxes, unlike the rich people who they are favoring and showering money upon, and they are borrowing money and taking money from programs that are important to middle-income and poor people to give to the rich people.

Trickle down economics. And in the end, guess what? They are actually going to increase the debt of the United States and the deficit because they are going to cut taxes for rich people by $70 billion. They are going to assume some phony baloney and make mean cuts against middle-income and working families for $54 billion. They are going to increase the deficit by $16 billion although they claim that is not true because the rich people are going to trickle on us and that will create more revenue than the $16 billion of new deficit that is created.

You might think it is April Fools, but it is not. It is just another move by the arrogant majority, thinking that America is not watching. Well, I think America is beginning to pay attention; and I urge my colleagues to oppose this mean-spirited, short-sighted legislation. Assume real fiscal responsibility, reimpose tax fairness for this country, and let us give a fair deal to the American people.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

(Mr. BISHOP of Utah addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ACCOUNTABILITY OF CONGRESS

Mr. BURGESS. Mr. Speaker, I ask unanimous consent to go out of order and address the House for 5 minutes.

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 mintes.

Mr. BURGESS. Mr. Speaker, indeed, tomorrow this House will hear the debate on the budget resolution, and I think the country needs to hear the debate. I think the country needs to see that all of us in Congress, on both sides of aisle, are accountable. They need to see that we are results driven. We are results oriented, and they need to see some success from this body.

Now, our commitment, my commitment is to the hard-working Americans who pay taxes in this country. I think we have an obligation to the taxpayers of this country to redesign government when necessary, to reform programs if they are not working well, and always ensure that those Federal programs, those Federal agencies are working at peak performance.

Mr. Speaker, it would not be saying too much to say we need to rebuild some confidence in America. If we can cut some red tape then I think we should. Where local solutions will work, we need to empower local authorities to envision and utilize those solutions. The Secretary of Health and Human Services was addressing our committee yesterday and talked about preparation for pandemic flu and he was challenged and someone said, Mr. Secretary, you need to have a plan. Do not let the local people have to come up with a plan. And the Secretary does have a plan. But he said, local activities are going to be important as well. You do not need the Secretary of HHS telling every school district across the country when they can and cannot open their doors.

I could not agree with him more. Mr. Speaker, we need to modernize some of our Federal programs, where we are using tin-can telephones when the rest of the world is using satellite communications, and it is not right. We need to reform government. We need to set priorities. And sometimes that means making some tough choices. Certainly, Mr. Speaker, we need to learn from the past, learn from the past, whether it be the Spanish flu outbreak of 1918, learn from the past of previous wars this country has fought; but along those same lines, we need to utilize that information from the past to plan for our future.

Now, Mr. Speaker, a few weeks ago, 2 weeks ago, my committee, the Committee on Energy and Commerce, spent 3 days, 3 days on a markup to produce a plan, a plan that reforms government and leads to greater value for dollars spent, particularly in the Medicaid program. We held hearings through the spring and the summer leading up to this legislation. We heard testimony from Members; leaders of the National Governors Association, a body of 35 bipartisan Governors in this country, who came to us with a set of principles and said we had a lot of ideas that we put out on the table, but here are seven things that everyone of us, 35 out of 35 agreed upon.

And, Mr. Speaker, we crafted legislation that incorporated at least six of those seven principles. We left out some judicial reforms that I would have liked to have seen in the bill, but maybe that is for another day. But those other reforms were crafted in legislation and then we spent 3 days, 3 days on the Committee of Energy and Commerce talking about that.

Mr. Speaker, at the end of the day, I think we have crafted a legislation that is going to save Medicaid for the poor, the truly infirm, the people that really need it in this country. The default position was to see more and more people turned off the Medicaid roles by the States as they could know longer afford to keep up with the expenditures in Medicaid. So we are

going to provide more services. And maybe we are going to deliver a little greater value. And, Mr. Speaker, if that means that a few dollars are saved in the process, well, I am all for that.

But consider the numbers involved here. Medicaid, with no reform, is going to grow at a rate of 7.3 percent over the next 5 years. With the reforms we put in place, Medicaid is going to grow at a rate of 7 percent over the next 5 years. We are talking about a miniscule amount of savings by adding some value to the program as it exists today. As a consequence, more patients will be served by this program.

Now, Mr. Speaker, I know, because I sat in that markup for 3 days, I know right now it is popular to vilify the productive segment of American society. I have heard it done from every angle. There is angst, genuine angst over reinvesting in the productive segment of American society. We hear it all the time, why $55 billion was given to people who really do not need it.

But, Mr. Speaker, those are the taxpayers. Those are the people who create the jobs. I know, because I was one three short years ago. That 38 percent tax rate I paid on my business allowed me to employ 50 people in my town of Lewisville, Texas. It allowed me to purchase equipment for my practice. But what do we hear out of the other side? They want that $55 billion back, but that $55 billion that we reinvested produced $262 billion for the American Treasury this year in additional tax revenue. So they would have to double the tax and double it again to even approach the amount of money.

Well, this is the default position on the other side. This fall is not the time for Democrats to roll out positive agenda, said a House Democrat aide. That is a shame. We need their ideas. We need their enthusiasm. We need their energy. I look forward to this debate tomorrow. I think at the end of the day we are going to have a good product for the American people.

The SPEAKER pro tempore. 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.)

WHO NEEDS THE FIRST AMENDMENT?

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes out of order.

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

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, who needs the first amendment when we have the Republican Party? Their view is that the American people just do not need to know what their government is doing in their name. We just do not need to know that this country now has secret CIA-un prisons around the world where prisoners are sent or sentenced because they get no representation. After all, DICK CHENEY, our President of foreign policy, supports us looking and acting like Cold War countries we used to fear. We do not have any skills in building facilities to be ashamed of, so we rent those old Cold War prison camps in places where people went in and were never heard from again.

Republican leaders just do not think this is the kind of information the American people need to know. After all, we might talk about it. Someone might write about it. Someone might question why we want to behave like the Cold War all over again. But this time, we are on the other side. The American people would not know any of this except for The Washington Post reporting about prisoners and policies that sound more like the enemy than the good guys.

□ 1930

This did not sit well with DICK CHENEY and he let Republican leaders on Capitol Hill know it, behind closed doors of course, his favorite location. Almost immediately Republican leaders fell in behind the President of Foreign Policy and carried out their orders. Find the person who dared let America know what is really going on behind those closed doors.

Republican leaders intend to find out who let the American people know about the dirty little secret that the administration did not want us to know. It is detention at a whole new level where suspects simply vanish, and they did not want us to know. And we would not have known except for journalism's ability to report all the news thanks to the first amendment.

Why do they want to keep us in the dark? Because Americans would be appalled, because American know that we can fight and win a war without sacrificing the principles that made us America in the first place. America does not need a mask over its face to beat the people wearing masks over theirs. And America does not need secret prisons hidden in other countries as if that somehow that absolves us from responsibility. This kind of perverse policy says a lot about how out of touch this administration is, especially its President of Foreign Policy, with the values and strengths of America.

Do you think Americans will not be ashamed or that the world will not be appalled again by our actions? Did we not learn anything from Abu Ghraib? What will it take for this administration to stop acting in ways that cause the average American to shake his head and avert his eyes? What will it take for this administration to realize that every time it deploys another deplorable policy, it puts our soldiers in Iraq and everywhere else at greater risk. What kind of arrogance and abuse?

This happened before in another Republican administration that became so flushed with power they forgot who they worked for. They too tried to hide black ops aimed at subverting political opponents and anyone who dared challenge their power. Nixon and his cronies almost got away with it except for the reporting of the same paper.

In the end, the corruption ate away at the pillars of the Republican power until it all came crashing down around them. A Vice President and a President resigned from office. The country was appalled by their conduct.

The first amendment of the Constitution was America's last defense against the Nixon administration and it is true again today. It is no wonder Republicans want to replace the first amendment with amendment 1–R. That is where one Republican will tell the American people what you are supposed to know and attack anyone who dares challenge them. Everything you need to know will come out only from the Republicans in power. That is what they want, government behind closed doors.

We used to recognize the rule of law and the Geneva Convention. Now we are at the point that we do not recognize America's strengths and values. Dare to challenge these Republicans and they will out you one way or another.

Prisoners are not the only ones vanishing under the policies and direction of the Bush administration, so is the truth. And the first amendment is America's last line of defense.

Mr. Speaker, we cannot let the Republicans do away with the first amendment. It is our only hope in a democracy.

DEMOCRATS CONTINUE TO SING THE SAME OLD SONG

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

Ms. FOXX. Mr. Speaker, I rise today on behalf of the majority that is committed to fiscal responsibility. The Democrats' needle is stuck in a groove and it is playing the same song over and over: Tax and spend.

Republicans have already passed a budget that cut $100 million from the deficit. Democrats refuse to vote for this budget. In fact, over the last 3 years Democrats have tried to bust the discretionary budget in the appropriations process by over $60 billion in additional spending. Along with the billions more in spending, Democrats also offered amendments totaling almost $400 billion in additional taxes.

I guess it is hard to learn a new tune when the old one is playing over and over again in your head.

Republicans have recommended the termination of 98 inefficient and duplicative programs which would bring American taxpayers a savings of more than $4.3 billion. Yet the Democrats continue to obstruct while singing the tax-and-spend tune. It is time to change the record.

The American people have repeatedly rallied against more taxes and more spending. It is time we listen to their song.

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

(Mr. HINCHEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

FIFTH ANNIVERSARY OF THE VETERANS HISTORY PROJECT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, this year marks the 30th anniversary of the end of Vietnam War and the 60th anniversary of the end of Second World War. It also marks the fifth anniversary of the Veterans History Project.

Five years ago Congress unanimously passed legislation that I authored creating the Veterans History Project. It was ushered through Congress with the help of Representative Amo Houghton, the gentleman from Maryland (Mr. HOYER), and Senators CLELAND and HAGEL.

The idea behind the project is simple, to collect, preserve and share with current and future generations alike the stories and history of American veterans and those who supported them on the home front. The project spans from World War I to the present, covering both World Wars, the Korean War, the Vietnam War, the Gulf War and the current conflicts in Afghanistan and Iraq.

It acts as both a learning tool and a living memorial to our Nation's veterans. Since its inception in 2000, the Veterans History Project's success has far exceeded our expectations. Despite modest funding, the Veterans History Project has an ever-increasing collection with more than 40,000 histories contributed by America's veterans, making it the largest oral history collection in the world today. Each story is unique, but taken together as a whole, the compilation puts a familiar face on the universal realities of war, courage and fear, horror and exhilaration, sorrow and triumph.

These collections include oral interviews, written, audio and video recordings, and authentic diaries, maps, letters and photographs. Thanks to the dedicated staff at the Library of Congress, where it is being housed, and the thousands of contributions from our many veterans across the country, the Veterans History Project has captured the American spirit better than any history book ever could.

The project also provides a way for local veterans to connect with students, community groups and each other. Across the country teachers have used the project as an eye-opening history lesson for their students. Veterans have been able to meet with classes, sharing their experiences with students and having their stories recorded as part of the project.

Two of the biggest supporters of the Veterans History Project in my congressional district are Bill Bruning, a veteran and Patriotic Officer for American Legion Post 52 in LaCrosse, Wisconsin, and Karen Schoenfeld. Karen teaches at a charter school in LaCrosse and includes the Veterans History Project in her class. Inspired by the veterans she and her class have met as part of the project, Karen wrote this beautiful poem that I would like to share. It is entitled ''I Never Saw Your Face Before.''

''I never saw your face before, I never knew your name. But now our paths have crossed, and I will never be the same.

''I never saw the flag before. Not really, not its soul. I only saw the stars, the stripes, a fabric on a pole.

''Now as I gaze upon our flag, I can see young faces, all called away from our proud land to other distant places.

''They did what they were called to do. They put their dreams on hold. They knew that others needed them. They did what they were told.

''And you, my friend, have taught me this, the sacrifices made. You helped me know what I have earned from the price that others paid.

''I've been in class, I've read the books. I've seen the movies, too. But now I know our freedom's price, all this I've learned from you.''

This beautiful poem is a testament to the power this project has had in educating Americans about our bravest men and women.

The Veterans History Project is a salute and an ongoing memorial to these many brave individuals who have sacrificed to protect the ideals of this great Nation and those who continue that proud tradition of service today.

On this Veterans Day, I invite my colleagues in Congress, as well as all Americans, to participate in this nationwide effort to honor our veterans. Anyone can contact their Representative's or Senator's office for more information on the Veterans History Project, or you can contact the Library of Congress through their Web site at loc.gov.

On this Veterans Day may we all take time to thank the veterans in our life, perhaps do an oral history interview with them or find some other way to show them our gratitude.

May God bless our men and women in uniform wherever they may be serving our country today. May God bless our veterans and their families and may God continue to bless these United States of America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. KIRK) is recognized for 5 minutes.

(Mr. KIRK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. WYNN) is recognized for 5 minutes.

(Mr. WYNN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE RIGHT PRIORITIES FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 5 minutes.

Mrs. CHRISTENSEN. Mr. Speaker, after claiming that they believe in fiscal responsibility and balanced budgets, the Republicans in their years of control in Washington have created the deepest budget deficits in American history and spiraling national debt.

Now, after abandoning fiscal responsibility and borrowing to pay for tax cuts and to reconstruct Baghdad, Republicans say they must cut programs that primarily serve disadvantaged Americans in order to pay for reconstructing the Katrina-leveled gulf region. No other emergency funding required offsets.

They claim that they are going to get tough on Federal spending through the budget reconciliation process where they propose a cut over $50 billion. They are getting tough all right, tough on the weak and needy, because this is where the cutting will be done: $10 billion in Medicaid cuts to health services for poor children and long-term care patients, and increasing the costs of prescription drugs for those beneficiaries; $844 million in food stamp cuts, eliminating nutrition and school lunch and breakfast benefits for hundreds of thousands of families and children; $14 billion in cuts to student aid programs, raising the costs of college for students and their families through the increased interest rates and loan fees. And it cuts all discretionary spending programs, such as veterans' health care, by a 2 percent across-the-board cut.

I listened to some of my Republican friends yesterday who likened the increased spending to increasing a child's allowance, but the analogy does not work. These cuts are not the same as taking away an allowance which a parent gives a child for candy, ice cream, movies, books and incidentals. It is more like taking away the child's meals, not taking them to the doctor,

denying them college tuition, and then the parents borrowing for a vacation and having the child have to pay for it out of their allowance.

Many reports and the Washington Post even in an editorial last month pointed out that the Republican post-Katrina budget plan would add to the deficit, not reduce it, because the required spending cuts do not come close to paying for the at least $70 billion in new tax cuts provided for in the budget, cuts that mostly benefit the wealthiest Americans and that apparently remain sacrosanct no matter what other expenses pile up.

I think the American public needs to know what the Congressional Budget Office said about some of those cuts. That office said last Thursday that the House Medicaid cuts would save more than $30 billion over 10 years. However, that office, the Congressional Budget Office, also pointed out that these savings will not come from the premiums and copays the Republicans say will create the savings, but they will come because those cuts would keep our must vulnerable communities and residents out of the health care system.

Many of those people dropped would be the hard-working poor. The majority of those dropped, like those in Tennessee like I visited with last week, would be African American and other minorities. But there will be large numbers of people with disabilities, children, people living in our rural areas and the poor of every race, ethnicity and nationality.

So instead of closing the health care disparity gap, which causes close to 100,000 premature, preventable deaths in this country every year, this body, should it pass the Republican budget package, would by that act be increasing those deaths and continuing the health care inequality which the Reverend Dr. Martin Luther King, Jr., called the most shocking and inhumane of all.

The poor folks, the folks in our rural areas, people with disabilities, seniors, people of color, immigrants, and our children should not be made to carry the burden of the war and pay for the luxuries of the rich. At the same time the Republicans are proposing such spending cuts, they are preparing to move forward with $106 billion in additional tax cuts this year that will largely benefit the wealthy.

Will it save money? No. The net result of the GOP budget plan is $100 billion of debt over the next 5 years.

As I said to my American Legion this past weekend, America is being transformed by the actions of this administration and this Congress into a country I do not recognize, one that has gone far astray from the values and principles on which it was founded and on which this United States became the leader of the free world. What this budget reconciliation will do and what it says about this country is not what they fought for and laid their lives on the line for. It dishonors their service and that of the men and women who are fighting for this Nation even today.

So it is my hope and prayer that my friends on the other side of the aisle will abandon the irresponsible and heartless budget plan. Now is not the time to cut programs that are vital to the victims of Hurricanes Katrina and Rita and to our most vulnerable citizens who, like those victims, also face smaller but just as devastating socioeconomic hurricanes every day, while they have cut taxes for the most fortunate and add to the deficit.

These are not the actions of a people who value life as Americans do. These are not the right priorities for our country.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Mr. CORRINE BROWN) is recognized for 5 minutes.

(Ms. CORRINE BROWN of Florida addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

CUTS AND BLOOD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, since Hurricane Katrina and Rita and the budget reconciliation talks began, practically all that we have heard in this House about budgets has been cut, cut, cut, and cut. And of course, Mr. Speaker, where I come from back in Chicago, if all that you do is cut, cut and cut, all that you get is blood, blood, and more blood. And, of course, the blood will be on the hands of those who have the knife.

Much of the debate in this House during the past 2 months has been around the majority's proposal to cut mandatory programs by $35 to $50 billion over the next 5 years. Just the idea of some of these Draconian measures is enough to send chills up and down one's spine because we are talking about programs that provide basic assistance to vulnerable, low-income families and individuals.

In essence and in reality, we are talking about Robin Hood in reverse; that is, take from the poor and give to the rich. We are talking about programs that provide help to people with disabilities, people who make use of the earned income tax credit, people who use Supplemental Security Income programs, Temporary Assistance to Needy Families and individuals who are indeed elderly.

□ 1945

Some of the proposed cuts include $11.9 billion to Medicaid, and I can just imagine what this will do to the more than 20 hospitals, health centers, private physician practices in my district. Imagine the large number of children and poor people who will not be able to access adequate health care.

Student loans, $14.3 billion. Look at the number of students who will not be able to go to college, to get the education that we all know that they must have if they are to compete and survive in a highly technical, service-oriented economy. We think of all of those who would not be able to go to law school, medical school, who would not be in a position to provide the services that our country will need.

Child support, $4.9 billion. Imagine what will happen to the large number of children in my district being raised by single mothers and how difficult it will be for them to receive child support payments.

Foster care, $577 million. My district has one of the highest percentages of children in foster care in the Nation. Any reduction in these funds will seriously imperil our ability to provide and care for these children.

Food stamps, unimaginable. I mean, how can you think of cutting food stamps, with all of the individuals who are homeless, hungry, in many instances hopeless and helpless, individuals who are unemployed, laid off from their jobs and having difficulties with acquiring the basic necessities to sustain life.

Mr. Speaker, I am strongly in favor of our government operating on sound fiscal policies. I am in favor of reducing the deficit to the extent prudent and possible. I am in favor of rebuilding the areas damaged by Katrina and Rita, but I am not in favor of continuing to throw money away on a war that we never should have been in in the first place. I am not in favor of giving huge tax breaks and cuts to the wealthiest 1 percent of the population. I am in favor of budget reconciliation, but not on the backs of the poor, needy, and most vulnerable sectors of our society.

Therefore, Mr. Speaker, I could do nothing less than oppose. As a matter of fact, it would be a dereliction of my duty and responsibility if I were to vote for the Budget Reconciliation Act that is before us. I will vote prudently and sensibly.

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

(Ms. WATERS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

DEFICIT REDUCTION ACT OF 2005

The SPEAKER pro tempore. 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, you know, there is an age-old drama that Americans have seen play out time and time again here in Washington, and I

know that some nights as they are watching TV and they click across C–SPAN and they watch individuals come to the floor, they might think this is a rerun or they might think same song, second verse because they have to think that they have heard this before.

I think probably their thoughts go something like this, that taxpayers are tired of seeing their hard-earned paychecks wasted by Big Government, and so the taxpayers say we are going to demand some spending reductions. The Republicans agree and the Republicans propose some spending reductions.

Well, the Democrats just cannot stand to see those spending reductions. So they start the name-calling, and they come down and they say that any reduction that we want to make in spending, anytime we are going to slow the growth of spending, well, you know what, it is draconian, it is mean-spirited, it is cruel, it is heartless, it is cold-blooded. We all hear all the descriptive adjectives. They start telling virtually every man, woman, and child in America that these reductions will do terrible, awful things and that the Republicans are just mean, nasty people.

Mr. Speaker, it is like clockwork. It really is like clockwork, and I think that I know why many times our colleagues across the aisle fight our efforts when it comes to fiscal responsibility, when it comes to reining in the size of the Federal Government, when it comes to reducing spending, when it comes to getting government off your back and out of your pocket. I think I know why the Democrats fight it time and time and time again.

This government, this big, Washington-focused bureaucracy that spends your money out of your pocket, that you go to work and you earn, this government, this bureaucracy, is a monument to them. They spent 40 years with an iron grip on this U.S. House of Representatives; and in that time, they constructed a vast monument to themselves called Federal Government bureaucracy.

It is expensive, it is old, and it is a mismanaged monument that forces you, the taxpayer, the average, hard-working American family, to spend 6 months every year paying for it. Tax freedom day, look at some of the dates we have had in years past, July 4, June 30, June 28. You are working half the time to pay for government.

Well, Mr. Speaker, I can tell you something right now. This Republican majority in the U.S. House of Representatives is working to change that. We want to change that. Democrats do not. It is that simple.

So, tonight, we are going to talk a little bit about the budget savings we are working to pass in this House in a bill that is called the Deficit Reduction Act of 2005.

Mr. Speaker, this legislation is a good, solid plan from the Republican leadership. It is a plan that will put this government on track to reform; and in the end, the goal is to yield a savings for the American taxpayer.

The bill that my colleagues are going to join me in discussing tonight is finding $53.9 billion in spending reductions over the next several years in a $2.4 trillion-a-year budget. Mr. Speaker, I want everybody at home to hear that: $53.9 billion, that is billion with a B, in savings, over several years of a yearly budget of $2.4 trillion, and that is trillion with a T.

Mr. Speaker, we are not asking a lot. In fact, we should be asking for a whole lot more. The constituents in my seventh district of Tennessee want to see us reduce Federal spending more. They want to see more of these programs that have outlived their usefulness put on the table, reviewed, put into sunset, deauthorized, scaled down, or taken away.

But I will tell you, I think that for many of the Democrats what we are proposing is too much. They cannot commit even to that. So tonight we are going to talk some about why we need to reform this government and why we need to make these spending reductions.

At this time, I would like to yield to one of my colleagues who has joined us. The gentleman from Georgia (Mr. GINGREY) is going to join us and talk for a few minutes about Medicaid. We are hearing so much about Medicaid. We have heard the left say that we are slashing it, that we are cutting it; and you know what, in spite of all this talk, Medicaid will grow. We are not talking about cuts. We are talking about reducing spending, and I yield to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I appreciate the gentlewoman from Tennessee for yielding, and I do want to speak a little bit about the Medicaid program.

The gentlewoman from Tennessee and the struggle that that State has had with their Medicaid program and TennCare, the cutbacks that have been necessary, she understands as well as anybody how important it is to make sure that these programs work the way they were intended to work, Mr. Speaker.

As the gentlewoman from Tennessee (Mrs. BLACKBURN) points out, we are not talking about cutting anything. We are talking about reforming government. I mean, this Republican majority has a plan to reform government, to effect savings for our taxpayers and to spend their money wisely and efficiently and to spend it for those who have the need and to eliminate all this waste, fraud and abuse that is so rampant in government and certainly in the Medicaid program.

But as the gentlewoman from Tennessee (Mrs. BLACKBURN) points out, this is no cut. The reduction in the growth rate is what we are talking about, Mr. Speaker. Medicaid, over the last 5 years and in this current fiscal year, is growing at 7.3 percent a year, 7.3 percent a year growth rate. So we have in this plan to cut that growth rate by three-tenths of 1 percent, cut it from 7.3 percent to 7 percent over the next 5 years.

Today, in fiscal year 2006, before this cut, we are spending $200 billion with a B on the Federal part of Medicaid. Over a 5-year period, in 2010, because of that 7 percent rate of growth, we will be spending $260 billion. So our colleagues on the other side, they want to say, oh, you are cutting, you are cutting to the bone, you are taking away. They call it Robin Hood taking away from the poor and giving to the rich.

This program, Mr. Speaker, will continue to grow at a healthy 7 percent rate, but we are talking about cutting waste, fraud, and abuse. Yes, we are going to cut that. We are going to cut out this situation where people are gaming the system and it happens. It happens in every State, including my own.

What is so tragic about that is that then you end up taking money away from those people, those pregnant women, those young children, those aged and infirm that really, really need our help. With this plan and these savings that we can effect, that is who the help will go to, exactly where it is needed.

I want to take a little time to explain one thing that I think is so important that my colleagues and anybody who might be listening to these proceedings tonight understands very clearly.

With long-term care in this country, we have a huge problem; and it is shocking when you find out that probably 70 percent of nursing home care is paid for with Medicaid dollars. Some of those people who are in long-term care facilities, a skilled nursing home is what I am referring to, they clearly are low income. They do not have the financial wherewithal once their Medicare benefit runs out, and it does pretty quickly; and they need to have that Medicaid benefit.

But 70 percent of all expenditures for skilled nursing home care is coming out of the Medicaid program. Something is wrong with that, and what it is is people and maybe it is not the individual so much as a smart lawyer figuring out a way to game the system.

So in this reform, Mr. Speaker, we are saying that if a person, an individual, has more than $500,000, I believe that is a half a million if my math is correct, if an individual has more than $500,000 equity in their home, then they are not going to be eligible for Medicaid to pick up the tab for nursing home care.

□ 2000

What is happening, and we are going to eliminate this, is that families, and I guess in a way I can understand their thinking, but it is just not right, they do not think about the fact that it is taking needed dollars away from people that really need this benefit.

As an example, say mom or dad needs to go into a nursing home, a skilled

nursing home, and is going to be there for a long time. They may have $750,000 in equity in their home. So all of a sudden they figure out a way to transfer the ownership to a son or a daughter or a first cousin and let mom or dad rent the house and live in the house or pay out of their Social Security check.

That is totally wrong. I think my colleagues understand that, and I think the American people understand that.

So we, again, are not talking about cutting benefits to people that really need them. We are trying to make sure that in this reform we get the dollars where they need to be. That is really what it is all about, cutting out waste, fraud and abuse and spending the money efficiently and effectively. That is what we are doing.

I really appreciate the gentlewoman from Tennessee for leading this hour and giving me the opportunity to talk about this. You see, I spent 30 years practicing medicine and seeing some of these patients and writing prescriptions for those who need that Medicaid benefit. So I know how important it is to do it the right way, and I commend my leadership in the Republican majority for facing up to the problem we have.

I can remember, and I will say this in closing, Mr. Speaker, when we were trying to bring some sense in solvency to the Social Security program for our needy seniors, the other side of the aisle said, Well, you know, you do not need to be doing this because the need is in Medicare and Medicaid. It is going to run out of money much quicker; you need to reform that. Why are you all spending your time on Social Security?

So here Social Security seems to have been pushed off to the back burner, much to their satisfaction, and we are trying to deal with the problems of Medicare and especially Medicaid.

Every one of our 50 States is suffering. Governor Huckaby, Republican Governor from Arkansas, and Governor Warner, Democratic Governor of Virginia, both agreed with a bipartisan governors' report that we need to do this. So this is what we are talking about.

And with that, I will yield back to the gentlewoman from Tennessee.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman for his comments, and he is exactly right. Medicaid needed reforms that would address some of the waste, fraud and abuse; reforms that would deal with the processes and procedures of the delivery of the program. Once we go through achieving these efficiencies, there will be individuals who truly need it, who will see a better delivery of service.

These are flexibilities that the governors, the nonpartisan National Governors Association, have asked us to make. They are things we have worked with them on, and we are pleased to bring forward the type of reforms that will yield the efficiencies that are needed.

Mr. Speaker, another colleague who is joining us this evening is the gentleman from Tennessee (Mr. WAMP), another member of my delegation who is a member of the Appropriations Committee. He has brought wisdom and expertise to the appropriations process and being certain that we are wise stewards of the taxpayers' dollars.

I yield to Mr. WAMP out of Chattanooga, who is going to talk with us for a few moments about the work they have done in the Appropriations Committee as we work toward a Deficit Reduction Act that is going to help put us on track to achieve some savings for the American people through the reform process.

Mr. WAMP. Mr. Speaker, I thank the gentlewoman for yielding to me and for her leadership and for all my colleagues on the floor tonight. I am encouraged as a member of the class of 1994, the class that came in with the new majority for the first time in 40 years, to see the passion and the focus that we now see again in the House with that same vigor for reform and responsibility that actually brought us here years ago. You can feel it every day here building steam, because the American people demand it, and we are carrying out an agenda now of reform and responsibility.

Interesting for me, I do not come to the House floor to speak much except for specific legislation, but today you kind of hear mixed messages on the minority side. Half of them say, you are spending too much and the other half says we are not spending enough. What we see over here now is a very consistent message that we cannot spend this much, that we have an $8 trillion debt.

Now, when we first came in in 1995 in the new class, our goal was to hold the growth of spending below inflation and let the economy grow, it was strong, so that revenues would surpass expenditures. And that happened and the budget got balanced. Seems like a long time ago, but it happened. For 3 consecutive years we held the growth of government spending below inflation, below the family's budget growth; and then revenues passed expenses.

Then we were dealt a difficult hand. September 11 happened, challenges beyond our control, and spending escalated. And for several years in a row, it averaged 6 percent growth per year in discretionary spending, which was twice inflation, and it started slipping away.

Sometimes it is easy to forget when something like Katrina happens, what was going on before Katrina hit, but we need to think back. I remember this spring I put out a press release after the House passed the budget and we then passed our 602(b) allocations for the appropriation bills to match that budget. I put out a press release that said, this is the most austere budget in the 11 years I have been in Congress, because it only grew nonsecurity discretionary spending by 1 percent. Well below inflation, this budget. Not only did we pass it, we passed all the appropriations bills out of the House within that agreement by July 4, the first time in a generation that that had happened. We were marching towards fiscal responsibility with vigor.

And then we went home for the August District Work Period, and Katrina hit towards the end and everyone focused on what the government did not do and we became insecure. But I think it is easy for some to forget how responsible we were going into that catastrophe.

A little primer on this whole process for folks that are outside the Beltway, because sometimes we forget their language, is that the budget is broken down between discretionary spending that the Congress annually appropriates and annually oversees and mandatory spending, sometimes called entitlements.

When my wife, sweet Kim, was born in 1964, two-thirds of all Federal spending was appropriated by the Congress with annual oversight, and one-third was mandatory, which is really made up of Medicare and Medicaid and pensions, mandatory spending programs, and interest on the debt, things that are fixed by previous law. And unless the Congress acts again, they automatically go out. They are indexed to inflation. People either qualify for them or they do not, but they automatically get the money. In 1964, that was one-third of all spending and appropriations was two-thirds.

Today, it is the other way around: Two-thirds is mandatory and one-third we still have discretion on. But if you take out national security and homeland security, the part of the discretionary budget that is left is only one-eighth of the $2.4 trillion annual budget that the gentlewoman referred to. So discretionary spending is now a small portion of it.

That is why it is so important to have this budget reduction act. Because the mandatory spending is where fraud and abuse and waste creeps in over time because the Congress does not annually oversee it. It sets in, and people back home do not like it when people are cheating the government. But if we fail to act and they win, the status quo has prevailed and it gets worse.

When we act, they say you are mean and cruel, but the people want us to tighten the belt of government, which creates efficiency. Any government program that has to tighten its belt will become more efficient because somebody has got their fingers on the buttons to make it more efficient to live with what they have.

We have done well on discretionary spending, but we can do more and we will do more. But I come as a member of the Appropriations Committee to say that this majority is doing it. We are doing it like we were when we got here, again with vigor and commitment. I am excited.

We have just been joined by another member of my class, and he was shaking his head as he walked across the

floor, because he can feel it. He knows it. We are focused on being responsible and reforming this government so that it works better and so that people can see us acting on what they would like to see us do.

So I thank all of my colleagues that have come to the floor tonight, and the gentlewoman for hosting this hour. It is important that we unite and we bring people to this most important cause at this critical time. And I yield back to her.

Mrs. BLACKBURN. I thank the gentleman from Tennessee for his wise words and for joining us in this debate and reminding us we do hear a lot of rhetoric, as he mentioned. We have the Blue Dogs from the Democrat side, who have been coming to the floor demanding spending increases. Suddenly they are not so fiscally conservative.

Well, it is like the story I used to read to my children, the Three Little Bears. It is almost as if you have to have it just right. Just right. And they are going to let the perfect be the enemy of the good, because these are good, solid reductions and a good, solid plan for moving forward, a great first step.

As we have worked through this process, we have heard from the gentlewoman from Virginia several times in regard to military issues and veterans' issues. She has such a heart for this and works so diligently on these issues, so at this time I yield to the gentlewoman from Virginia (Mrs. DRAKE) to set the record straight about the appropriations and the funding for our veterans' programs.

Mrs. DRAKE. Mr. Speaker, I thank the gentlewoman from Tennessee for hosting this event tonight and for inviting us here to tell the American people exactly what is in this bill that we will all vote on tomorrow. I know that she joins me as a Republican in our belief in smaller government, personal responsibility, and accountability.

This deficit reduction bill is an example of this philosophy. This bill creates a planned reform and savings for taxpayers. It is important that we set priorities and that we make tough choices.

I also know the gentlewoman from Tennessee would agree with me that how we spend taxpayer dollars is one of our greatest responsibilities as Members of Congress, and that we need to spend smarter and wiser.

It is unfortunate, Mr. Speaker, that this plan is being misrepresented. Just Monday of this week it was represented on the House floor by Mr. MEEK, and this was in regards to veterans' care, who said, and I quote, ''because the majority side has made a 5-year cut of $14 billion.'' That same night Ms. WASSERMAN SCHULTZ said, and I quote ''There is a proposal to cut $600 million in veterans' health care.''

Mr. Speaker, the reality is in this deficit reduction bill there are no cuts proposed for veterans' health care. In fact, in the last 5 years, funding has increased by 50 percent. In fact, the Veterans Committee was not asked to participate in spending reform. We recognize, we appreciate, and we value the service of our military members and our veterans, and we know that their health care and their benefits are critical and very, very important to them.

On November 2, this House unanimously approved H.R. 4061, the Department of Veterans' Affairs Information Technology Management Improvement Act. This Act combines three information technology programs into one. Currently, benefits, health, and burial claims are handled by three separate IT departments. This was common-sense reform to turn these into one and will save the Federal Government $1.7 billion simply by turning three programs into one. This is exactly the type of example which shows we are redesigning government, reforming programs, and saving taxpayer dollars.

Mr. Speaker, billions have been spent on IT systems by both the VA and Department of Defense, and these agencies still cannot share medical information. This is corrected in H.R. 4061.

□ 2015

The result of this reform is not only to save taxpayer dollars, but it provides a seamless transition for our servicemembers and makes the process easier. I know the gentlewoman from Tennessee is happy to hear that: save money, do it easier, and do something that makes sense. The Department of Defense and the VA will be able to share information on health records and claims for disability benefits.

Also understand that these necessary responsible reforms are critical to be sure that important programs remain in place and are able to sustain themselves.

Mr. Speaker, I thank the gentlewoman for sharing her time with me today and being able to talk just before Veterans Day about the wonderful service of our veterans and our military.

Mrs. BLACKBURN. Mr. Speaker, I join the gentlewoman in a heartfelt thanks to our veterans, as she speaks about the fiscal stewardship and the common-sense reforms we need to put into these programs. It is so frustrating to veterans in my district when they get the runaround and cannot get a proper answer and go from one bureaucracy to another bureaucracy. To take three programs and roll it into one, as H.R. 4061 has done, that is common sense.

We hope to achieve efficiencies and save money on that program and the administration so it goes into programs and we get that money into programs that are so needed and so deserved by our veterans.

Again, God bless those veterans. And I say God bless the gentlewoman from Virginia who has worked so hard on these issues.

A leader on agricultural issues is the gentleman from Iowa (Mr. KING). He is going to talk about the agriculture bill and then will return to the floor to talk about what has been done through the agriculture appropriations process.

Mr. Speaker, I yield to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentlewoman for organizing this Special Order and her leadership.

At this time I would like to address the Deficit Reduction Act. It seemed like it was heavy lifting for a lot of people in this Congress; it should not be. It should not be when you are going to reduce by one-half of 1 percent the trajectory of the increase of Federal spending down range 5 years. I do not find that heavy lifting. I find that a piece of cake for somebody who has had to balance a family budget, a business budget, and meet payroll with my own employees for over 1,400 consecutive months. We had to find a way to make it work, and we did not have a budget like this to work with, and we made it work.

I want to talk about the agricultural aspect of this. First, we brought this package before the Committee on Agriculture, and we went for approximately 3 hours in debate, listening to demagoguery about how painful it was to squeeze down some of these categories within the agriculture budget. And this is over 5 years.

One of those subjects is the commodity programs direct payments. We reduce that, the projected spending, by 1 percent. That is $1 out of $100. The actual effect out in the field is approximately one-twentieth of the payments going into a region like I represent where we raise corn and soybeans.

The people that I represent there are fiscally responsible people. They watch their budget. They invest their dollars wisely and do a good job of marketing and managing, all because it is good business. That is what it takes to have black ink on the bottom line instead of red ink.

I am very confident I can take this back and look my neighbors in the eye and say we did the best we can for the agriculture economy. We did the best we could for our agriculture producers. We pinched that down by 1 percent on direct payments.

We are looking at WTO trade negotiations coming up in Hong Kong in December. We are talking with the rest of the world about how we want to really eliminate export subsidies, and we can do that without great pain to this country and reduce domestic subsidies and be able to get access to the developing world so we can sell our products.

Our agriculture producers know they can compete with anybody in the world if they can get access to the markets without having punishing tariffs at every developing country in the world. We brought some of those people in as trading partners. We are going to expand that. But if that 1 percent here is a painful thing, then I am going to say

we are going to have one difficult debate when the time comes to adjust our long-term trade trajectory.

By the way, there was not a single Democrat that would support any of this reconciliation package, and it became a partisan issue just to pass CAFTA. People in sugar said, no, it might take a teaspoon a day out of our markets. Possibly so. Aside from that, there was not even an argument that CAFTA was not good, but it became a partisan issue. I am watching trade become a partisan issue. I watched budget responsibility become a partisan issue, and I listened to criticism after criticism from the other side of the aisle about what we are doing to our producers during a time of need. It is always a time of need.

But it is also a time where we have just pulled in the best 3 years in agriculture ever where I live. We have harvested the best crops in the last 3 years. Their overall accumulated value is more than it has ever been. We raised more corn and soybeans this year than any time in history, except last year, which was a record. That came upon a good crop for 2003. It is a good time to be responsible in agriculture, and I believe the producers will stand up and take this just fine.

We minimized some of the damage to agriculture as well. Some money was left over in the watershed rehab program, and so we put that in our Deficit Reduction Act. The Conservation Security Program, I like that program. I spent my life in soil conservation. I have built more terraces than any Member of Congress, and I do not have to wonder who is second. More waterways, more watershed dams. I have spent my life protecting soil and water. I like those projects. We took no money out of any one that was qualified today, but were required to pull some money out down range in order to come with these savings that we needed to get, which is $3.7 billion out of agriculture.

Skipping across some of these, the food stamp program, that probably consumed, out of 3 hours, probably 2 hours of the apportioned demagoguery for the day. It was how we could take food out of the mouths of babes, pregnant mothers, senior citizens, everybody you can imagine. I sat there and listened to that, and if I did not have a brain of my own to work with, I would have felt so guilty I would have crawled out of that room after they got done with me. The truth is when you look at it, we did not take any food out of anybody's mouth. We saved overall $844 million up to the year 2010.

I went back and looked, how much waste do we have in food stamps just for the last year we have records. Well, $1 billion in food stamp waste. That is fraud.

Mr. GINGREY spoke about how we will cut waste, fraud and abuse. We did that in the food stamp program, and we did not do it randomly. We realized there are States that grant food stamps to people who do not qualify for any other benefit. That is a pretty good sign it is a fraud. We conditioned it if they need another benefit, like TANF, it will qualify them for food stamps. Unless they do, we are not going to give them a bunch of food stamps because, likely, they are not qualified. Most of the States are that way. Iowa is that way. It works for us. We do not hear complaints because it is a responsible way to manage.

The other side of the food stamp piece was we extended the period of time. When people come into this country legally, they pledge they are going to be self-sufficient. We say to them, under current law that means you do not get these benefits for 5 years. Then you can be unself-sufficient and we will help you out. We extend that time on food stamps from 5 years to 7 years. That picked up $275 million. We found our $3.7 billion without a lot of pain.

I will not say it was easy, because I had to listen to 3 hours of demagoguery; but we did not hurt anybody, and we helped people and we helped the taxpayer.

We have another way we can help this country. I have got to say this because agriculture is so susceptible to energy, but we have 406 trillion cubic feet of natural gas out there under the Outer Continental Shelf. We are paying $14.50 per million Btus here in this country. In Venezuela it is $1.60 compared to our $14.50. The same with Brazil, Argentina, and most places on this continent; and we have got 406 trillion cubic feet of natural gas right there next to the pipeline. All we have to do is move our drill rigs a little further to the east, sink them in the ground, hook the pipes up, and go to the same refineries and we can drive this price down. If we do so, we can cut fertilizer prices down and gas drawing prices down for our grain as well.

Go up and drill in ANWR, fix the energy piece in all of this, and we are going to see a big difference in this country. This is not all of the work we need to do, but this is a bunch of the important work we need to do. I am looking forward to getting on with it.

Mrs. BLACKBURN. Mr. Speaker, the gentleman from Iowa truly is a great conservationist not only with the soil and the land in Iowa, and we love to say he gets his best information on the back of his tractor working his pastures, as we hear his good, conservative philosophies put to work in this House, as he talks about being a conservative and a conservationist in his spending, in his farming and in his love of the land and in his love of freedom. We are so pleased that he has reminded us and shown us how the Committee on Agriculture, again practicing fiscal stewardship, practicing what they preach, living it out to be certain that every single committee looks at their programs and says there is a better way for us to do this. There is a way to reduce this spending, and the American people are going to benefit.

We have heard many times over the past several months from the gentleman from Texas (Mr. HENSARLING) who has come to the floor and has talked with us about having respect for families and the family budget, about how important it is that we realize that taxes and fees are the largest part of a family budget and how the Federal Government should be sensitive to that and work to reduce that burden.

I have asked Mr. HENSARLING to join us tonight and talk with us for a few minutes about what happens if we do not pass the Deficit Reduction Act, where will we be if we do not pass this act.

Mr. Speaker, I yield to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I thank the gentlewoman for her leadership in the area of government reform.

Mr. Speaker, you have heard how important it is that we have a plan that is going to reform government, that will help achieve savings for the American people. It is so sad that the Democrats on the other side of the aisle, not one, not one has risen up to join us in this effort to try to reform government.

We know that our Nation faces a number of challenges. We have Medicare and Medicaid and Social Security. We have important programs, but they are growing beyond our ability to pay for them. Now we have had the devastating hurricanes hit. We know there are only three ways we can pay for all of this: one, we are going to pass debt on to our children; two, we are going to raise taxes on the American people; or, three, we are going to find smart ways to hold government accountable and decrease the rate of growth in spending and bring about reforms.

Well, the Democrats have attacked all of our reforms. They claim that somehow these are massive cuts, notwithstanding the fact that the Federal budget is going to grow next year over this year in what we call mandatory spending that has most of the welfare programs growing next year over this year. TANF is going to grow. Medicaid, Medicare, it is all going to grow. But they attack all of our reforms, and they claim that they do not want to pass debt on to our children. Well, what does that leave us? That leaves us with tax increases.

They do not like to talk about it, but it is the only other option on the table. In this case, massive, unconscionable tax increases that, if imposed on the American people, will leave the next generation with a lower standard of living than we enjoy, because the government we already have is growing beyond our ability to pay for it.

Chairman Greenspan of the Federal Reserve recently said, ''As a Nation, we may have already made promises to coming generations of retirees that we will be unable to fulfill.''

The Brookings Institute, which is no bastion of conservative thought, says expected growth in these programs,

speaking of Social Security, Medicare and Medicaid, along with projected increases in the debt and defense, will absorb all of the government's currently projected revenue within 8 years, leaving nothing for any other program.

That is the Democrats' plan. That means no veterans funding. That means that beloved Pell grants are gone. All of this is gone because they refuse to join us in any of these reforms. The Government Accountability Office said in order to balance the Federal budget in the next 30 years, total Federal spending is going to have to be cut in half or Federal taxes doubled.

Mr. Speaker, we have a chart that shows what is happening to the size of our government. This shows here the percent of our economy that we are devoting to government. Right now it is about 20 percent. Our revenues, which is this line here, runs pretty consistently between 18 and 20 percent of our economy.

□ 2030

But the government programs that are in place today, not all the ones that the Democrats want to add, but the government programs that we have today that are on automatic pilot, without the reforms, if we do not reform them, if we do not achieve success in our vote for reform, in just one generation we are going to go from 20 percent of our economy devoted to government to 40 percent, Mr. Speaker, in just one generation.

And that, Mr. Speaker, is the cost of it. Here we have the year 2005, and look at the tax increases on the average American family as the years go by. Again, what does that mean? It means in just one generation we are going to end up doubling taxes on the American people. And, Mr. Speaker, I just believe that that is absolutely unconscionable, particularly for a party that continues to want to preach compassion to us.

Right now, right now, they want to cut the child tax credit in half. And that is their idea of compassion? That is what they are telling us. That is what their tax plan is. They want to reinstitute the death tax so that people have to visit the undertaker and the IRS on the same day. And that is their idea of compassion, Mr. Speaker? They want to bring back the marriage penalty. They want to punish people. They want to tax people extra because they choose to fall in love and marry somebody. And that is their idea of compassion? That is just what they want to do today.

But what they want to do to my children and your children, my 3½-year-old daughter and my 2-year-old son, they want to double taxes on them. An average family of four, what that means to them is that as they spend $11,000 a year in housing today, under the Democrat doubling of taxes plan, that will go down to $8,500. That means that although you may own a home, your children will not be able to afford one.

When it comes to transportation, this average family of four spends about $5,300 today. But under the government plan where we double taxes, that will go down to about $4,000. Mr. Speaker, people are struggling to fill up their cars now. I suppose under the Democrat plan they will not have to worry about it because Americans will not be able to afford to buy cars anymore.

Let us talk about food. The average family of four is spending about $5,300. That goes down to $4,000. The Democrats in their so-called compassion plan and fighting our reforms just took 3 months of groceries away from the average American family because they have their plan to double taxes on the American people. And, Mr. Speaker, the list goes on and on and on.

We have a common-sense plan, a common-sense plan, to reform government and achieve savings for the American people. I mean, who is going to argue with the fact that we should not be giving food stamps to illegal aliens? Who is going to be arguing with the reform that we ought to quit paying twice the market rate for student loans? These are common-sense reforms. And, Mr. Speaker, as this debate continues to unfold, we have to remember what the Democrats really want to do, and that is massive tax increases that are going to leave the next generation with a lower standard of living than we enjoy, and that is unconscionable.

Compassion, Mr. Speaker, ought to be measured by how we treat the next generation and how many paychecks we create, not how many welfare checks we create. Our reform plan will help create paychecks. We have already created 4 million new jobs in this economy. Theirs is more of the same: more government, more spending, tax increases for future generations. There is no compassion there, Mr. Speaker. No compassion whatsoever.

Mrs. BLACKBURN. Mr. Speaker, reclaiming my time, I thank the gentleman from Texas for his comments.

And he is so correct. If we do not take these steps to rein in spending, to reform government, to get on this plan that is going to reform this government and begin yielding a savings for the American people, we will see it go from taking 20 percent to 40 percent of our resources. Fiscal stewardship demands that we work to find a way to restrain the growth of government, to begin to roll it back. And it is not easy, as I said earlier. The Democrats spent 40 years building a monument to themselves, a great big bureaucracy; and it takes time to begin to break it apart.

As the gentleman from Texas was talking, I was looking over a chart that had the 12 largest post-war deficits that we have seen in this country. Of course, one of them was 1946, when we were hard at war and fighting and coming back from World War II. Mr. Speaker, these other years, 1983, 1985, 1986, 1984, 1992, 1991, 1976, 1982, 1993, 1990, Democrat control. It is time for us to put this Nation on a track to reform government, to reduce the bureaucracy, to be certain that money is going into programs to meet needs at the local level; that money is not being soaked up by the bureaucracy that sits in these buildings around Washington, D.C.

Mr. Speaker, I yield to the gentlewoman from North Carolina (Ms. FOXX), who is a leader in education on the Education and Workforce Committee, and she is going to talk with us for just a few moments and dispel a couple of myths pertaining to education funding and talk about what we are trying to do to be certain that young people have the opportunity to dream big dreams, dream big dreams and have great adventures and look forward with hope and opportunity to a future.

Ms. FOXX. Mr. Speaker, I want to thank the gentlewoman from Tennessee (Mrs. BLACKBURN) for organizing this Special Order again and for helping us bring the facts to the people of this country.

She used a very nice word, ''myths.'' Some people could use much stronger words about the things that are being said about this Deficit Reduction Act. So I think she is being very kind. We need to set the record straight about what is being said about this bill and about what we are actually doing.

The Education and Workforce Committee was given the task to find $18.1 billion in net savings. Of that $18.1 billion, we generated $14.5 billion by making the Federal programs dealing with higher education more efficient and effective.

I did serve many years in higher education. I was a community college president, a university administrator, dealt with higher education programs, with financial aid. So I understand these programs a great deal. And let me tell the Members just in summary what we did. We are helping the students and the families of this country tremendously by what we are doing. We are going to continue to increase student financial aid as college enrollment increases. We are going to see financial aid going up through increases in loan limits and reductions in origination fees. That is going to help students and families. We are going to end the practice that allowed some lenders to collect the minimum of 9.5 percent rate of return on some student loans.

And yet the Democrats have fought these tooth and nail. They all voted against these measures. They do not want to help make access to higher education better for low- and middle-income students like we do. And that is what this is going to do. It is going to generate savings for taxpayers by eliminating waste and inefficiency, trimming subsidies paid to lenders, and place the aid programs on a stable financial foundation. We are going to put a complete and permanent end to practices that have allowed some lenders to collect the minimum 9.5 percent rate of return on some student loans.

That is just simply unfair to the students who are having to borrow money.

It will also reduce student loan fees by 75 percent over 5 years. Student loan borrowers today pay up to 4 percent in loan fees and a 3 percent origination fee. We are going to reduce that origination fee to 1 percent. It also is going to expand student loan borrowing by increasing the amounts for first- and second-year college students. This is going to be a tremendous boon to those students.

It is also going to protect borrowers' credit by requiring lenders to report to all national credit bureaus to ensure students and graduates will be able to take full advantage of the good credit history they have earned through repayment of their Federal student loans. They cannot do that now, and it is a shame because they cannot build a good credit history.

We also, through this bill, improve consumer protection and awareness by eliminating unfair rules that limit options for consolidation borrowers and providing borrowers more information about their loans. We want students to be responsible. We are going to help them be responsible.

The Democrats are opposed to that. It is really mind-boggling to understand why they would oppose all these reforms that we are putting in. One would think they would want to help moderate- and low-income people get a higher education, but they keep throwing stumbling blocks up and saying we are reducing money; we are increasing the amount of money. We make it easier for the neediest students to participate in these programs by simplifying eligibility.

I know when I conducted programs with financial aid, it took a college degree to fill out the forms. So it was a real problem. We are going to improve that.

Taken as a whole, CBO estimates these reforms will save $14.5 billion over 5 years. That is money going into the pockets of the students and the families that we want to help and other taxpayers.

Spending is out of control, Mr. Speaker. We cannot afford to keep increasing Federal spending at astronomical and unreasonable rates. Contrary to what our colleagues on the other side of the aisle are purporting, we are not finding these savings on the backs of college students. We are going to help college students. These reforms will strengthen student aid programs and expand student benefits.

Everybody needs to support this bill and know that they can go home and say to students trying to get an education, We are helping you with this.

Mrs. BLACKBURN. Mr. Speaker, reclaiming my time, I thank the gentlewoman from North Carolina for her comments.

She is exactly right. Reforming the process, reforming the way government does business, making it simple, being certain that we find another way to get government off people's back, out of their pocketbook, simplify the system so that the money gets to where it is needed, in this case, in education, getting that money into the student loan programs so that students are in the classrooms, so that they have access to those classrooms.

We have been joined by the gentlewoman from Ohio (Mrs. SCHMIDT), and she is new as a Member of the U.S. House of Representatives. She comes with a State legislative background from the State of Ohio where she has worked on so many of the health care programs, the reform programs that were needed, and working with Governors. At this time she is going to spend just a couple of moments and talk about some of the reforms that were needed by the Governors and are addressed in this bill.

I yield to the gentlewoman from Ohio.

Mrs. SCHMIDT. Mr. Speaker, I thank the gentlewoman from Tennessee (Mrs. BLACKBURN) for yielding to me.

Mr. Speaker, I am going to keep this very brief. I just came here 64 days ago, and I served on the general assembly and I served on the appropriations committee. And I can tell the Members most States are seeing their budgets being crippled by Medicaid, and Medicaid is tied to the Federal programs. What we have done in this bill is we have a plan to reform government, to reduce spending, not just at the Federal level but at the State level as well.

The gentleman from Texas's (Chairman BARTON) program that addresses the eldercare with Medicaid will really help States initiate programs that truly take care of the elderly who are in need, but force people who are not in need who try to circumvent the system from circumventing that system. And that is so important. That is reforming government. That is reducing spending. That is getting rid of waste, fraud, and abuse. And that is a plan.

Chairman BARTON also has a plan for Medicaid savings on prescription drugs. That is important, because when I came from Ohio and when 85 percent of our budget is crippled by Medicare and education, we need to have help at the Federal level to enact reforms at the State level that will allow us to feed our poor, feed our elderly, educate our children, and not bankrupt our system. That is what this act does.

I am going to vote for it, and I want to applaud the leadership on the Republican side of this aisle for giving us a plan to reform government, reduce spending, and save our future.

Mrs. BLACKBURN. Mr. Speaker, reclaiming my time, I thank the gentlewoman for her comments.

At this time I yield to the gentleman from Minnesota (Mr. GUTKNECHT), who is going to talk with us about the food stamp program and address some of the myths that we have been hearing about this program. This gentleman has done so much work in the agriculture programs, looking to be certain that we address the stewardship requirements that our constituents and citizens have for us.

□ 2045

Mr. GUTKNECHT. Mr. Speaker, I thank the gentlewoman for holding this special order tonight.

Mr. Speaker, John Adams once said very simply, ''Facts are stubborn things.'' Somebody else once said that you can ignore the facts, you can deny the facts, but in the end, there they are. Tonight we are talking about the facts.

I want to just share with my colleagues some information according to the Office of Management and Budget, because this is pretty shocking. Some of our friends on the left are saying, Well, it is because we are wasting all this money fighting terrorism in Iraq and Afghanistan. Well, maybe they are right, I do not know. Some of them say, Well, the reason we have a deficit problem is because of tax cuts. Well, I think we can dispel that myth, because let me just share with my colleagues some numbers from the Office of Management and Budget.

Since 2001 through 2005, the inflation rate here in the United States has averaged a little more than 12 percent, total. We have increased spending on science, space, and technology by 21 percent. This Congress has increased spending on transportation by 24 percent. We have increased spending on unemployment benefits by 26 percent; general government, 32 percent; income security programs, or what we would call welfare and other programs we are going to talk about in a minute, have increased by 39 percent. Now, that is at a time when inflation has been a little over 12 percent, so it has increased at triple the inflation rate.

Health care programs, we have increased by 42 percent just since 2001; community development, 71 percent; housing and commerce, 86 percent; international affairs, what some people call mostly foreign aid, has increased by 94 percent.

Finally, Mr. Speaker, this area that we are just slashing and burning, education, has increased by 99 percent. The facts are right here, and if anyone would like a copy of the article, if they call my office, I will be happy to send them one.

We talked about facts, and the gentlewoman mentioned food stamps. Now, listen, I think I speak for everyone on both sides of the aisle here in the U.S. House of Representatives and, frankly, I think I speak for all Americans, it is something we take pretty seriously. We do not want anybody to go to bed hungry here in the United States. But I am happy to say that this House, this House leadership, this Budget Committee and the chairman and the members of the Republican Caucus have a plan that will reform government and provide savings for the American taxpayers. Spending has been going up too fast, and we propose to do something about that.

I came here in 1994, and earlier my colleague, the gentleman from Tennessee (Mr. WAMP) talked about what we did in 1995 and 1996. One of the things we did that I will always be proud of is, we reformed the welfare system, and we put limits on welfare. We heard some of the same arguments back then, Oh, my gosh, people are going to be thrown into the streets, people will go hungry, this is going to be terrible. Well, let us look at what happened. We cut the welfare caseloads by 50 percent.

Mr. Speaker, I always said, and I really believe this, welfare reform was never about saving money. It was about saving people; it was about saving families; it was about saving children from one more generation of dependency and despair.

Unfortunately, our friends on the left still believe in big government. They somehow believe that big government programs can really solve problems.

Mr. Speaker, we believe people should not go to bed hungry.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman for his time tonight. I will remind everyone that facts are stubborn things. We know we do not balance the budget by raising taxes and balancing it on the backs of hard-working Americans. You get this deficit under control by cutting spending and promoting economic growth and creating a bright future for future generations.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. FORTENBERRY). 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, it is once again an honor to come before the House, and we want to give thanks to the Democratic leadership for allowing us to be here one more night.

Mr. Speaker, as my colleagues know, the 30-Something Working Group and hard-working members on this side of the aisle have come to the floor repeatedly, night after night, in some instances, 2 to 3 hours, to inform not only the Members, Mr. Speaker, but also the American people on what is happening to them under this budget. I will tell my colleagues something for them.

As I stand here now on the floor, Mr. Speaker, the Rules Committee is meeting. They are not meeting under the lights of the American people or even in the daylight. They are meeting here at almost, close to 9 o'clock at night to try to figure out how they can come to the floor and put forth a budget that is going to increase lines at veteran hospitals and clinics in rural areas, decrease services to veterans, and also bring up a higher copayment and premiums for veterans to be able to receive health care.

They are meeting now trying to figure out, Mr. Speaker, how poor children, who do not have to pay a copayment to get health care, they are trying to figure out how they can explain that to the American people and how they can bring it to the floor and package it in a way that even some moderate Republicans can vote for it.

They are trying to figure out now, Mr. Speaker, they are going to be able to ask Members of this Congress, who have been federalized by the fact that they have been elected to Congress, to watch out for the well-being of the country; and drilling, having oil rigs just miles off the coast of Florida where so many of us here in this country go to these destinations for relaxation.

And also as it relates to even helping our own U.S. economy, people fly from overseas to come over and try to enjoy themselves and, at the same time, bring dollars to the United States. They are trying to figure out how they can go to pristine areas throughout our country and national parks and how they can stick an oil rig in the middle of a national park because special interests want that to happen, not that the American people want it to happen.

They are also trying to figure out, Mr. Speaker, how they can save face, and when I say "they," I am saying the Republican majority, how they can come to this floor and ask Members to vote to increase fees for students, which is going to be handed down to the States and they are going to have to increase fees to students for college education as it relates to loans.

They also are trying to figure out how they are going to say that their budget is better than the Democratic alternative, and it is all about priorities.

Mr. Speaker, that is the reason why we are here on the floor tonight. This is the eve of the budget vote. I will tell my colleagues this: I just do not know how, on the majority side, they can swell up about the troops, how they can get teary-eyed, how they can talk about the War on Terror, how they can talk about all of the things that they talk about as it relates to defending our country, and then those very individuals that are defending our country, as we speak, Mr. Speaker, will come back only to have to wait 6 months to see a specialist at the VA.

Where is the money going to come from and the services if you are pulling the rug out from under the veterans?

Mr. RYAN of Ohio. Mr. Speaker, this is about third-party validators. This is not KENDRICK MEEK, TIM RYAN, BILL DELAHUNT; this is not just us spewing out rhetoric to the American people, Mr. Speaker.

I want to read a letter that I think may be of some interest to the Republican majority as they are all deciding right now how they are going to vote. It is about time you get on your knees, you say your prayers before you go to bed tonight. The Republican majority needs to remember this letter:

"The absolute folly and moral bankruptcy of this plan is apparent." He is referring to the budget reconciliation package that the Republicans are about ready to pass out of this Chamber.

This gentleman says, "The absolute folly and moral bankruptcy of this plan is apparent to the United States Senate, who voted to bar funding for it from the appropriations bill now in conference.

"The VFW," I say to my friends, "urges the Congress to put a stop to the wartime assault on past and present warriors who have fought for and continue to defend our country."

Mr. DELAHUNT. That is from the VFW.

Mr. RYAN of Ohio. "Understand that this situation is totally unacceptable to the VFW and its 2.4 million members and auxiliaries. We will do what is necessary to protect, in Lincoln's words, 'He who bore the battle, and his widow, and his orphan.' These words are marked on the front of the VA headquarters building. I urge you to take them to heart. Sincerely, Robert E. Wallace, Executive Director, the Veterans of Foreign Wars, Washington Office."

We are not making this up. This is the VFW.

Mr. DELAHUNT. That is the Veterans of Foreign Wars.

Mr. RYAN of Ohio. Veterans of Foreign Wars.

Mr. MEEK of Florida. Mr. Speaker, if the gentleman will yield, will the gentleman from Ohio give that to the Clerk so that we can enter it into the RECORD.

Mr. RYAN of Ohio. Mr. Speaker, I will enter the letter into the RECORD at this time.

NOVEMBER 7, 2005.

ALL MEMBERS OF CONGRESS: The absolute folly and moral bankruptcy of this plan is apparent to the United States Senate, who voted to bar funding for it from the appropriation bill now in conference. We have heard, however, that the House Leadership fully intends to strip this provision from the bill, and require the VA to execute this witch-hunt of a review.

The VFW urges the Congress to put a stop to this wartime assault on past and present warriors who have fought for, and continue to defend our country. Understand that this situation is totally unacceptable to the VFW, and its 2.4 million members and auxiliaries. We will do what is necessary to protect, in Lincoln's words, "He who bore the battle, and his widow, and his orphan." These words are marked on the front of the VA headquarters building. I urge you to take them to heart.

Sincerely,

ROBERT E. WALLACE,
Executive Director,
VFW Washington Office.

Mr. MEEK of Florida. Mr. Speaker, what is going to happen is that historians are going to look at this moment right now in the U.S. Congress; they are going to look at this very moment, as we are on the floor right now, and the Rules Committee, they are meeting behind closed doors, at night, in the dark, making decisions that are going to affect the American people, the everyday American people. It is going to affect them.

This is not a hearing that is broadcast to the American people; it is not a hearing, not even in the daytime. It is a hearing in the middle of the night. And what they are going to do in that closed-door hearing is set the stage to try to come to this floor.

They cannot persuade our Members on this side, because we are already on the side of the American people. We already know, together we can do better on this side of the aisle. We already know that we put forth amendments in the Budget Committee that were voted down on a party-line vote.

As it relates to the oil companies' profits, there was a hearing today with the oil companies here. They must have heard us talk about it, and so they said, Well, let us call a couple of them in and let us talk to them about why the American people possibly got price-gouged. A lot of talk.

But it was the Democratic Caucus and the Democrats in committee that put forth the amendment, not talk, but action, to make sure that the American people no longer were being price-gouged; and also making sure that those individuals in America that have to pay higher fees, especially our poor, for heating oil and gas this winter. Action, not talk. To come to the floor and to just talk, without action.

We in the minority, and by the fact that we are in the minority, we are trying to do the best that we can to fight on behalf of the American people that sent us here to represent them throughout this country, we are here fighting. We are not just giving them lip service. We are not saying, Hey, listen, we are going left, but we are really going right. We are not here to sugarcoat or glaze the reality.

The reality is the fact that they know that they are wrong, and they know they are going to have a problem with the vote. I guarantee my colleagues, as sure as my name is KENDRICK MEEK, when that board opens up tomorrow, the vote on the budget, we are going to be here for some time. We are going to be here for some time while arms are being twisted, while the special interests are calling in on cell phones saying, you have to vote for this because our stuff is in that bill.

But meanwhile, back at the ranch, I grabbed the PAC list a little earlier. I did not see a PAC on behalf of people who fought for this country. I did not even see a PAC that was put forth by the children in America that are on Title I and free and reduced lunches; I did not see a PAC on their behalf to get the attention of this Congress. I did not even see a PAC that said, Hey, listen, we just want you to do the right thing on behalf of the American people. I did not see that PAC listed on the PAC list.

But I will tell my colleagues this: This is very disturbing.

The reason why I asked the gentleman to put that VFW letter into the RECORD, and we need to put that AARP letter that came in yesterday since we are helping seniors, into the RECORD, because we want historians to look at the time when we had the highest deficit in the history of the Republic, we want historians to be able to look at when one President, with a majority Congress, with a majority House and a majority Senate, borrowed more from foreign countries than 42 previous Presidents and 42 previous administrations, Democrats and Republican.

Mr. DELAHUNT. Mr. Speaker, it was interesting to listen to our Republican colleagues and friends in the previous hour. I heard the word ''reform'' over and over again. I heard the term ''fiscal responsibility.'' I heard the concept or the phrase ''spending cuts reining in'' and ''making government smaller.''

□ 2100

And they kept referring to Democrats and the minority side with certain gestures. I guess my response is, who has been running this place for 12 years? Who has been in charge, Mr. Speaker, for 12 years? It was in 1994 that the Republicans came to power and took control of this body. Twelve years ago. Is it just dawning on you now that fiscal responsibility is essential to our economy, essential to the future of our children? And reform, you have had 12 years to do reform. They speak of the veterans and health care and they recite statistics and they were mostly newer Members of the Republican Party that spoke here tonight, so maybe they are unaware of what the Republican leadership in the House did about a year or two ago. The chairman of the veterans services committee, the then chairman was the gentleman from New Jersey, someone whom I disagree with on occasion, but for whom I have great respect because he tells it like it is and he stands tall, and if he believes in something his commitment is unwavering. He made a big mistake. He sided with the VFW. He sided with the American Legion and the DAV, Disabled American Veterans organization. These are the people who understand best. They are not governmental organizations. They are nonprofit voluntary associations of veterans.

Mr. RYAN of Ohio. Who do not give money.

Mr. DELAHUNT. Who do not give money to politicians. But because he sided with them in terms of their priorities, their expression of what was needed to properly respect the needs of American servicepeople who have done so much for this country, you know what happened to him? Now, they probably do not know this. He got fired, for all intents and purposes. He was removed as chairman of that veterans services committee. And that is CHRIS SMITH, a man of courage and moral principle.

Mr. MEEK of Florida. If the gentleman will yield, even more, not only was he removed as chairman; he was taken off the committee. I think he was taken off the committee as it relates to being the chairman. I am not just talking about being off the committee, taken out of the chairmanship. But that is what you get when you stand up against the machine.

Mr. RYAN of Ohio. The machine.

Mr. MEEK of Florida. That is what happens to so many individuals that stand up against the machine.

Mr. RYAN of Ohio. Will the gentleman yield?

Mr. MEEK of Florida. Yes.

Mr. RYAN of Ohio. I thought it was very interesting how, as we were gathering or coordinating our efforts here tonight, I thought as I was listening to our Republican friends on the other side, there were things missing that I think the American people, Mr. Speaker, need to know about. No one on the other side said that we should cut the $16 billion in oil subsidies to pay for some of the other cuts that are being made for poor children or middle-class college students. No one on the other side said anything about the $100 billion in subsidies that are going to the pharmaceutical companies. No one said anything about that. And if there is any concern about the lack of responsibility, the incompetent leadership, complete incompetence, complete inability to govern, all we need to do is look at what has happened in the last 4 years.

Mr. DELAHUNT. I say to the gentleman from Ohio, how about some welfare reform? Welfare reform for the oil industry and welfare reform for the pharmaceutical companies. You know, when they speak to the issue of welfare reform, they are not talking about the oil industry or the drug manufacturers. No, they are not talking about those folk. They are not talking about corporate welfare. And as you just indicated, $16 billion to go to Big Oil for what? For an industry that just had record profits.

As you indicated earlier, they were up here today, brought up here by Republicans because it is so embarrassing to have passed an appropriation and provided subsidies for Big Oil, and then they report these incredible profits. I mean, it was embarrassing.

Mr. RYAN of Ohio. Mr. Speaker, we may be a little more intense tonight than normal, and the reason is that tomorrow this budget may come before this House, and all the rhetoric over the past few weeks may become reality tomorrow on this floor. And we are not going to sit up in our offices and watch C–SPAN and watch this happen. We are not going to sit in our office and turn on Chris Matthews or some MTV, VH–1 show and just relax tonight.

The American people will be hurt if this budget passes this Congress tomorrow. People who are on Medicaid will be hurt tomorrow. People who are trying to bite, scratch, and pinch to send their kids to college will be hurt tomorrow. And veterans who fought for this country will be hurt tomorrow. And if they think we are going to stand up, or lay down, in our offices and turn

the TV on or go back home to our apartments and watch this happen without a fight, they have got another think coming, because they have taken this country, and in the last 4 years borrowed over $1 trillion from foreign countries. In the last 224 years, we have not borrowed that much from foreign countries.

Mr. MEEK of Florida. I know you have a point there. I just want a point of clarification. Point of clarification. I did speak correctly, Mr. Speaker, when I said that the chairman, the past chairman of the Veterans' Affairs Committee, Republican, was not only removed as chairman, but kicked off of the committee. They did not even want his thoughts on the committee because he stood up for veterans. He stepped out of line. He stepped out of line. Chairman SMITH, CHRIS SMITH stepped out of line, because he did what he thought was right. I am holding in my hand, and I am sorry, but I just wanted to share that because we were making a point earlier and I said he was off the committee, and then folks were looking around. I knew that I was correct.

Here is the legislative directory for the 109th Congress. It has the names of the members on the committee, and I do not blame the Members. I am talking about the leadership. But there are two spots there that say vacancy, vacancy. One of those vacancies was the past chairman of that committee who was a Republican that could no longer stomach doing what the Republican leadership was asking in this House for him to do.

Mr. DELAHUNT. Because he sided with the veterans of foreign wars, with the American Legion, with the disabled veterans and the various veterans services organizations.

Mr. RYAN of Ohio. And the American people, for that matter.

Mr. DELAHUNT. And the American people. Because the American people want to take care of the veteran. Before we leave the veteran issue, if anyone who should be watching our conversation this evening has any doubts, do not call us. Do not call our offices. Do not call the offices of the Democratic Congressional Campaign Committee. Do not call the Republican Members. Do not call the Republican leadership. Call the Veterans of Foreign Wars where you live. Call the American Legion where you live.

MS. WASSERMAN SCHULTZ. We have a very important holiday coming up the day after tomorrow, and each of us is hoping that we have an opportunity to go home and look our veterans in the eye and tell them how much we appreciate and honor them. And I know that I will be able to do that in good conscience. I know that I will stand proud with my veterans and tell them that I did everything I could and will continue to do everything I can and House Democrats will continue to do everything we can to ensure that we honor their service.

I certainly would not want to be any Member of Congress with an R next to their name that votes for this bill tomorrow if it comes up on the floor because, growing up, my mom always told me that the guide that I should use when making a decision was whether I was going to be able to sleep well and then wake up in the morning and look at myself in the mirror and be comfortable with the decision that I made and know that I did the right thing.

Well, I wonder just how well our Republican friends on the other side of the aisle are going to be sleeping tonight. They have a lot for their stomach to be churning about; and for those that are going to wake up in the morning and decide that they are going to vote ''aye'' and support this legislation, I do not know how the very next morning they are going to be able to stand on the podium with their veterans and look them in the eye and say that they continue to honor them.

And, you know, we sometimes stand here and people listening to us or, Mr. Speaker, sometimes people might think that, you know, this is just our opinion, that we are obviously committed Democrats and committed to our beliefs and our agenda. But we are here every night not representing just our own opinion, although we certainly do vociferously express our opinion. We like to make sure that we bring third-party validators to back up the opinion that we are espousing on this floor.

I just want to read an excerpt from a letter that was sent to each Member of Congress, all 535 Members of us, of these two Chambers, on Monday, November 7, 2005 by Robert E. Wallace who is the executive director of the Veterans of Foreign Wars Washington office. And I am hopeful that I am not being repetitive. I am not sure if you have already read his words. But, you know, for those that may question whether or not we know what we are talking about or that we are exaggerating or engaging in hyperbole when it comes to what is in this bill and the priorities of the Republican leadership versus our priorities when it comes to commitment to veterans, he says:

''Dear Senator or Representative. To all Members of Congress, we have at the Veterans of Foreign Wars of the United States, VFW, observed for the past several months astonishing efforts to cast veterans who have been found to be severely disabled by the Department of Veterans Affairs' own determinations as undeserving of the veterans benefits their grateful Nation has provided for them in the law. This assault on the most vulnerable members of the veteran community, disabled in service to this country and suffering from post-traumatic stress disorder, is broad in its scope and execution. At a time when the VA should be preparing to serve combat veterans returning from the war on terrorism being fought in Iraq, Afghanistan and elsewhere, they are expending their limited resources planning a systematic effort to reduce or remove benefits earned by the parents and older siblings of the troops fighting in the field today.''

Well, that is not TIM RYAN saying it. That is not DEBBIE WASSERMAN SCHULTZ or BILL DELAHUNT or KENDRICK MEEK saying it. That is the executive director of the VFW's Washington office.

Mr. RYAN of Ohio. They are just saying stop. The VFW is telling the Republican Party, Mr. Speaker, stop. Look what you are doing. You are hurting veterans. I mean, the executive director of the Veterans of Foreign Wars does not just say I am going to send a letter to Congress today, Mr. Speaker. Stop it. You are going to hurt veterans. And at the same time, you are giving tax cuts to people who make $1 million a year or more. You are giving $16 billion in subsidies to the oil companies. You are giving handouts to the pharmaceutical companies, the wealthiest corporations in the world. And you are cutting veterans benefits. What is going on here?

Mr. DELAHUNT. Well, I think what is going on is that there is a misunderstanding on the part of the Republican leadership when they speak of patriotism. Patriotism is not about a parade. It is not simply respect for the flag. It is about treating the men and women who go to war for us, who serve the country with respect.

□ 2115

That is what patriotism is about.

We hear a lot about patriotism on the floor of this House, and I am sure that those words are uttered with great conviction and sincerity. But I guess what we are trying to convey is that patriotism is not just rhetoric.

Remember what Franklin Delano Roosevelt used to say during World War II? Shared sacrifice. Who is sacrificing for our veterans? Those that receive this egregious tax benefit who are among the most affluent in America. I daresay if those people were inquired of, one by one, they would say, Take that tax break; I want the veterans to be respected.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I heard some of our friends on the other side of the aisle taking issue or calling into question what we have been saying about what they would propose to do to our Nation's veterans. I did not notice them holding up anything in black and white that disproves what we are saying.

Mr. DELAHUNT. Did you hear about reform?

Ms. WASSERMAN SCHULTZ. I did not notice.

Mr. DELAHUNT. Did you hear about limited government? Did you hear about fiscal responsibility?

You know what is interesting? I served with a gentleman who is a genuine conservative and he was part of the leadership on the Republican side. He chose not to run again. And I guess that must be a very liberating experience, because he recently spoke out and this is what he said:

Our President is publicly oblivious to criticism, although off-the-record reports indicate his patience is running thin inside the White House. He argues the right wing is now spending like profligates with no tomorrow, and is displaying a very real arrogance. What they say about absolute power is coming to reality.

Those words were written by, as I said, a former member of the Republican leadership, Representative J.C. Watts of Oklahoma, a conservative, a man of principle.

As I said earlier, we have heard about reform. We hear about we have got to limit government. Well, what have they been doing for 12 years?

Mr. RYAN of Ohio. It had to be a joke. They had to be kidding.

Mr. DELAHUNT. Maybe it is just that they do not get it. They have not been here long enough to understand that they have been in power for 12 years. I mean, we have a single-party government in this country today, the Senate, the House, and the White House. And yet conservatives like the President of the American Conservative Union, David Keen, he noted in a letter to members that Federal spending has increased by $300 billion since George Bush took office, including $96 billion for domestic social welfare programs. By comparison, Keen said, spending increased by only $51 billion during President Clinton's 8 years. So I guess what we are talking about is the capacity of an administration to spend money wisely and effectively.

We heard about welfare reform, Mr. Speaker, and yet we have created a welfare state for major corporations. We have created in Iraq a welfare state for Iraqis. And as we have said here before, it was the Republican majority that insisted that the money that goes to Iraq, to rebuild Iraq, never be paid back to the American taxpayers. That just does not make any sense. That makes absolutely no sense. And we stood here on this floor and said, Make it a loan so that we get the money back, so that we can use it to control the deficit, this deficit that is the product of this administration and this Congress.

When Bill Clinton left office, there was a surplus of $5.6 trillion. And I kept hearing something about facts over here. Well, that is a fact that they should recognize, the Republican majority. Bill Clinton left a surplus for the American people. And what do we have now? We have trillions, trillions of a deficit that will explode in future years harming the interests of generations of Americans to come.

Ms. WASSERMAN SCHULTZ. And their answer to the deficit that they have ballooned is to not just hurt veterans, but to hurt people just when they are on the cusp of being able to make a change and turn the corner in their life. There are $844 million in food stamp cuts in this bill.

Now, I have heard some of our friends on the Republican side of the aisle argue that there is fraud in the food stamp program and that there are people who are collecting food stamps that do not deserve it or maybe we do not have as many people who need food stamps these days. Well, today, not yesterday, not 5 months ago, not a year ago, today, this is a picture of a line of 25,000 people, 25,000 people in Broward County where I am from, who lined up as early as 3:00 in the morning to sign up for food stamps following Hurricane Wilma.

Now, I checked to make sure that I was being accurate when I came down here tonight. This food stamp application process is through the regular food stamp program, nothing special, no special appropriations, nothing from FEMA. This is 25,000 people, most of whom have never before applied for public assistance.

Now, if the Republicans are going to say that there are not people in need and that it is more important to cut taxes for the wealthy then to provide for the people who are standing in this line, who have already been through so much, then really I guess we are serving with many who are serving in this Chamber without conscience.

Mr. DELAHUNT. Mr. Speaker, may I say something?

I do not know if the gentlewoman had the opportunity to listen earlier to our friends and colleagues, but they talked about common sense and they talked about respect for families. And yet in their proposal there is a cut of some $5 billion in a category called child support enforcement.

Now, common sense would dictate that if you invest money, if you invest $1 and get $4 in return that you do it because that is a good deal. Well, that is a bureaucratic term, child support enforcement. Really what it comes down to is, in most cases, deadbeats, deadbeat fathers who are running out on their obligation to their children, leaving mom and the children without any support, and forcing them onto welfare.

So instead of really demonstrating common sense, this Republican budget reduces the enforcement of audits on fathers to provide support for their children and former wives. It eliminates that or reduces it by $5 billion, and that translates, if you look at it as a business decision, into a loss of some $20 billion, $20 billion that would go to support children in this country.

Ms. WASSERMAN SCHULTZ. Let us just make sure people understand and the Speaker understands that we are not talking about made-up numbers here that we are just pulling out of thin air.

In the Washington Post last Thursday, another third-party validator, they describe the cuts in this bill and they go on to say, The food stamp cuts in the House measure would knock nearly 300,000 people off nutritional assistance programs, including 70,000 legal immigrants, according to the nonpartisan Congressional Budget Office, which is the office that we get our economic facts from.

Those immigrants would lose their benefits because the House measure would require legal immigrants to live in the United States for 7 years before becoming eligible for receiving food stamps. About 40,000 children would lose eligibility for free or reduced-price lunches, the CBO estimated. The food stamp cuts, if approved, will especially affect 11 States, including Maryland, that use the changes in the food stamp law, approved with the President's support in 2002, to expand eligibility and to simplify the application process.

Under the House measure that we will consider tomorrow, eligibility for food stamps would be tightened to exclude some recipients, get this, who qualify for nutritional support simply because they qualify for other antipoverty programs funded by the Federal welfare program known as Temporary Assistance for Needy Families, not eliminate fraud, not eliminate people who are not supposed to be getting food stamps, but eliminate people who already qualify because they qualify for other poverty programs.

And then today we have 25,000 more people in one county applying for the same program that we are going to cut 300,000 from tomorrow if this bill passes.

Where is outrage? Where is the conscience? I want to know how our colleagues are going to sleep tonight knowing that they have to cast this vote tomorrow.

Mr. RYAN of Ohio. Mr. Speaker, we have been talking for a little while here. I think it is important for us to just kind of recap before we get on to something else.

The Republican budget that is going to pass this House tomorrow, probably without one Democratic vote, probably anyone on this side of the aisle will not vote for this bill because of the egregious cuts in there.

Mr. MEEK of Florida. Mr. Speaker, let me just say real quick, the gentleman said, when it passes the House floor tomorrow, and I think the reason why you said that, because I know personally that the gentleman has watched on 3, 4, 5 major votes, that 20 minutes into the vote, 30 minutes into the vote, 1 hour into the vote, 90 minutes into the vote, the arm-twisting, the squeals, the cries from this side of the aisle of individuals getting hammered, literally, with their hands on the table saying that you will vote for this. You will vote for this. And that is the reason why the gentleman is speaking in those terms, ''when it passes.''

But I am going to say something. I believe in the spirit of the American people. I hope it rises up tomorrow in a way that it should rise up against this very bad budget. I hope that we can adopt the Democratic budget that is sensible, that put us on the trail for fiscal responsibility by 2015, to make sure that we prioritize on behalf of Americans and not on behalf of special interests.

□ 2130

So you are 110 percent right. If things happen at all the way it appears here under this Republican majority, it will pass. It will pass because they will literally make their Members vote for it.

Mr. RYAN of Ohio. I appreciate that. So we go through this bill here and we look at the cuts.

Medicaid cuts on poor and working-class families who are trying to get some health care for their kids, student loan cuts $14.3 billion; $24 billion in reduced child support collections. It is going to knock 300,000 Americans off food stamps. Many of them have been displaced because of the natural disasters. 40,000 kids are going to get kicked off school lunch programs. Foster care is going to take a hit of 7 or $800 million, I believe. Veterans are going to get cut $600 million. There is a funny thing here because at the same time all this is going on, our friends who make more than a half a million dollars a year are going to receive a tax cut worth $70 billion.

So as all of these programs on college students and their parents, Medicaid, child support, food stamps, veterans, foster care are getting cut, there is going to be $70 billion in tax cuts for people who make more than a half a million dollars a year; and before I yield over there to my friend from Florida, there is something funny about this list that we have here.

I am looking at this: poor kids and poor mothers on Medicaid, who have their kids on Medicaid; college students who are just trying to get a better life, improve themselves; kids on child support and mothers who are receiving child support; people on food stamps; kids and families who qualify for the school lunch program; veterans.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, do you know what that is called? That is called taking from the needy and giving to the greedy.

Mr. RYAN of Ohio. Exactly right, and there is a funny thing here. It is that none of these groups who are going to face the cuts tomorrow from our Republican friends have a lobby group on Shakedown Street, on K Street, not one of them. There is no lobby group for the college students who are going to have to pay more on student loans. There is no lobby group for the kids who need foster care.

I hope, Mr. Speaker, that the American people recognize that this budget is bought and paid for by the special interests on K Street, down on Shakedown Street, because our friends who are given the tax cuts will not take the $16 billion from the oil companies that they are giving in subsidies. They will not reduce the cost of the Medicare part B prescription drug bill. They will not do it, the billions that are going to go to the pharmaceutical industry. Those people are off the table. The Republican majority will not cut from them.

They have to go to poor kids who qualify for free and reduced lunch to go try to balance the budget; and at the same time, they are giving more tax cuts. It is frustrating to me as a Member of Congress, from a district that has a high unemployment rate, a district that 50 percent of the people in my district who pay taxes did not even receive a tax cut and many who either qualify for these programs or want to qualify for the student loans and the Pell grants so they could improve their lives are going to get hurt because of this.

At the same time, the lack of leadership, the incompetence, the inability to govern in a way that will improve the country and invest in the country continues down here, this is a disgrace.

This budget is an absolute disgrace, and you take any American and you ask them to come down here and be the distinguished gentleman like the movie and come down here and try to make the decisions that we have to make and you look at what we look at, there are not many Americans who would say giving tax cuts to people who make $1 million a year and cutting from the middle class, cutting from Medicare, cutting from our seniors' health care program or the poverty programs in this country is somehow okay.

One final comment. We heard from a lot of the religious organizations through the course of the last election, the Christian Coalition. I spent 12 years in Catholic schools, and I remember the Christianity I learned about had more to do with helping people who were not doing so well and trying to do your best to lift them up. To listen to the rhetoric come out of the organizations, not the members of the organizations because there are a lot of Christians in my district, these cuts offend them. The people who work at Catholic Charities, this offends them; and for the organizations who say they are religious to be deaf on this issue is an outrage.

Mr. MEEK of Florida. Well, there is nothing more evident than the truth as it relates to this budget, and I mentioned earlier about holding the clock open and violating the spirit of the rules of the House when there is a 15-minute vote called. It is customary to give Members 5 extra minutes to get here to vote, but it is not customary to hold a clock open for 3 hours.

Let me just say, October 7, 2005, Republicans held open a 5-minute vote on the Gasoline for America's Security Act for over 40 minutes to pass the energy bill, Republicans, which also passed by two votes because of the arm twisting.

On November 22, 2003, the majority held open the vote for 3 hours, the longest in the history of the House of Representatives, on the prescription drug bill.

Then on the Central American Free Trade Agreement on July 27 and 28, it has two dates because the clock was held open so long. For a 15-minute vote, the vote was held open for over an hour; and it passed on a 217 to 215 vote.

Here is the evidence. It is in the RECORD. I do not need to enter it. It is already there.

When you talk about how can this happen, how could this be allowed to happen in America, as we speak now, the Rules Committee is meeting in a dark room just above this Chamber, trying to figure out how they are going to come to the floor under the lights and the cameras and justify voting for a budget like this.

I am wondering where the majority's letters are from Family U.S.A. that is saying that these Medicaid cuts that the House has, that it will cause enormous hardships out there. Where is their letter and support from the AARP, the largest retirement organization in the world, that is saying that they are against the Medicaid cuts because it will affect seniors? Where are their third-party validators, these nonpartisan groups? I have to question that because I cannot help think about what we are facing right now.

We are facing allegations in the White House of outing a CIA agent and several other agents because someone thought that it would be politically right for them to share classified information about a clandestine agent with reporters. This is not what I am saying; this is what the indictment says.

You know what I did get, not from help from the majority, but we finally got the list of the subpoenas that were issued under the Clinton administration versus the Bush administration. It saddens me to see that the Republicans can provide oversight when they want to. They can get to the bottom of what actually happened when they want to.

I will tell you this, just one committee I am going to take, just one committee, the House Government Reform Committee issued over 1,089 subpoenas to the Clinton administration. That is the record. That is not my report; that is what the record reflects. Ninety-seven percent of those subpoenas were targeted towards the Clinton administration and the Democratic Party. Only 11 subpoenas for the Republicans, 11 out of 1,089.

It goes on further to say that the GAO, this is the Government Accountability Office, examined the White House's efforts to provide documents to the Congress over an 18-month period from October 1996 to March 1, 1999. The Government Accountability Office found that during that period the White House staff spent, alone, over 55,000 hours responding to over 300 congressional requests, producing hundreds of thousand of pages of documents and videotapes and audiotapes to the Congress.

They called 134 Clinton administration White House agency officials to hearings concerning allegations of the Clinton administration. The witnesses were called to appear before the committee and in public session, not secret session, but public session, so the

American people can see it. The White House chief of staff and the counsel to the President, the counsel to the Vice President, all of them were called here, spent over 568 hours in depositions with staff. That is just with staff. They also provided discussions between the President and his advisers. President Clinton waived the executive privilege and allowed these advisers to testify before the committee about their discussions with him.

Internal White House e-mails, over $12 million was spent to reconstruct those e-mails. Confidential conversations within the White House counsel's office were provided to the Congress, but now we have questionable intelligence that sent us to war. We have a CIA agent that has been outed, and this is what the Republican Congress does now.

Well, we know that CIA agents are being outed, but we are not looking over there because our friends may be embarrassed. It may jeopardize national security, but that is not important. It is all about making sure that we stay in power and that we do not pay attention to what the American people constitutionally have asked us to do, to provide oversight and to give the American people a voice when wrongdoing is evident, et cetera, et cetera, et cetera.

It is a shame. It is a shame that this is happening as we speak in this Congress.

Ms. WASSERMAN SCHULTZ. But do not worry because last week President Bush rode in on his white steed to the rescue of the American people and addressed the culture of corruption and cronyism and lack of competence that is going on and emanating from the White House.

Mr. DELAHUNT. What did he do?

Ms. WASSERMAN SCHULTZ. He required all of the White House staff to take an ethics refresher course this week.

Mr. DELAHUNT. Is that mandatory?

Ms. WASSERMAN SCHULTZ. Oh, yes, do not worry. White House staff attendance is mandatory for anyone holding any level of security clearance.

Mr. DELAHUNT. Is this a semester-long course?

Ms. WASSERMAN SCHULTZ. No. This is a 4-hour class that actually I think it is being given this week by White House counsel Harriet Miers' office, who, of course, we know has been doing such a bang-up job at guiding the White House through their ethical morass.

Mr. DELAHUNT. Not being facetious for a moment, we have, I would submit, a very serious problem in terms of the health of our democratic institutions. There has not been, and if you reflect, you will not be able to identify another administration with the obsession for secrecy that this administration has.

What I found particularly interesting, the Republican chairman, highly respected, former Governor of New Jersey, Tom Kean, who headed the independent 9/11 Commission report, he observed that many so-called classified documents he reviewed in the course of their investigation were not true secrets as much as there was information that was publicly available.

□ 2145

It just did not make any sense at all. And what we have seen is a 25 percent increase on documents being classified almost on an annual basis in this administration. We know that they refuse to submit to any oversight or any accountability, and the American people should know that.

In a moment of candor, a friend of ours, again a senior member of the Republican Caucus, had this to say. He aptly characterized recent congressional oversight of the administration. This is Mr. RAY LAHOOD, a very solid Member and someone respected on both sides of the aisle. These are his words, not mine. This is RAY LAHOOD, whom the Speaker and every Member in this body knows and respects.

Mr. RYAN of Ohio. Good man.

Mr. DELAHUNT. ''Our party controls the levers of government. We are not about to go out and look beneath a bunch of rocks to try to cause heartburn.''

In other words, you have a shroud of secrecy that has descended around the democratic institutions that are controlled by the majority party. That is dangerous.

Mr. RYAN of Ohio. If the gentleman will yield, this is about protecting their party. If the Republicans control the House and the Senate and the White House, and they are not being investigated to find what went wrong, whether it was Katrina or the CIA leak or Karl Rove or ''Scooter'' Libby or the Vice President's role in all this, or how are we going to balance the budget, if the Republican Party is not willing to investigate those problems, those situations, then they are putting the Republican Party before the interests of the country. And that has been the consistent modus operandi of this institution.

Mr. DELAHUNT. And if you disagree with them, what happens?

Mr. RYAN of Ohio. You get punished.

Mr. DELAHUNT. Right. Ask General Shinseki, who was dismissed when he disagreed, when he gave just a different opinion as to the number of troops that were going to be required in Iraq. He said 300,000. The then-Under Secretary of Defense, Mr. Wolfowitz, said, Hey, that is vastly overrated. Subsequently, we have discovered that the good general was correct.

What about Larry Lindsey, who was an economic adviser to the President and who came out with an estimate that the range of dollars that would be necessary in Iraq would go from $100 billion to $200 billion. We are way past $200 billion now. But the administration, the White House, kept saying it will not exceed $60 billion. The American people should remember that.

And what happened to Larry Lindsey? He got bumped too.

Mr. MEEK of Florida. If my colleague will give out the Web site before we have to close.

Mr. RYAN of Ohio. We want an opportunity to take this Congress and this country in a new direction, change the way we are going and derive some independence. We are at 30somethingdems@mail.house.gov. That is 30, the number, at mail.house.gov.

Mr. MEEK of Florida. Mr. Speaker, I want to thank the Members for joining us here this hour. I look forward to being back on the floor, all of us, in one more hour when my colleague claims his hour so that we can continue sharing good information not only with the Members but the American people.

Mr. Speaker, I thank the Democratic leadership for allowing us to have this hour.

THE PRESIDENT, AND THE WAR ON TERROR

The SPEAKER pro tempore (Mr. FORTENBERRY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the opportunity to be recognized, and as I get organized here, I would point out that I have had the privilege to listen to this dialogue here tonight. I know that this group comes to the floor nearly every night, and that shows a certain kind of tenacity, and I appreciate that effort they put into this. But I wanted to just start down the list of some of the things that I heard and address some of the remarks.

I happen to have seen a poster that I hope was not presented here, because I believe it would have challenged the mendacity of the President, and I believe that would have been out of order here in these Chambers, Mr. Speaker. So I hope that kind of poster is never presented. But I will say that I have heard that challenge made in a number of different oblique ways.

I have looked into the eyes of this President, and I think there is a distinction that should be made in a very clear way to the people here on the floor every night, the 30-something Group and all the Members of this Congress, Mr. Speaker, and the people in this country, and that is there is a difference between a mistake and a lie.

I look back on a Presidential campaign, and I remember the face and the voice of Charlton Heston as it came on television over and over again. He said to the previous President over the airwaves of television, ''Mr. President, when you say something that's wrong and you don't know that it's wrong, that's a mistake. When you say something that's wrong and you know that it's wrong, that's a lie.'' That distinction seems to be lost amongst many of

the Members of the minority party in this Congress.

And by the way, I would not concede that the President has made a statement that was even wrong, let alone a mistake, and certainly a long ways away from a lie. When you look into the eyes of this man we have as our commander in chief, you see those eyes look back at you with conviction. You hear it in his voice, you can see it in his bearing, and you can see it in his actions.

I would like to go back to an event that maybe was not designed to be spoken about necessarily in public, but I think it speaks well of this President, so I want to mention it at this time.

A few Members of Congress were invited to the White House for a small luncheon. It was on a Monday noon, and I recall it was the Monday noon after the *Columbia* had gone down on Saturday. It was a hard time for all of us. We saw our space program go up in flames, along with the lives of the brave men and women that were up in space. We knew that our NASA program was going to be suspended for a good, long time.

Thankfully, we are back on track, at least to some degree.

I was surprised that the President had gone ahead with the luncheon that day, because I believed he would be taking care of so many issues that he would not have time to sit and talk with us, but he did. There were maybe 15, 20 people in the room, a few of the President's closest staff and about 10 or so, maybe a dozen Members of Congress, myself among them.

As we sat around the tables and had our lunch, the President got up and stood at an old, rickety, wooden podium, a podium not as stable as this one. I wondered if it was really quite suitable for the White House. And as he leaned on the podium this way and that way, he went through the whole spectrum of issues that we were concerned about at the time, Mr. Speaker.

He talked about the impending operations in Iraq. He talked about our national security and al Qaeda, and about September 11. He talked about the overall budget and the tax cuts that we needed to stimulate this economy. And he talked about education. Now, remember, we had not gone into Iraq at that point. It was speculated about certainly, but we had not gone in at that point.

As he got through the education cases, he said, just a minute. I want to back up a minute and I want to tell you this with regard to Iraq. My critics have me wrong on Iraq. The media has me wrong on Iraq. There is only one person that orders our men and women into battle, and that is the person that hugs the widows and the widowers of those who do not come back home.

I will never forget the tone of his voice, the look in his eye, and the look on his face. He told me afterwards that to finally give that order, he knew it was going to be hard, but it was a lot harder when the time finally came that he had to make that decision and give that order.

I look at this entire operation in this view of the war in the Middle East and in this war against terror and this war against militant Islamic extremism, and I will always see those eyes and hear that tone in his voice; and I will always understand that this is not a President that would give an order that would put anyone in harm's way and do so for any reason other than a profound conviction that it was necessary for the protection, the preservation, the future of the people in this country and the destiny of the United States of America. Never would that order come unless it fit that standard, unless it fit that very high standard and that qualification.

The order was given. And it seems as though there are a couple hundred Members in this Congress that do not understand this war against terror, as we define it, and this war against militant Islamic extremism, as I define it.

I would point out, Mr. Speaker, that this battle that is going on in Iraq right now is a battle. It is not a war; we are at war with an entire group of people who are philosophically opposed to us, and we have known that for a long time.

We did not do anything to offend their sensibilities, not to such an extent to justify losing 3,000 Americans in the attack on the Twin Towers and the Pentagon and on the plane that went down in Pennsylvania. That was an unprovoked, sneaky, stealthy, I guess I would say a pretty well strategized attack on American people. We had never had that loss of life on our own shores in the history of this country.

That should epitomize the level of the hatred that is embodied in the people who are pledged to kill us. Yet I still hear from the other side of the aisle that somehow, if we would just pull our troops all back home to the shores of the United States of America, plant more flowers around our bases, and ask them how can we better understand you, can we sit down and have some kind of an encounter session, can we somehow feel or emote in some other way so we can connect with the people pledged to kill us.

I do not believe you can negotiate with people like that. They want to establish their caliphate across this country and across this world. Their number one enemies are capitalism, coupled with Jews or Christians. I think they actually prefer Jewish capitalists first, probably Christian capitalists second, but anybody that is not like them, even other Muslims. If you look at the death loss around the world, I think you will see that al Qaeda and their colleagues have killed really more Muslims than they have any other category.

But, Mr. Speaker, they hate us worse than they hate the other Muslims, because some of the other Muslims are sympathetic. In fact, many of them are sympathetic, and that is another part of the problem. But we have seen the terrorist cells in Afghanistan and in Pakistan, and we went there and settled that question.

And, by the way, for the first time in the history of the world they had free elections on the soil of Afghanistan, Mr. Speaker. It was an astonishing accomplishment, something never accomplished before in their history.

We went there so quickly and were successful so quickly that most people in this country do not remember the voices of the naysayers, the voices of the people that said no one has ever gone up the Khyber Pass and not been slaughtered. No one has ever been able to go into Afghanistan and invade or liberate and occupy. It is impossible to bring freedom to people that have never experienced freedom before. The American military cannot do what has never been possible before in the history of the world.

It came from this side of the aisle, Mr. Speaker, over and over and over again. And it was only muted when it was clear that there was a full victory established in Afghanistan. And when we saw the elections come up, we had at least 750 Iowa Guardsmen on the ground in Afghanistan protecting the voting booths, protecting the travel routes to and from the voting booths to make sure that there would be free and fair elections in Afghanistan. It was astonishing accomplishment, an accomplishment that came about because of the vision of George W. Bush, because of the courage, the training, the tactics and technology of our U.S. military and because of the selfless sacrifice and risk that was taken by our men and women in uniform.

Mr. Speaker, those men and women in uniform went to war as the single highest quality military ever to take the field in any war, and I am including this entire war against the militant Islamic extremists in Afghanistan, Iraq, and whatever theater we might be in right now and not know about, or whatever theater we will be in in the future and find out about sometime down the line.

The reasons for that high quality are many. One of them is that we have a strong mix of our National Guard people. These volunteers had a little more age on them, probably more gray hair in this military than we have ever had before in a foreign war. But this is a day when we have high technology. It takes a lot of technology and a lot of training to be able to manage that technology.

Our National Guard and military Reserves are seasoned to the point where they bring their professionalism from their walks of life into their military, and when they are deployed overseas they perform extraordinarily well. Couple that with an outstanding active duty force, all of them volunteers, because everyone who has gone to war has gone as a volunteer, that does

something for the spirit. That does something for the esprit de corps, as they say in the part of the world that is in flames now, which would be France. And I may get to that subject matter before this hour is over, Mr. Speaker.

□ 2200

I want to speak highly of the people who went to Afghanistan. We have lost 200 Americans in Afghanistan, liberated 25 million people. That is a legacy for the world and a legacy that the United States is leaving there for them to pick up as they earn their freedom.

Why is nobody saying, Pull your troops out of Afghanistan? Can their troops not handle the security? Can Afghanistan run their country themselves? Why is no one on this side of the aisle addressing that? Why are they not saying, Get the troops out of Afghanistan, or Kosovo, for example.

Mr. Speaker, the President that ordered the troops into Kosovo promised the world that our troops would be back from there in 1 year. I have to go back and check the calendar, but I know it has been over a decade; I expect it is 12 years. They are still there. No one on the other side of the aisle is saying, Bring the troops home. No one is saying the President previous to our current President Bush, no one is saying, He did not tell the truth to the American people when he ordered troops into Kosovo and said, They will be back in a year. But I would submit that the accuracy of this President exceeds the accuracy of that statement.

So we have troops in Afghanistan, and 200 Americans have lost their lives there. One of my constituents was lost there, the son of a friend of mine. I stop at his grave, and I commemorate him and all of the soldiers we have lost from time to time. That is how I symbolize his loss, it is how I remember everyone.

I remember the freedom in Afghanistan and the pride that the remaining troops had when they came home, how his father led them all in with a big American flag on the back of his motorcycle, and how the highway was lined with American patriots who stopped, took off their hats and saluted that young man that had given the ultimate sacrifice and helped free 25 million Afghanis, and no one is saying, Let the Taliban grow their ranks or let al Qaeda go back into Afghanistan. No one is saying, Bring them home, Mr. President. What is the difference between Afghanistan and Iraq?

I think the people that are critics of the operations of Iraq ought to draw a distinction between Afghanistan and Iraq. I believe from a national strategic standpoint they are one and the same. They are not the same by the numbers of casualties. By those that say, We have reached the 2,000 death casualty list in Iraq, bring them home, that is too many casualties, none of those people had the courage or the foresight or the conviction to make an announcement as to what was a tolerable number of casualties to free another 25 million people.

No one was willing to speculate how many lives they would be willing to invest of American patriots to preserve and protect the lives of 282 million Americans. No one is willing to say it is not worth risking a single American life to protect 282 million Americans. No one is willing to look back in history and say, I wish we had not stepped in and defended ourselves in Korea or World War I or World War II, I wish we had never fought the Civil War to free the slaves or fought the Spanish American or Mexican American, or I wish we had never fought the Revolutionary War.

None of those people that say that risking a single American life is never worth it is willing to go back and unravel history. They would not be standing on the floor of this Congress if not for the lives of the brave men who have gone before us who have carved out our freedom from the jaws of tyranny.

That brings us back to 1898. I recall a speech by President Arroyo of the Philippines here in Washington, D.C., at one of the hotels. My wife and I went to that dinner and sat and listened to that speech. I believe I was the only Member of Congress that was there to hear the speech, the rest was downtown people and other Representatives.

She was not speaking to the faces of Congress, she was speaking to Americans. She saw that group as a few hundred Americans that had gone to dinner to listen to her keynote address. But President Arroyo said, Thank you, America; thank you, America, for sending the United States Marine Corps to the Philippines in 1898. Thanks for their sacrifice, thanks for liberating us. Thank you for establishing that stability and establishing a stable government in the Philippines and allowing us to be a free people.

Thank you for sending your missionaries over to the Philippines that taught us Christianity. Thank you for sending 10,000 American teachers over to teach the Filipinos reading, writing and arithmetic. Thank you for teaching us your language because we learned English, and today 1.6 million Filipinos leave the Philippines and go work anywhere else they want to in the world, and send that money back to the Philippines because they have a command of the language that is universal in the commercial world. All of these blessings have come from the freedom that came to the Philippines as part of the Spanish American War, I will say.

Now we have a friend over there in the Philippines. Now we have a people that speak English, who are engaged in commerce. And because of that, a people who understand democracy and a constitutional republic. That is an example of what happens when you are willing to take a risk, when you understand that this mantle of freedom is not something you can wear lightly, and it is not something that comes without responsibility.

There were people that believed that prior to September 11 and, in fact, even after September 11 that we did not have a responsibility to the rest of the world, that we could just retreat back to our own shores, our own borders, run the United States of America, disregard the rest of the world, not do any trade treaties, not engage in any foreign conflicts. If we were not at risk, we should not be involved in anything else going on in the world.

But we know what the history of the world is. In fact, I take you back to the years that built up to World War II, and I want to compare that to the war we are in now against terror and the militant Islamic extremists.

We are having trouble today connecting the idea that you can have al Qaeda that is run out of perhaps the mountains in Pakistan, Afghanistan, up in that region. So al Qaeda is there, and some of the other sympathizers that are around the world. There are a whole number of different splinter groups, groups that are in Iraq and Indonesia. We have seen these attacks around the world, and we know there are cells all around the world.

We know there are second-generation Pakistanis that set off bombs in the subway in London. We have first-and second-generation Middle Easterners, both North Africans and Middle Easterners, mostly Muslim, probably all Muslim, that are running all over the streets of Paris as I speak, burning approximately 1,000 cars a day, and buildings, and attacking the very facilities designed for them.

So how is that Saddam Hussein could have been cooperating with Osama bin Laden when bin Laden is an Islamic fundamentalist and Saddam Hussein is a secular Arab and a Baathist and a Sunni? They could not get along, surely, because they are not motivated by the same things.

We forget about this thing that the enemy of my enemy is my friend. Well, we are the enemy of those enemies. It is easy for them to be friends, whether you are secular or a fundamentalist. In fact, Saddam had the entire Koran written inside a mosque with his blood. It is kind of hard to be secular when you give that much blood to be written inside a mosque.

So he kind of joined himself with his blood with Osama bin Laden. There is a philosophical connection. You do not have to be on a e-mail list and distribution tree from Osama bin Laden to be wired in with the philosophy worldwide. So this network rolls around here. People can work autonomously. The bombers in the subway in London may or may not have had direct orders from Osama or Zarqawi or whoever else the leaders might be.

The people that are out running in the streets of Paris today, I do not think each one of them gets their daily marching orders from on high. It becomes spontaneous after awhile. You

get a sympathetic support and a kind of synergy that grows and a philosophy that connects. And they start to think, if they can cause this trouble, so can I. If they can blow up this embassy, I can blow up the USS *Cole*. And if Ramzi Yousef can go in and strategize the first bombing of the World Trade Center, the next person can come along and figure out how to fly two planes into there and take it down. It does not have to be one command person sitting at the top distributing all of this.

Now going back to World War II, and that is that people in those days prior to World War II had a little trouble connecting how it could be that a national socialist, a Nazi like Hitler, could be connected with and allied with a Fascist like Mussolini in Italy. That did not quite fit. People said they are not philosophically connected. And we had the civil war going on in Spain, and people did not put it together as any kind of axis powers. There is no genesis of the axis of powers.

Furthermore, how could, for example, the Soviet Union be allied with and make any deals with Hitler because they really are not philosophically connected. One is a Nationalist-Socialist and the other is a Socialist or a Communist, take your pick. And I say, if you take people's freedom away at the point of a gun, you are a Communist. Stalin was a Communist.

You look across and you see that the revolution was beginning to form itself in China, culminating in 1949. And looking at the Japanese, they invaded Manchuria and wound down the coast of China. They invaded Singapore. How in the world could the Imperial Japanese have something in common with the Nazis in Germany and be tied with an axis power effort of the Fascists in Italy? And how does it work with the Soviet Union in the middle that really has a little bit of trouble figuring out who their friends are and who their enemies are?

All of that was an unfathomable equation to most people until September 1, 1939, when the Soviet Union, and I will say the Russians, and the Germans carved up Poland. It did not last very long. It was over in a matter of 3 weeks.

Then they began to see maybe they can find a way to cut a deal, shake hands and make a treaty. So World War II began. As it began, we did our best to stay out of it. We did a lend-lease program, and we tried to help the Allied powers.

The British essentially were standing there without a lot of help. The Australians were with them from the beginning, and then the attack came on Pearl Harbor from the Japanese. As soon as that happened, as quick as administratively it could be done, Hitler and Germany declared war on the United States.

Now it all starts to fit together. We know it from the historical perspective because we have seen it unfold. Now it makes sense. Now we do not even ask the questions: What are the philosophical differences between Nazism, Fascism, Japanese Imperialism, and the Communism that was Russia at the time? How did they all get together?

Well, if you have a common interest, you can be joined together. This common interest of opposing the United States, this great Satan that they declare us to be, is plenty enough to join together the people that danced in the streets when the Twin Towers were hit on September 11, 2001, plenty enough to bind them together.

We should understand by now this enemy far better than we do, and it is predictable what is taking place in France right now. And I do not remember if this is the 12th or 13th night of riots going on in France.

The population of France, perhaps 10 percent, is Muslim. These people have come from North Africa and the Middle East. France opened up their doors and said, Let us have an open border policy. We will make a place for you.

I am starting to hear they did not make jobs for them, but I am not sure that is the government's job. I do not think government can create jobs. You have to set the structure and let the private sector do that, and we recognize the French have a different view.

What I saw were probably hundreds and perhaps thousands of radical Middle Eastern, North African Muslim demonstrators running all over the place with Molitov cocktails, torching buildings, torching cars and trucks, attacking schools and libraries and churches. Yes, churches. You will listen to CNN for a long time before you will hear ''church burned in France.'' And you will listen to ABC, NBC and CBS a long time before you will hear the words ''church burned in France.''

□ 2215

In fact, we will listen to them for a long time before they will say ''Muslim youth'' torch anything in France. They will say ''youth,'' ''disgruntled youth,'' ''unemployed youth,'' ''disenfranchised youth.'' But they do not want to say ''Muslim youth attack France.''

So what do the French do when they are being attacked? Essentially we could define it as a civil war going on there right now. Had I been Jacques Chirac, I would have declared martial law a long time ago. I would have put the French troops out into the streets. I would have established a curfew. I would have had people on the rooftops with infrared sniper rifles. We would have said looters will be shot on sight. Anybody with a molotov cocktail, we will try to shoot that molotov for you from the roof so you can experience what it is like when you are at the other end of that bomb.

None of that is happening. They had their high-level meeting and put out some warnings; and as far as I know, they arrested 250 people or so. They have not done the hard things that needed to be done early to shut this off. So instead, 1,000 Frenchmen and women put the tri-color banner on and marched in the street for peace.

Well, they have got a little trouble over there, Mr. Speaker, because we have an enemy that is not interested in negotiations. They are not interested in hand-holding. They are not interested in talking. They are interested in killing the people who are not like them.

And, by the way, we are not guilty of doing something. We are not guilty because of something we have done or failed to do. We are guilty and deserve a death penalty by their viewpoint because of who we are, what we are, what we are born; and it cannot be rectified. So we cannot talk and negotiate with these people. This is really difficult for the French, Mr. Speaker, because when 10 percent of their population lives within them and among them and they are out there burning things, some of which you built and provided those facilities for them, day care centers, schools, libraries. Maybe not the churches. I do not think they are burning any mosques. I am pretty confident they are not. But a people that are determined to kill them, and yet there is no organized head from the top to the bottom. The French cannot go surrender to Osama bin Laden. They cannot find him. They cannot find Zarqawi and surrender to him. In fact, if every Frenchman held up a white flag, and I imagine some have by now, there is nobody to surrender to. They do not want us to surrender. They want to kill us. They want to take over Western Civilization. They want to destroy Western Civilization.

And I happen to believe that Western Civilization, as civilizations go, has been a great gift to all the people in the world. I would be willing to state also, Mr. Speaker, that of all of the missionaries that have ever gone to Africa or to anywhere in the world, and God love them for all the work they have done and it has been a lot of good work, free enterprise capitalism has done more for the world, more for the well-being of humanity than all of the missionaries that ever went anywhere from a standard-of-living standpoint, from a medical care standpoint.

I would submit, Mr. Speaker, that the investment of capital and the desire for profit has developed this technology that has raised everyone's standard of living. And the health care that we have, because we have research and development for pharmaceuticals, for example, for new surgery techniques, for preventative health care, most of that was driven as a desire to make a little money. Well, a good thing. A good thing that that happened. A good thing that we have a motivation in this country to lead the world in patents, lead the world in creativity. We have that because we have freedom. That all came from Western Civilization.

Mr. Speaker, this is the Western Civilization that our enemy wants to destroy, this great gift to the world, this

descendant that we can trace back to; and I will say Western Civilization has descended from the Greeks, the Age of Reason, the age where the Greeks sat around and analyzed and set up a structure that let them rationalize their way through and establish science, the beginning of the rationalization that has allowed us to develop technology. And the Greeks took great pride in their ability to reason. And there were philosophies and we can name many of them.

Go back and look at these readings. They did not know a lot about science and technology then, but they established the theorem principles that have carried us through to this day, Mr. Speaker. And that Age of Reason that became the culture in Greece back in those years, 2,000 to 3,000 years ago, found its way into Western Europe in later years and established the Age of Enlightenment. The Age of Enlightenment, I have to say, centered in France. I will give the French the credit for that.

And as the Age of Enlightenment developed, we saw the technology come. We saw some of the mass production come. We saw that, as that technology and that science took a step forward, took another step forward, Western Civilization had successfully manifested itself in the Age of Enlightenment in France just in time to be transported across the Atlantic Ocean and be established here in the United States of America where it found the most fertile ground it could have imagined because here we were in the United States establishing a free country, a free country unfettered by taxes, by regulation, by restrictions, by managed economies, by managed societies, where we let people go out and invest capital and the sweat off their brow and their labor and to grow technology at the same time and energize this manifest destiny and settle this continent in record time, lightning speed, fertile ground here in the United States for Western Civilization to establish itself.

And, yes, we descended from Europe, but we are different than Europe. The difference is many of the people in this country came here to get away from the restrictions and the oppression that was there, both religious and otherwise. The royalty structure that was there kept people from really being free. The property right structure there kept people from owning and keeping property and passing it along to the next generation, they did not have the freedom that we have.

One of the examples that would be, and I am speaking in of all the Europe, Holland today is probably the most liberal country in the world. They have euthanasia. They have abortion. They have legalized drugs, legalized prostitution. And they have their troubles too with a lot of Muslim immigrants that are there.

But it is a whole different politic than the Dutch areas that I represent in northwest Iowa, where they are very conservative. They would not think of ending someone's life at the end of life. They believe in life being sacred from conception to natural death. Life is sacred from the instant of conception until natural death. They have a maximum number of churches, a minimum number of bars. They do not believe in illegal drugs. Those things that I have said that are all legal and open and open and part and parcel of the culture and civilization of Holland did not get transferred here to the United States because they left there to get away from some of those things. They knew what they wanted to get away from. They knew what they wanted to establish.

That is just an example of the many people who came over here for religious freedom. They brought their standards with them. And the strength that we have in this Nation, Mr. Speaker, is a strength of a three-legged stool built here in this Western Civilization that we have.

And I will argue this: that the strength comes from Judeo-Christian values, free enterprise capitalism, and Western Civilization. Science and technology and the Age of Reason and the Age of Enlightenment and all of its descendants came over here where we had all of these natural resources and this unfettered free enterprise capitalism to join with this Age of Enlightenment and blossom this economy that was here and established more patents than any country had ever created, more creativity, more freedom, more opportunity, more economic growth. And all of that would have created an imperialistic Nation that would not have just been manifest destiny out to the Pacific Ocean, but imperialistic to dominate the rest of the world.

What kept us from doing that, Mr. Speaker? Our Judeo-Christian moral values put the brakes on that kind of a robust desire to occupy or command or own the world. We recognize our responsibility for freedom. We recognize our freedom comes from God. We have a morality and a responsibility to restrain ourselves because of the Judeo-Christian foundation that is the culture of this country. No matter how one tries to secularize America, we have a Judeo-Christian foundation that is part of everything that we do. And that has been the restraint, the brakes that have held us back, that has caused us to try to project and promote our way of life to the rest of the world without imposing it on the rest of the world.

Which brings me back, Mr. Speaker, to Iraq, Iraq where we have lost more than 2,000 Americans. 300 to 400 of them were not combat deaths, but they gave their lives for freedom and liberty just the same. And I have held some of those widows and looked them in the eye and prayed with them, the mothers, the fathers. It is hard, but they are some of the most patriotic people that I have met. And some of the most meaningful times I have ever had as a Member of this United States Congress have been standing in that living room, understanding and to some extent trying to take some of the pain away from a family.

Mr. Speaker, Iraq is a country that is a cell. It is a place where, yes, there was al Qaeda; yes, Saddam did send agents around the world; yes, he did provide sanctuary for the first planner and strategist for the first attack on the Twin Towers; yes, he did send one of his security operatives, who was a colonel in the Iraqi military security, over to Malaysia. He was there. He was in the meeting that planned the second attack on the Twin Towers.

Not only that, but there were al Qaeda training camps in Iraq. And whether or not there were massive quantities of weapons of mass destruction in Iraq, the President could not take that chance. We cannot take the chance of having hundreds of thousands of people there and an ability to fund this kind of enemy and someone who has continually funded terrorism around the world, give him weapons of mass destruction.

And, by the way, a lot was made of David Kay's report when he came back to this Congress and reported. As I listened to the other side of the aisle, their interpretation was there were no weapons of mass destruction in Iraq; David Kay said so. And I read the report. It is kind of interesting sometimes when we read the actual text of something after we hear the interpretation. What I read in there was David Kay did not find mass quantities of inventory of weapons of mass destruction when he was there. He was not sure what might or might not have happened to them. He could not argue that they never existed. Certainly not. But in his report he did say that Saddam Hussein maintained the ability to reestablish his system to develop weapons of mass destruction and could do so within 2 weeks.

And, by the way, it does not take a lot of bacterial germ agent to produce a lot of problems. And I would argue that if you give me $2 million and put $1 million in one coffee can and $1 million in another coffee can and give me a posthole digger and send me to California with a GPS, I will go out there and bury those two coffee cans someplace in California and then come back out of there, let it rain, if it rains in California, and you go to California and look for those $2 million. There is almost no chance of finding that. And that is about what chance we had of finding some of the weapons of mass destruction. And we are continually digging up different weapons in Iraq that we stumble across. I read an article just the other day.

But I would argue this to the people on that side of the aisle: we know Saddam Hussein had weapons of mass destruction. He used them against Iran. No one argues that. He used them against his own people in Kurdistan

and killed at least 5,000 people there, perhaps more. In fact, I met with the judges in the tribunal, and in a moment we will hear from the gentleman from Texas (Mr. BURGESS). Those three judges talked about, if I have got the number right, and I am going to ask Mr. BURGESS to give us a precise number, but it was over 100,000 Kurds killed and slaughtered by Saddam. I do not know how many were by gas, at least 5,000.

But I would argue this: either Saddam Hussein had significant quantities of weapons of mass destruction, and we know because he used them on Iran and on the Kurds and other places, either he had those quantities or he used up his last can of mustard gas on the Kurds. Is there anybody over here willing to say they believe Saddam Hussein, out of all that inventory that he used against the Iranians and the Kurds, used up his last can of mustard gas and we just lied to America because we knew his warehouse was empty, but nobody else did, not even Bill Clinton, not Al Gore, not the Israelis, not the French, not the United Nations, not the United States, not Great Britain. Everybody's intelligence said the same thing. It was logical. It was rational. And now the ridicule that comes from the other side is an irrational ridicule, Mr. Speaker.

And with that I yield to the gentleman from Texas (Mr. BURGESS), who, by the way, last August joined with me over in Iraq where we saw some extraordinarily interesting things, one who performs so well for the people from Texas.

□ 2230

Mr. BURGESS. Mr. Speaker, I thank the gentleman for organizing this hour, for being here. I know the gentleman has been a little bit under the weather, and I was concerned about his voice holding up for the whole time, but I am so glad he was talking about this issue.

Mr. Speaker, just the other day I pulled out the joint resolution from the 107th Congress. I would point out that the 107th Congress was the term before either the gentleman from Iowa (Mr. KING) or myself was in Congress. This was the joint resolution authorizing the use of force in Iraq. It is really quite an interesting document. It is instructive to read through this document.

To be sure, there is mention of weapons of mass destruction, but there is also a good deal of discussion of Iraq being in breach of its international obligations, failure to follow United Nations resolutions, oppression of their own people, using weapons of mass destruction against his own people and, perhaps very interestingly, the violation of Public Law 105–338 which was passed in a previous President's administration in 1998 where it was a sense of Congress that it should be the policy of the United States to support efforts to remove from power the current Iraqi regime and promote the emergence of a democratic government to replace that regime. That was passed in 1998, and we had to wait until 2003 to have a President who had the courage to actually execute that. I am glad we have a President who had that wisdom, because I would not like to think of the world in 25 or 30 years time had we not taken the effort that has been undertaken in Iraq.

The gentleman from Iowa (Mr. KING) is quite right. We were in Iraq in August. It was my fourth trip there. Boy, big steps. Every time I go to that country, it is incredible the amount of work that has been accomplished, hard work in sometimes tough, tough climatic conditions, the weather is hot in the summer, cold in the winter, dusty all year-round, and then of course the constant threat of danger from terrorists and insurgents who live in that country.

But the actual quote that the gentleman was talking about from the judges, I think they were referencing the beginnings of the trial of Chemical Ali, the man who was responsible for the killing of the Kurds in Halabja, and he was accused of killing 180,000 Kurds. Chemical Ali's defense of that was, it was not one bit over 100,000, and I do not know why you continue to lie about it. So perhaps he will get his day in court soon. I hope that is true.

Mr. Speaker, I had been on the Floor earlier tonight talking about the debate that we are going to have on the budget, and I know the gentleman from Iowa (Mr. KING) has referenced some of those points. I do get so frustrated, and the group that was here the hour before us, continuing to vilify the productive sector of our society, the productive segment of our society that provides the tax revenue for us to be able to do all of those free market capitalism things that the gentleman from Iowa referred to, all of those things that we want to do that are good things for people who are less fortunate than ourselves. All of those things are made possible because of the productive segment of society. This angst over the $55 billion that was returned to the most productive segment in society in May of 2003, legislation that I voted for and I believe the gentleman from Iowa (Mr. KING) voted for, this $55 billion they desperately want to have back. But what has that $55 billion that we passed in May of 2003, what has that given us? It has given us 262 billion additional dollars in tax revenue for fiscal year 2005, the fiscal year that just ended on September 30.

So, Mr. Speaker, to get back the benefit of that $55 billion that we reinvested in the American economy, we would have to raise taxes, not that $55 billion, but you would have to double that and double that again to get the same number of dollars back to the Federal Treasury that the tax relief provided in May of 2003.

I think one of the most telling things I have seen in the past several days as we prepare for the debate was a quote from Roll Call from just yesterday. This fall is not the time for Democrats to roll out a positive agenda, said a House Democrat aid. That is some of the most unfortunate language that I have heard since coming to this House a year-and-a-half ago. If the other side is so bereft of ideas, if they are intimidated or frozen by their leadership, if they are afraid to show up for the debate, then that is truly one of the saddest comments on this body and this country.

Because we need their ideas. We need their enthusiasm, we need their participation. I think, Mr. Speaker, hopefully, over the days and weeks to come, we will see more of that. We will see more of a willingness to have and to engage in debate, and not just the talking points that are in the top drawer of your desk. We can have talking points read to us by a commentator on CNN. We do not need people to come down here and read their talking points, we need them to come down here where really it should be the free exchange of ideas. This should be the marketplace of great ideas in this country where they are talked about and debated. So I would welcome the opportunity if the other side would some day wish to do that.

Mr. Speaker, I know the gentleman from Iowa (Mr. KING) has some other very important data that he wants to share with us, and I yield back to the gentleman.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Texas (Mr. BURGESS), a person who has become a good friend, and such a good friend that he is over working at night in his office and he sees me having a little difficulty with my voice and comes over to help me out. That is the kind of camaraderie we have here. We have seen a lot of Iraq together, and we do see it through the same eyes, and I appreciate his 4 trips over there and my 3 trips over there, and each time we are there, the troops appreciate it. But I can tell my colleagues that we appreciate them a great, great deal, and it is an honor to be with them at a time like that.

There are so many pieces of subject matter, Mr. Speaker, that I really intended to talk about tonight, and as I got into the depths of this Iraq issue and this worldwide war we are fighting, militant Islamic extremists, I wanted to make sure that we defined our enemy and defined them accurately.

There are a lot of places on this globe, and they are perhaps 16,000 Madrasas in Pakistan alone, places where they teach a kind of fundamentalism that sets the framework, sets the foundation for them to turn that into an active hatred. France and Great Britain perhaps are higher populations and more concentrations and further along in the growth and development of the kind of societies that reject those who have accepted them. They have rejected assimilation, they do not want to live as French or British. In fact, many of them do not really

want to live as Americans. So I am a great proponent of assimilation. I will not take up that subject.

But I have 2 others that I would like to address here in the next 12 or so minutes that we have here. One of them is I wrote down a list of the things that I heard from the people on the other side of the aisle and I really only got to subject number one. The next one that I heard was energy.

Mr. Speaker, there are many things we can do with energy in this country. We are not getting help from the Democrats. There is a strong segment of I will call them environmentalist extremists. I do not claim to be an environmentalist myself. I am a conservationist. I have spent my life protecting soil and water. I have built more terraces than, I said earlier tonight, than any Member of Congress; waterways, farm ponds, larger reservoirs. You name it, we have protected the water and also protected our soil and sent the rain drops down through the soil profile. I believe in all of that. I am one of the people that has been up to ANWR, and I challenge anybody here in this Congress out of the 435, if you are opposed to going up there and drilling in ANWR and have not been there, to see the environmental success that has been established on the north slope.

We began drilling up there with that entire operation in 1972. You could fly an environmental extremist over the oil fields in the north slope and they could look down from a thousand feet, and they would not know they were over the oil slope oil fields. They would say, where are the derricks? Where are the pump jacks? Where are the oil spills? Where are the pipelines? Where are the roads? Where are the electrical lines? Where are the distribution systems? Where are they burning off the gas here? How come I do not see an oil field below me, when you tell me I am right over the top of it?

The reason is because there are no derricks, there are no pump jacks, there are no electrical lines visible, there are not any collection pipelines visible. All of this is underground. The pumps are all submersible pumps. When you fly over there and look at that, it is simply rock pad for a workover rig. It is perhaps 50 by 100 or 150 feet long of I call it limestone; it is probably not; say 3 feet above that swamp floodplain. There are ice roads to go in there in the wintertime and work on it only. The ice roads melt. There is no impact whatsoever on the environment, except caribou herds now have gone from 7,000 in 1970 to 28,000 head today. So they have done pretty well. We should go up there and drill. God put the oil there. I could not think of a better place. I cannot improve upon that. Where would you have the oil if you cannot have it up there where nobody goes, or we cannot have it up there where nobody goes, where we can do that with almost no impact on the environment, and if we can do so with .04 percent, 4 hundredths of 1 percent of a footprint on that region. Yet, where is our help over here from the other side of the aisle?

Mr. Speaker, 406 trillion cubic feet of natural gas offshore in the United States. There has never been a natural gas spill that has impacted anybody's environment. It is just scientifically and physiologically impossible. The gas dissipates.

By the way, there is natural gas bubbling up out of the ocean all the time. No impact on our environment, 406 trillion cubic feet, many times more gas on the outer continental shelf than there is on the north slope of Alaska. Where is our help over here to lower the highest price of natural gas anywhere in the world? And we pay that price, every American. If you want to help, let us do something proactive. They come to the Floor and every single night, negative, negative. I could not get out of belt if I felt like that. By the way, I do not believe that stuff anyway.

The argument about outing a CIA agent, Mr. Speaker. I listened carefully twice through to the special prosecutor's presentation that did bring out the indictment of Scooter Libby. He did not make any allegations that there had been any CIA agent outed. It was the purpose of his investigation. He apparently did not discover that, or he would have brought an indictment for that. But if the special prosecutor cannot find it in 2 years, how can the 30–Something Group find it over here? I would like to hear some more details on that. By the way, I read Bob Novak's column too and he argued that it was a common known thing that there was a CIA agent that was married to the gentleman who went to Niger, and I am not talking about Joseph C. Wilson, our Member of Congress who is Joe Wilson from South Carolina, we call him the good Joe. But the Joseph C. Wilson that went via the CIA to Niger to look and see if Iraq was out there seeking to purchase yellow cake uranium, came back with a report that apparently conflicts his public testimony.

By the way, if you are a CIA agent and you are being paid to go to Africa and investigate as to whether Saddam Hussein is trying to purchase uranium so that he can develop nuclear weapons, weapons of mass destruction, I might add, would that not be a classified report, or is that individual going to come back here and give a report that says, well, yes, there were some people negotiating to do business with Niger, but no, I do not think they are trying to buy uranium. I do not know what else he would buy there, and neither did he. But he makes that report, that when he disagrees with his own report, he makes that public? Why kind of an agent of the CIA would do that, and why are we not challenging that in this country? Why are we not going to wait until there is a trial and find out what really happened under those circumstances, Mr. Speaker. So it saddens my heart that these conclusions can be leaped to from the same people who would say that the impeached President was innocent until proven guilty. Talk about a culture of corruption. No, I do not believe it exists, Mr. Speaker.

Mr. Speaker, looking at this clock, I want to bring up one more piece of subject matter here and it is of significant importance, especially to the Midwest, but all over this country, and that is the issue of methamphetamines.

I want to point out on this chart, this is the Iowa experience. Mr. Speaker, we have some of the worst meth abuse in Iowa than of anyplace in the country. We have busted quite a lot of method labs. There are only a couple of States that can compete with us in the number of meth abuse labs that there are. We recognize that it takes some things to make methamphetamines, the worst illegal drug this country has ever seen. It takes pseudoephedrine, ephedrine, or a product called PPA. Those things are all available in the midwest. We have more experience with it than anybody else, Mr. Speaker. So we began addressing this.

When I was in the Iowa Senate about 5 years ago, we did some things to take some of that off the shelf. We did not do enough. So in our first try, we found out that these people are creative and they will find a way around you. So they wrote some new legislation. I was not involved in that. But I want to commend the Iowa legislature and the governor for signing legislation into law that was enacted on the first day of June 2005.

This red line on this chart, Mr. Speaker, here are the meth labs that were busted from the previous year, this year, for the same period of time, 2004–2005, meth labs running per month: 229, 185, 122, 127, 213, 146. A law was passed right here, kind of at the peak of the meth labs being busted. March is a big month. And they began, the retailers began pulling the precursors off the shelf by April. By May, by the end of May, we had seen a dramatic reduction in the number of meth labs that were busted by our, I will say, very efficient drug enforcement people in Iowa.

□ 2245

And that May number went down from 42 in May to 29 in June, to 25 labs only in July, to 12 in August, to 12 in September, to 10 in October, and then this is up until October 28. That is an 80 percent reduction in meth labs because we took the precursors off the shelf, except we made sure that moms that had kids that get sick in the night could go down to the convenience store or the grocery store and pick up enough pseudoephedrine to get those kids through the next day.

And this is what you can buy in Iowa off the shelf today legally. This product right here, Mr. Speaker, is 360 milligrams active ingredient of pseudoephedrine in this product that is by one of our grocery stores, a good old

home-grown Iowa chain grocery store. They private-label package this in a 360-milligram package because that is the amount that you can purchase for a single day in Iowa. And you can go out and do that the next day and the next day and the next day in Iowa, or you can go into the pharmacy, in either case, in a monthly supply you can purchase 7,500 milligrams. But in 1 day what I have on display back here, Mr. Speaker, is what I bought in a single day, and all but this from a pharmacy in Cherokee, Iowa.

Mr. Speaker, this represents the pseudoephedrine that you can purchase at one stop, all of these behind me that you can purchase in one stop in Iowa. And that is plenty enough to take care of a family for a good long time.

We have passed some legislation out of the Judiciary Committee today. Instead of limiting it to 360 milligrams a day, it limits it to 3.6 grams or 3,600 milligrams a day. We have a 7,500 milligram per month purchase that we can do in Iowa, but that quantity needs to be purchased from a pharmacist who will watch that volume. The law that passed, the language that passed out of the Judiciary Committee today, that 3.6 grams a day will allow a meth cook to go and make 19 stops around through retail establishments. Now, they sign up each place. They give their ID at each place, but there is not a way to track one retail place to another. So they will go from place to place. They will do 19 stops. They will pick up perhaps 70 grams of pseudoephedrine, go home and make an ounce of methamphetamine and they can get that all done all before noon.

And that ounce of methamphetamine will last one addict 90 days, or their 1-day supply, and then they go sell the 89-day supply, go back again in the afternoon and produce another 90 days' worth of methamphetamine under law that came out of the Judiciary Committee today.

We can do better. I have introduced the Meth Lab Eradication Act. These are the conditions that are part of it. We have set it to comply with Federal law. Schedule 5 drug, penalties are associated with the Schedule 5. This was so easy to adapt to in Iowa with regard to the retailers, the pharmacists and the consumers that the adjustment, according to the author, of this bill was simply pathetically easy. We need to do that in this Congress so we can eradicate meth labs in America.

Mr. Speaker, I promised earlier tonight that I would solve all the world's problems in 60 minutes. And you know, in fact, it is possible, but I did not solve them all tonight. So I am going to pledge to come back and keep working on the world's problems in an optimistic, solution-oriented way. And I appreciate the opportunity to address this Congress.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4241, DEFICIT REDUCTION ACT OF 2005

Mr. PUTNAM (during Special Order of Mr. KING of Iowa), from the Committee on Rules, submitted a privileged report (Rept. No. 109–281) on the resolution (H. Res. 542) providing for consideration of the bill (H.R. 4241) to provide for reconciliation pursuant to section 201(a) of the concurrent resolution on the budget for fiscal year 2006, which was referred to the House Calendar and ordered to be printed.

OUTING OF CIA AGENTS

The SPEAKER pro tempore (Mr. FORTENBERRY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes.

Mr. RYAN of Ohio. Mr. Speaker, we appreciate the opportunity for the 30-something Working Group to be back in action, and our friend from Iowa has not solved all the world's problems tonight. We will take it from here. We are ready, willing, and able to take the country in a new direction. A couple of the issues that the other side has addressed, one is the meth labs. I had a meeting recently with some sheriff deputies in Trumbull County, Ohio, from Geauga County, Ohio, and Ashtabula, Ohio, who were saying that they were unable to confiscate the methamphetamine labs because the drug program, the Federal drug task force program has been cut. So maybe we can work together in a bipartisan way to try to increase the funding for that, and you will be supportive, I am sure, so that we can make sure we crack down on these methamphetamine labs. This is something that we want to do.

Also, Mr. Speaker, the other side brought up the fact that a CIA agent was outed, and there was some disagreement. The prosecutor here, Mr. Fitzgerald, said that the reason Scooter Libby was not charged with outing a CIA agent is because he lied so much to the grand jury that he could not prove it. And he used the example, he said that I am like the umpire. I am the Federal prosecutor. I am the umpire. And as I was trying to make a decision here of whether or not he outed the CIA agent, Scooter Libby threw sand in my eyes. So I was not able to get to the point where I could actually charge him with outing a CIA agent because he threw sand in my eyes.

So he charged him with two counts of making false statements to a Federal agent, two counts of perjury to a grand jury, and one count of obstruction of justice. And how the other side could somehow say that that is all right, that is okay, I cannot believe that they would just charge him with that. You just lied to a grand jury? That was all you did? Okay. Well, that is all right. You did not out a CIA agent, or at least we could not prove it. And before we get going here, there are some CIA agents, former covert operatives that I think would disagree.

Mr. MEEK of Florida. Those are third-party validators that were actually CIA agents. Am I correct, sir?

Mr. RYAN of Ohio. That is absolutely right. Here is one CIA agent, Jim Marcinkowski. This was on ''60 Minutes.'' He says exposing Brewster-Jennings, let me give a little background here. When Joe Wilson's wife was outed, when it became public, the world all of a sudden knew that everyone she was associated with and affiliated with was a part of the CIA in some way, shape or form, and so they also outed Brewster-Jennings, which was a front company, CIA front company in Boston, not to mention the 20 years' worth of contacts that also got outed.

But here is a quote from Jim Marcinkowski on ''60 Minutes,'' a former covert CIA agent. He said exposing the Boston firm Brewster-Jennings could lead foreign intelligence agencies to other spies. There is a possibility that there were other agents that would use the same kind of a cover so they may have been using Brewster-Jennings just like her. Another one from The Washington Post, a small Boston company, listed as Valerie Plame's employer, suddenly was shown to be a bogus CIA front and her alma mater in Belgium discovered it was a favored haunt of an American spy.

By Karl Rove and Scooter Libby and the executive branch outing Joe Wilson's wife, they put a lot of people in jeopardy, and they hurt our intelligence capabilities all over the world because now people who have dealt with Americans who went to the University of Belgium or who had dealings with Brewster-Jennings are now being looked upon as suspect.

Not only that, the word now is that the spouses of American ambassadors are being looked at suspiciously because now people think just because Valerie Plame was the spouse of an American ambassador and she was a CIA agent that every other spouse of an ambassador all over the world may be a CIA agent. This has ramifications, Mr. Speaker, that we do not even realize yet. And that has done nothing but weaken the country.

Now, here is the ultimate third-party validator on why the corruption going on in the White House right now must stop, because it is hurting our ability to fight the war on terrorism. They are weakening our ability to fight this war. This is Melissa, who was a 14-year covert CIA operative, and she was asked a question on ''60 Minutes.'' She says because we are talking about lives, and we are talking about capabilities, we do our work. We risk our own lives. We risk the lives of our agents in order to protect our country. And when something like this happens, it cuts to the very core of what we do. We are not being undermined by the

North Koreans. We are not being undermined by the Russians. We are being undermined by officials in our own government. That I find galling.

Mr. Speaker, to come to the floor, for our Republican friends to come to this floor and to somehow defend this is crazy.

Ms. WASSERMAN SCHULTZ. Will the gentleman yield?

Mr. RYAN of Ohio. It is outrageous. I would be happy to yield.

MS. WASSERMAN SCHULTZ. Because, you know, I think most people would understand why a CIA agent, a fellow CIA agent, would be outraged at the conduct coming from the Vice President's chief of staff, that he would do anything that would potentially put their lives or the lives of their colleagues in jeopardy. So some people might say, well, of course that would upset other CIA agents, and of course they would think that that was a problem. But in the spirit of continuing our desire to demonstrate that this is not just our opinion, and that we have some other third-party validators who agree, let us look at what Ed Gillespie, who is the chairman of the Republican National Committee, said.

He was speaking to Chris Matthews on ''Hardball,'' and Chris Matthews asked him what he thought of it. And his comment to Chris Matthews then was that I think if the allegation is true, to reveal the identity of an undercover CIA operative is abhorrent, and it should be a crime and it is a crime. And then Chris Matthews went on to ask Chairman Gillespie, he said, it would be worse than Watergate, would it not? And Gillespie's response was, Yeah, I suppose in terms of the real world implications of it, it is not just politics.

I mean, if that is not the ultimate third-party validator saying that it is abhorrent and it should be a crime and it is a crime to reveal the identity of an undercover CIA operative. Now, let us just make sure we say that Mr. Libby has only been accused of conduct related to that likelihood, not convicted of that. So, you know, of course we want to remember that this is a democracy and in our democracy you are innocent until proven guilty. However, it is really deeply disturbing that this is the first time in 130 years, 130 years, that we have had a White House official indicted on anything, never mind betrayal of this country's deepest secrets. And we have a long list of people who have commented on that possibility. We also have in the White House, still, I mean, Scooter Libby has left. Scooter Libby has now resigned from the White House. But you still have Karl Rove there in the White House as the right hand of the President with full, the highest level of security clearance.

Mr. RYAN of Ohio. Deputy chief of staff.

Ms. WASSERMAN SCHULTZ. Deputy chief of staff.

Mr. RYAN of Ohio. He is the deputy chief of staff in the White House, in the West Wing.

Ms. WASSERMAN SCHULTZ. He has multiple titles, actually. I know that he has more than just that one title. And the President has not dismissed him or asked him to step aside.

Mr. RYAN of Ohio. Why is that? Can I ask, can we have a discussion here, a serious discussion, you know, at 11 o'clock at night? Why would the President not fire him?

Ms. WASSERMAN SCHULTZ. You know, let us just give them the benefit of doubt. Let us say we did not think the President should fire him. We do, but let us say, why has the President not suspended him at least until he called upon even the White House council to do an internal investigation? They are really good at copping to internal investigations and not allowing independent investigations of wrongdoing or potential wrongdoing. But he has not even suggested that his duties should be suspended so that you can clear the cloud away.

□ 2300

Mr. RYAN of Ohio. Maybe we should clear up exactly what happened here. In the indictment on or around June 12 or 13, Karl Rove told ''Scooter'' Libby about Joe Wilson's wife. On or about June 12 Karl Rove told Libby about Joe Wilson's wife and that Bob Novak was going to probably write an article about it. So Rove was tipping off Libby that this article was going to be in the paper and we need to deal with this somehow. That was in June.

On September 14, Karl Rove tells ABC News that he does not even know who Joe Wilson is or his wife or anything else. And then 2 years later, I think it may have been last summer, he reiterates the fact.

Okay, so we have Karl Rove telling Libby one thing about Valerie Plame and then telling the American people a few months later he does not know anything about it. That is why Karl Rove is no longer fit to serve the American public because he did not lie to ABC News. He did not lie to CNN. Karl Rove lied to the American people. Period. Dot. End of story. And he tried to revise, he tried to recant but he just cannot do it. This is the fact.

The indictment says he lied to the American people. He needs to be fired. I mean, no one here would accept that from their staff.

Mr. MEEK of Florida. If I can, can I just be the majority right now?

Mr. RYAN of Ohio. I would love for the gentleman to be the majority right now.

Mr. MEEK of Florida. Can I role play for a minute for the Republican majority?

What they are doing in response here in this House to what the gentleman has just pointed out that is public record, third-party validator, using the very words of these individuals. This is what the majority is doing.

We read it in the paper. We are hearing it on the news. People all over the world are talking about these allegations. The indictment has quotes of individuals where they contradict one another as it relates to the outing of a CIA agent, but they are my friends. And even though they are not from my district and they did not vote for me, I have their back.

Whatever the Democrats say and whatever they may write, or the ranking member of said committee of oversight that wants to review national security clearances for these individuals, I will do nothing to help in that environment to be able to bring about protection of national security clearance credentials for individuals that are questioned in these allegations. Not only will I not talk about it, I will not even have a hearing on it. As a matter of fact, I will not even allow a hearing on it.

We would come to the floor and we would say, it is just the Democrats once again being negative, not being productive. All they can do is talk about things that are not of any consequence to national security.

Now, that is what they are doing. That is what they are doing. If you ask the majority about oversight, you heard in the last hour we had a couple of hours ago, I read the record under the Clinton administration, 1,089 subpoenas of the Clinton administration for far less, for far less.

Mr. RYAN of Ohio. How many under this administration?

Mr. MEEK of Florida. At that particular time only 11 subpoenas for Republicans. Under this administration, we are still getting that information. Far less. The Republican-controlled Congress, thousands upon thousands of hours of staff interviews of Clinton administration officials.

Mr. RYAN of Ohio. $40-some million.

Mr. MEEK of Florida. Millions of dollars of taxpayer dollars, and we have the outing of a CIA agent. We have an indictment for the first time in years.

Ms. WASSERMAN SCHULTZ. One hundred thirty years.

Mr. MEEK of Florida. One hundred thirty years of a White House Chief of Staff of the Vice President of these United States indicted. We have an Official A that we now know as the Senior Chief of Staff or Assistant Chief of Staff to the President of these United States, and not a mumbling word. Not one floor speech. Not one letter. Not one hearing in the people's House.

Ms. WASSERMAN SCHULTZ. No outrage, no floor speeches, no 1-minutes, no 5-minutes.

Mr. MEEK of Florida. No message meeting from the Republican Conference about we need to make sure that we stand up to our constitutional responsibilities.

So when we talk about a culture of corruption and cronyism and incompetence, that is not what we are saying. That is what the American people are thinking and what they know. That

is the reason why this Congress has between a 35 percent approval rating to 31 percent approval rating. It is not our doing. It is the doing of the majority that are not doing their job.

Mr. RYAN of Ohio. Almost 60 percent of the American people believe that Karl Rove needs to resign, 60 percent. This is not me or my colleagues or the gentleman from Massachusetts (Mr. DELAHUNT), who failed a little bit on us tonight. We tried to squeeze him into the 30-something Group. We tried to help him out, then he faded on us, got a little sleepy, started yawning. We had to dismiss him.

But here it is. There is a poll. This is a Washington Post poll in November of 2004. Fifty-nine percent of people in this country believe Karl Rove needs to resign.

Ms. WASSERMAN SCHULTZ. Does the gentleman remember when we were growing up, it seemed like any time you turned on C–SPAN or there was a shot of the Congress doing something, when we were kids, it was a shot of the Congress in a hearing, the Iran Contra hearings or some kind of investigatory hearing that would immediately be called. The ink on the accusation would not be dry before congressional hearings were called to investigate.

Am I missing something? Maybe I am not in the loop.

Mr. RYAN of Ohio. Article 1, section 1 of the United States Constitution creates this Chamber right here, the people's House. And we have oversight of everything else that happens in the government, over the executive, over all the agencies, the Cabinet, departments and everything else. This is the people's House.

And as my friend from Florida likes to say, you cannot get appointed to this House. You have to run if I pass out here and I die.

Mr. MEEK of Florida. We do not want that.

Mr. RYAN of Ohio. I do not want that either. I am not ready. But if I pass out here and I die, the Governor in Ohio will call a special election and people will run for my seat and have to get elected here. That is the bottom line. This is the people's House. We directly represent the people in our district. And we have the ability in this Chamber to oversee every other aspect of the government.

But our Republican friends refuse to investigate the CIA leak. They refuse to have an independent or create an independent investigation. This has become so political here that we cannot get straight answers on how to fix the way our government runs.

Mr. MEEK of Florida. Let me just, like we say, put the cookie on the bottom shelf here.

Veterans Day is Friday. I am just thinking about this. Folks have put statements in the RECORD. Our veterans, we love them, tear drops on the paper while they are writing it. And here we are living in an environment now in the 109th Congress, Republican-controlled Congress, where it has been proven, literally put on paper to be judged in a court of law that officials in the White House several years ago, someone finally came forth and told the truth or said that someone lied. And they have the power to call these White House officials in a public hearing to talk about what happened. They have the power to do that, but they choose not to.

Now, just like I have this mike here and this podium, there will be some Members of Congress that will be asked to speak at a Veterans Day event and they are going to talk about the war on terror. And they are going to talk about winning the hearts and minds of Iraqis and other groups that are out there. And they are going to talk about the troops and their commitment. But I tell you one thing that they will not talk about. They will not talk about the fact that we know what is going on.

We are not going to call these people before Congress and ask questions like we are supposed to when CIA agents are outed, when national security is jeopardized. We are not going to, when there is almost close to prima facie evidence that it jeopardized national security as it relates to a person's job, who was to find out and seek out those countries that have weapons of mass destruction for the reason that we went to war in the first place.

I am just in the middle of what they are doing or not doing.

By the way, I want to let you know that I have voted to make sure that you veterans of wars that allow me to go into a free House in the Congress to represent you, that I have voted to increase your copayments. I voted to make sure that the Committee on Veterans' Affairs over the next 5 years makes $798 million in cuts that very well will result in two things: one, making sure that you pay higher fees when you go to the Veterans Affairs Department for a death benefit, or make sure that you wait longer to see a specialist in the Veterans' Department and clinics and hospitals.

That will not be said. That will not be shared with those veterans. But I guarantee you, as we sit here, letter after letter after letter from these groups that are saying that they are against what this Republican majority is doing. So when we see what is public knowledge here in the United States and throughout the world, that it is okay as long as it is the Republican White House and the Republican Congress that is condoning it to happen.

In the Senate, in the Senate I am so glad that the Democratic leadership used Rule 21 to call them into a closed session, to force the Republican majority to come with Democrats and Republicans, three on each side, to finish looking into the allegations of false information given to the Congress when it was time to go to war.

So when we start talking about the budget and we start talking about corruption and cronyism, it is happening in the moment. And I am so glad that I am a part of a party and have leadership that is willing to stand up on behalf of the American people.

Guess what? There are some of my Republican friends, because I talked to them, and when I say they are my friends, they are my friends. They wake up and put their pants on one leg at a time or grab their purse or what have you; and they are good people. But it is the leadership. That is the reason why the votes are extended.

I have here, right here in my hand, it is called The House Rules and Manual of the 109th Congress. In this manual, I must add that it says, under rule 20, Mr. Speaker, and it is number 2 here, it talks about the fact that the maximum time for a recorded vote or quorum call by electronic device shall be 15 minutes.

□ 2315

Now, as I stand here as Carrie Meek's son, my mother, I guarantee you tomorrow when this vote comes up that the spirit of that rule will not prevail. We will be here for some time because they have to convince some of our friends in the majority to vote for the rule.

We can talk about that a little bit because I think we need to share that with the Members, Mr. Speaker, of what the Rules Committee did tonight. I think we need to talk about that since it was in a dark room on the third floor. We are on the second floor now. It was on the third floor of this very building.

Ms. WASSERMAN SCHULTZ. While you are on the rule, about an hour ago, the Rules Committee reported a rule which are the directions that are given to the House for legislation that we consider each day. The Rules Committee gives us the parameters under which we can operate and act on each bill.

So, the rule for tomorrow that has come out on a party-line vote for this budget reconciliation bill tomorrow, is called a closed rule. You may be asking, well, what is a closed rule, what does that mean? A lot of the terms we use in Washington are cryptic.

A closed rule means that no one can offer any amendments to this bill. We will have, using the term that people have heard so often, an up-or-down vote on this budget reconciliation bill.

A short time ago, I recall that one of the distinguished members of the Rules Committee was discussing with us how open the process is and how much input we as Democrats in the minority party have had in the process and how many amendments we have been able to get in and have considered.

This document, this bill, that we are considering tomorrow is perhaps the most important piece of legislation which will have the most far-reaching impact of almost anything that we are going to consider in this Congress: $844 million in food stamps, eliminating 300,000 people off of food stamp rolls,

cutting child care, $17.5 billion in financial assistance to college students. The list goes on and on, and the Republican leadership, because we have got to call it like it is, created a closed rule so that we cannot offer any changes to that bill tomorrow, none. That is the democracy.

Mr. RYAN of Ohio. One of the things, among others, what we would try to do, as we try to reconcile the budget, is not give $70 billion in tax cuts that go primarily to the people who make more than half a million dollars a year.

The whole idea of this whole thing was to somehow find in the budget $50 billion to pay for Katrina, and instead, they found the $50 billion to pay for Katrina supposedly, but they also gave $70 billion in tax cuts, which means their deficit, this is what is great about Washington, their deficit reduction package actually increases the deficit by $20 billion because they just cannot resist giving people who make more than $500,000 i.e., their campaign contributors, a tax cut.

Ms. WASSERMAN SCHULTZ. Could I ask a question?

Mr. RYAN of Ohio. Sure.

Ms. WASSERMAN SCHULTZ. I think it is always helpful for us to provide information to people who do not really know much about this process here. It is kind of arcane. Maybe you could help describe for people who are wondering about the process, we have to name each piece of legislation, so that it is descriptive for the membership.

Mr. RYAN of Ohio. Supposed to be. The words at the top are supposed to identify what is happening.

Ms. WASSERMAN SCHULTZ. Ideally, it is actually supposed to define what we are doing.

Mr. RYAN of Ohio. You would think a deficit reduction bill would reduce the deficit.

Ms. WASSERMAN SCHULTZ. Yes, of course. The name of this legislation is the Deficit Reduction Act of 2005. I am a freshman and I do not know the rules in that book as well as the two of you or as well as some of my senior colleagues. So I wonder if there is anything in the book, the rules book, that says you cannot be inaccurate or misleading.

Mr. RYAN of Ohio. Let us be a little more specific. Maybe the 30 Something Working Group will offer an amendment to the House rules to say that a bill specifically called the Deficit Reduction Act.

Ms. WASSERMAN SCHULTZ. Actually has to reduce the deficit.

Mr. RYAN of Ohio. Yeah.

Ms. WASSERMAN SCHULTZ. Why would you want to do that?

Mr. RYAN of Ohio. Let us try.

Mr. MEEK of Florida. All right. Here is a perfect example of what we call the Potomac 2–Step. You have just outlined a perfect example. Some may say hoodwink. Others may say bamboozle. But here in Washington we call it Potomac 2–Step. It is a dance where, hey, I am going this way, you go that way, you swing your arms.

Mr. RYAN of Ohio. They call it the bootleg: fake left, go around the other side.

Mr. MEEK of Florida. Let me just tell you what they are doing.

Presently, they would say it is reducing the deficit, but what they are not saying within another 2 weeks, we are going to give people that make over half a million dollars a year the biggest tax cut they have ever seen. One Member described it on that side as we are going to help the productive people here in the United States; we are going to help the productive people. So I guess that means, American worker, if you make between $34,000 and $54,000 and you get an $840 tax cut, you are not necessarily in that group of the half a million folks.

I want you to go further on that chart, but just before we get too far away from what the Rules Committee did tonight on a party-line vote, you hear Members come to the floor and other Members say, oh, well, we are for fairness; we do not know why the Democrats will not offer their alternatives; they have nothing but complaints; it is almost un-American.

I am going to tell you what is un-American, Mr. Speaker, and I am going to tell you what is limiting the voice of the Democratic side over here.

The rule that was passed from the Rules Committee just moments ago in darkness, there was not a television camera in that room. When we start talking about the back halls of Congress, it is our job here in the 30 Something Working Group, good or bad, we are supposed to expose what happens in the back halls of Congress.

Let me just read this. This is not something that I printed. This is what the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) just pointed out on H.R. 4241, what they call the Deficit Reduction Act of 2005, even though it is increasing the deficit by $20 billion and change. I did not put these in order.

Number 1, closed rule. Closed rule means that we cannot even offer an amendment to this Act when it comes to the floor, democrat or Republican. Let me just keeping going here. This gets interesting.

Two, provides 2 hours of debate in the House, equally divided and controlled by the chairman and ranking member of the Committee on the Budget. That is where the Republican side gets two hours to talk about how good it is, the Democrats get 2 hours to talk about why we cannot offer anything to this budget, why are we cutting veteran benefits, why we are increasing student loan costs to students for our next generation of workers in this country, why can we not have more female engineers in this country, why are we putting what I call tax, they call fee, why are we putting additional tax on American families to educate their children.

Three, waive all points of order against consideration of the bill. Well, goodness gracious.

Ms. WASSERMAN SCHULTZ. What does that mean?

Mr. MEEK of Florida. That means if you have a point of order to the Speaker, that is waived, you are out of order. What do you mean point of order? If something was found in the rule book tomorrow that violates the rules of this House and I want to make a point of order, you cannot make it because it has been waived by the Rules Committee.

Number 4, provides that all amendments printed in the Rules Committee report accompanying the resolution shall be considered as adopted.

Ms. WASSERMAN SCHULTZ. Without a vote?

Mr. MEEK of Florida. Without a vote. Should be considered as adopted. That means it is already adopted. What are they meeting for? What is the 2 hours on both side? Why debate it? We did it because we are in the majority, and guess what, we have the power to do that. They are setting the rules. They think they are muzzling the Democratic side. They are muzzling the people that sent us up here to represent them. That is what they are doing. That is the reason why this stuff happens at night here.

Number 5, this is not my order, Mr. Speaker. This is from the Rules Committee. Waive all points of order against provisions in the bill as amended. They have already, in their opinion, adopted this bill. When I say ''they,'' I am talking about the Republican majority. When we talk about power, when we talk about an abuse of power, Mr. Speaker, that is what we are talking about.

I want to say it again, just in case someone missed it. This is not what we are doing, Mr. Speaker. This is what the Republican majority is doing on the Rules Committee.

Number 6, provides one motion to recommit, with or without instructions.

Ms. WASSERMAN SCHULTZ. Now, is that an opportunity for us to amend the bill or change it?

Mr. MEEK of Florida. No.

Ms. WASSERMAN SCHULTZ. What does that let us do?

Mr. MEEK of Florida. That is just an attempt by the individuals that have problems with this bill to recommit it back to committee. I mean, this is not something to change or improve or someone comes to the floor and say, you know, if you just did not do what you are doing to free and reduced lunch for children, poor children in my community, I just cannot vote for this because I just cannot close a clinic which is only open in my rural area once every 2 weeks and now this may very well close it; all these billions of dollars in cuts to the veterans assistance and health care and death benefit, I just cannot vote for it in good conscience. So that means that that cannot even happen.

Ms. WASSERMAN SCHULTZ. Can I ask you another question on that point. In the time that you have been

here, which is 3 years now, has a motion to recommit ever passed out of the House of Representatives since you have been here?

Mr. MEEK of Florida. No, no. It does not happen.

Ms. WASSERMAN SCHULTZ. So they never send a bill back to committee even if something may be wrong with it?

Mr. MEEK of Florida. No.

Number 7, provides that notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker. Now, that is the out in number 7, and I can tell you, Mr. Speaker, in no way do I want to see the American people go through what the majority wants them to go through if this bill passes hypothetically tomorrow.

That allows the Republican majority to say, oh, the leadership, goodness, we could not get some of our Members to vote against their own constituents that sent them up here; we tried but it just could not happen because it was the wrong thing to do. They thought about it. Some slept on it. Some got calls from their veterans and from faith-based organizations that do what they can do on behalf of those that do not have as much as others; those that were concerned about the effects on the environment that is in this budget; those that cared about children to have an education environment, Mr. Speaker, where you do not have kids on one end that had breakfast, lunch and dinner because their families were able to provide it versus those kids that could have been stricken by natural disaster or a father could have died or under this bill a single mother because we cut child enforcement dollars to help go after deadbeat parents that are not paying for it.

Mr. RYAN of Ohio. Can I say something. What we are trying to do here is move away from a country that says if you are born in the right neighborhood, with the right family, you are going to be fine, and if you are not born in the right neighborhood to the right family, the heck with you. That is what this is all about. I mean, if we have got to boil this down 30-Something-style and lay it out there, that is what it is. You cannot cut Medicaid. You cannot cut food stamps, foster care, child support enforcement, raise the fees on student loans.

□ 2330

What are we doing? This does not make any sense. We are a bit younger, on average, than most Members here, but this makes no sense. I do not know any other way to say it than this is crazy, what we are doing here. This makes no sense, at the same time we are giving half a million people, making half a million more here, huge tax cuts.

Mr. MEEK of Florida. It is not what we are doing, it is what the majority is doing.

Mr. RYAN of Ohio. It is late, and I appreciate my colleague correcting me.

Mr. MEEK of Florida. It is not what we are doing.

Mr. RYAN of Ohio. It is what we are fighting against.

Mr. MEEK of Florida. It is what we are fighting against. And guess what? Those that come to the floor, and I guarantee there will be some come to the floor, and someone will give them a piece of paper, and they will say, Okay, thank you, and they will run up here, grab the mike and they will say, Why do the Democrats not offer something?

Hello? The Rules Committee has spoken. It is done. Period. Dot. Even if someone had a great idea, they cannot do it. And there is a history of this kind of abuse here in the House and muzzling individuals and people with great ideas that want to help this country. But, better yet, the rule.

And this is America. This is not a Third World country. This is not a Communist country. This is America.

Ms. WASSERMAN SCHULTZ. I want to elaborate on what my colleague is saying, because some people might think that this is unusual and that it is a rare occurrence that they would close a bill and not allow us to offer any amendments. This is just my first year, but I wanted to just check on what the Republican leadership's track record is in terms of allowing us the input that they say they so desperately want us to provide.

There have been about 85 bills, as of last Thursday, which was November 3, 85 bills that we have considered on this floor that were amendable. There are lots of bills we consider that are under what is called the suspension calendar, and we vote those up or down. Those are the noncontroversial bills. But 85 bills.

Of the 85 bills that were potentially amendable, 38 of them were given restrictive rules where there were severe limitations on the amendments that were allowed to be offered. Severe. Fifteen of those bills were closed, like the one that we are considering tomorrow, meaning no additional amendments were allowed. No amendments at all were allowed. Plus three additional closed rules that were included in another bill.

Now, there have been, of the 85, 12 open rules, meaning anyone can offer an amendment, but 11 of those were appropriations bills, spending bills, which we always are allowed to offer amendments to.

So what it boils down to, and 10 were conference reports and 10 were procedural. But what that boils down to is that since I was elected and have served in Congress 11 months, we have had one bill, one substantive bill, that had an open rule, one where we could offer any idea we wanted.

Now, my colleague from Florida talked earlier about how we all put our pant legs on one at a time. And I wear pants and sometimes I wear skirts, and sometimes I wear pajamas. I might be bringing those tomorrow because we are not sure how long we are going to be here and how long they are going to hold that vote open until they get their way. But we were also all elected by the same number of people, or we certainly represent the same number of people, the same 633,000 people. But we are not all treated equally in this Chamber, because on our side of the aisle we are not allowed to provide the input that they say they want us to provide.

I actually just want to, if you do not mind, tell a little story, because we should demonstrate what is going on here in this bill tomorrow. Gene Sperling, who was at one time President Clinton's top economic adviser, he compared this budget and the cutting in the budget to cutting only peanut butter. I will share this story with you. Imagine the following:

The father of a financially stretched family decides to live it up. He leases three fully loaded Hummer H1s for the bargain price of $9,750 a month, almost $10,000. As the family's financial situation deteriorates, the father calls the family together for a belt-tightening discussion. He holds up a jar of Whole Foods chunky peanut butter and says, Do you realize we are spending $4.49 on this? We could be saving $2.04 if we bought Skippy Peanut Butter for only $2.45.

His teenage son responds, like, Dad, man, why are you busting on us about two bucks on peanut butter when you are spending like almost $10,000 a month on cars?

Then the father responds, Do not change the subject. We are talking about peanut butter.

Well, that is essentially what the leadership is saying by giving tax cuts to millionaires and the greedy, their cronies, and cutting programs for veterans, children, and the poor who are the needy. They are basically saying, We need to talk about the peanut butter, that is all that matters to us.

In some of the time we have left, we should let people know just exactly what the conscience vote is tomorrow, so that people know when we all go to sleep tonight just who is going to be able to wake up and look at themselves in the mirror and hold their head up high. We are being asked tomorrow to vote to cut $844 million from food stamps. They say there is fraud in the food stamp program and that we need to reduce waste.

Well, I held up this picture earlier tonight, and I will hold it up again, because I think it is very descriptive. There is the picture of the 25,000 people who lined up in Broward County today to apply for food stamps after getting hit by Hurricane Wilma. They started lining up at 3 a.m. They did not line up for emergency funding.

Mr. RYAN of Ohio. Those are new people. Those are not people who were probably on food stamps.

Ms. WASSERMAN SCHULTZ. These are new people. The vast majority of

people in this line were applying for the first time.

Mr. RYAN of Ohio. And there are a lot of other people in the country because the poverty rate has gone so high.

Ms. WASSERMAN SCHULTZ. And this does not come from FEMA money. This is not the emergency funding. This comes right out of the food stamp program.

We have cuts in child care. We have cuts that would prevent us from ensuring that deadbeat dads are pursued. There is a $4.9 billion cut from child support programs. As a result, parents will receive $7.1 billion, as the chart points out, less in child support over 5 years and $21.3 billion less over 10 years.

There is a $577 million cut from foster care. Now, I know there are colleagues of mine on the other side of the aisle who are just bristling at that possibility. They do not want to make it so that families cannot take children in.

Mr. RYAN of Ohio. We are not kidding here either. If you are watching at home, you might think these guys are out there telling a story.

Ms. WASSERMAN SCHULTZ. This is real.

Mr. RYAN of Ohio. This is real stuff. It is why we are up at 11:35 at night talking about it.

Mr. MEEK of Florida. My colleagues, it is not only what we are saying, it is what is in House Resolution 4241. You can go on line, Members that have not taken a look at that, they can look in the morning, read over it, have staff highlight exactly, verbatim, what we are talking about here.

I know the reason why the Rules Committee, Republican majority, closed the rule. I know why they did it. Because on this side of the aisle we will do what we tried to do in the Budget Committee. We will replace the cuts that they made to veterans' services and health care. We will replace that.

And guess what? Under the lights and in this Chamber they would have to go up, take my voting card out, they would have to go up to the machines that we have here and actually take out their voting card and put it in the machine and go on the record, on the board, saying that they are willing to cut child support enforcement.

I wonder what their State attorneys are going to say and district attorneys are going to say when a single parent, nine times out of ten women, that are going to go into the State attorney's office and prosecutor's office and say, he ran out on me; he left me here with these four kids. I have not seen him and he has not given a dime towards child support. Can you help me?

Yes, they will take their information. But you know what they will say? Ma'am, I am sorry, it is going to probably take 3 years because we have a backlog because of our friends in Congress. You need to call your Congressman because they cut the child enforcement money.

But it gets worse, Mr. Speaker. The three of us were members of the State legislatures. Mr. RYAN was in the senate in Ohio, Ms. WASSERMAN SCHULTZ and myself, we were in the senate in Florida and in the house. My colleague from Florida speaks of the fact that she is a freshman here, but her public service goes beyond mine. I have been here 11 years, and I met her when I came into the house because she was already there a term before me.

So what is going to happen when it gets to the State legislatures? What are they going to do, Mr. Speaker? They are going to make a cut, too, to child support enforcement.

Ms. WASSERMAN SCHULTZ. They will not have a choice.

Mr. MEEK of Florida. They will not have a choice because we handed it to them. We gave it to them.

So the Republican majority once again uses this book. And the power that they have on the majority side to close the rule, the power the people gave to them, is to prevent us from saying, Mr. Speaker, I have an amendment at the desk that will replace the cuts that are made to veterans, that will replace the cuts made to child enforcement. Mr. Speaker, I have an amendment at the desk that will make sure that those oil companies that are celebrating historic record profits, that we not only talk about those record profits here in Congress, that we do something about it; and we make sure that those who cannot afford heating oil and LP gas this winter can receive a break on that. They stopped that from happening.

So when you start talking about where are the Democrats, where are their ideas? Well, guess what? We are not going to tell you that last night at 10 p.m., while some of you all were home asleep, we got them good. We shut them down. We put forth a rule that they cannot even introduce their ideas. And you know why they did it? Because they might very well have lost some of their Members, who would have had to take this card out and put it in these machines behind these chairs and vote for their constituents and the American people.

Mr. RYAN of Ohio. The American people did not give the Republican Party the power that they have to use it to suppress good ideas or to suppress other Americans' voices.

So the question may be, as we are talking about the closed rule and all the parliamentary procedures used here to shut down Democrats, many people would be saying, Well, what would you offer?

Well, a couple of things I can think of off the top of my head, one of the amendments we would offer on this floor is to strip the $16 billion that we are giving right now to the oil companies in corporate welfare. We would take that back. The Democrats, Mr. Speaker, would offer an amendment to repeal the $16 billion.

And the Democrats would offer an amendment on this floor tomorrow during the budget debate to pull back the prescription drug Medicare Part D and put in the bill a provision to allow the Secretary of Health and Human Services to negotiate down the drug prices.

We would also put in there that we would allow reimportation to drive the costs down. We would save the American taxpayer, with just those two or three amendments tomorrow, billions and billions and billions of dollars. And probably, over the course of the next few years, we would be able to pay for Katrina and be able to invest in our students through the Pell Grant and the student loan, and be able to make sure that every child has adequate health care.

That is what we would offer. So if you are sitting at home paying attention to this debate, those are a couple of the basic things the Democrats would do.

I yield to my colleague.

Ms. WASSERMAN SCHULTZ. I thank my colleague. And there is good news in all of this sadness. And that is the best word I can apply to this piece of garbage that we are going to consider tomorrow. There is good news, because the voters get it. They know this country should be turned around and moved in a new direction, and they sent a very strong message yesterday.

We had a number of elections across this country yesterday, and in every single one that rose and fell on issues like these, who won? The Democrats won. We will have a Democratic governor of Virginia, we will have a Democratic governor of New Jersey. All eight initiatives in California that would have abused the process, abused democracy, that would have harmed people had they passed in California, which were initiated by Republican Governor Arnold Schwarzenegger, were repudiated by the voters of California. All eight were defeated.

□ 2345

So it is very clear that the American people are rejecting their agenda and want to go in a new direction.

Mr. RYAN of Ohio. We have the new ideas to take the country in a new direction and get away from this corruption and the cronyism of hiring friends to run major organizations like FEMA.

How rotten is the system, how corrupt is a system that the Republican majority will not go to the wealthiest people, will not go to the oil companies or the pharmaceutical companies to pay for Hurricane Katrina or invest in the student aid and those kinds of things because they need the money for their campaign contributions. That is a corrupt system. That is what we want to change.

We want to move away from that and allow this body to once again become the independent body that it should be, that the Founding Fathers wrote up Article I, Section 1 in the Constitution providing the oversight for the executive branch, like the Republican majority has shown they know how to do.

They did not do it for a great reason. They did it to get into the personal life of President Clinton.

But now we have public violations, violations of the public trust through CIA leaks, leaks of CIA prisons, and all of this nonsense that has been going on. Let us restore some integrity back to this place and get rid of the three C's: corruption, cronyism, and the lack of competence.

Mr. MEEK of Florida. Mr. Speaker, I want to read Point No. 4. This paper is still a little warm because they just carried out this act. It states: ''Provide that the amendment printed in the Rules Committee report accompanying the resolution shall be considered as adopted.''

Why come to the floor tomorrow? We cannot offer an amendment.

Mr. RYAN of Ohio. People are going to make career decisions tomorrow.

Mr. MEEK of Florida. Yes, that is the bottom line. Some Member is going to make a career decision tomorrow because somebody told him to vote for something that they did not want to vote for in the first place.

We are going to make the right decisions, decisions on behalf of the American people. May the blocks fall where they may. There is going to be a difference between the Members and the followers in this Chamber. It is important that we let the American people know who is standing for them.

So when Ms. WASSERMAN SCHULTZ talks about when judgment day comes every 2 years, when Democrats, Republicans and the one Independent we have, when people go to make their decision, I want them to think about the fact that they should vote principle over party. Do not go for, in the last minute what we call in some areas of this country, the okie-doke. Hey, I am strong on terror. I am with the trips. We have Members flying to Iraq. Thank you for fighting for our country; but do not talk to me when you become a veteran. I am just fresh off a vote cutting your future benefits. But, hey, I am with you all of the way. But as long as you stay enlisted, we stay with you.

Mr. Speaker, I want to give the Web site out, but I wanted to make that point so people remember what happened this November. They came to the floor and came willing to vote for a budget that was unjust.

Mr. RYAN of Ohio. Mr. Speaker, the Web site is 30SomethingDems@mail.house.gov. Send an e-mail recommendation to the Members of this body tomorrow. And bring your PJ pants. We may be here into the wee hours of the morning. We want to apologize in advance to the veterans organizations we are supposed to be at Friday morning for speaking engagements because we may be here voting on this budget.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. KILPATRICK of Michigan (at the request of Ms. PELOSI) for today until 2:00 p.m.

Mr. CONAWAY (at the request of Mr. BLUNT) for today on account of attending a funeral.

Mr. SWEENEY (at the request of Mr. BLUNT) for today and November 10 on account of personal reasons.

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. KIND) to revise and extend their remarks and include extraneous material:)

Mr. EMANUEL, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. KIRK, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, today.

Mr. GINGREY, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2490. An act to designate the facility of the United States Postal Service located at 442 West Hamilton Street, Allentown, Pennsylvania, as the ''Mayor Joseph S. Daddona Memorial Post Office''.

H.R. 3339. An act to designate the facility of the United States Postal Service located at 2061 South Park Avenue in Buffalo, New York, as the ''James T. Molloy Post Office Building''.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on November 4, 2005, he presented to the President of the United States, for his approval, the following bills.

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.

H.R. 2967. To designate the Federal Building located at 333 Mt. Elliott Street in Detroit, Michigan, as the ''Rosa Parks Federal Building''.

ADJOURNMENT

Mr. RYAN of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Thursday, November 10, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5083. A letter from the Congressional Review Coordinator, APHIS, Department of Agrilculture, transmitting the Department's final rule — Emerald Ash Borer; Quarantined Areas [Docket No. 05-067-1] received November 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5084. A letter from the Assistant Secretary for Reserve Affairs, Department of Defense, transmitting the Department's report on the differing Army and Air Force policies for taking adverse administrative actions against National Guard officers in a State status and a determination as to whether changes are needed in those policies, pursuant to 32 U.S.C. 104 note Public Law 107-314 section 511(b); to the Committee on Armed Services.

5085. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General William Welser III, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

5086. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Philip R. Kensinger, Jr., United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

5087. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Walter E. Buchanan III, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

5088. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General Michael W. Peterson, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10 United States Code, section 777; to the Committee on Armed Services.

5089. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Lieutenant General William T. Hobbins, United States Air Force, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

5090. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General Michael D. Maples, United States Army, to wear the insignia of the grade of lieutenant general in accordance with title 10 United States Code, section 777; to the Committee on Armed Services.

5091. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Rear

Admiral Patrick M. Walsh, United States Navy, to wear the insignia of the grade of vice admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

5092. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of brigadier general accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

5093. A letter from the Comptroller, Department of Defense, transmitting notification of advance billing for the Defense-Wide Working Capital Fund, pursuant to 10 U.S.C. 2208; to the Committee on Armed Services.

5094. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — List of Communities Eligible for the Sale of Flood Insurance [Docket No. FMA-7780] received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5095. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7893] received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5096. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-7577] received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5097. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5098. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7891] received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5099. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5100. A letter from the Principal Deputy Associate Administrator, Environmental Proection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Update to Materials Incorporated by Reference [VA200-5100; FRL-7985-6] received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5101. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Colorado; PM10 Designation of Areas for Air Quality Planning Purposes, Lamar [CO-001-0076a; FRL-7983-4] received October 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5102. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Utah; State Implementation Plan Corrections [Docket No. R08-OAR-2005-UT-0002; FRL-7987-9] received October 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5103. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; North Carolina: Approval of Revisions to the Control of Visible Emissions Rule [R04-OAR-2005-NC-0001-200503, FRL-7988-2] received October 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5104. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Tennessee: Nashville Area Second 10-Year Maintenance Plan for the 1-Hour Ozone National Ambient Air Quality Standard [R04-OAR-2005-TN-0006-200519(a); FRL-7990-3] received October 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5105. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District [R09-OAR-2005-CA-0005; FRL-7986-8] received October 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5106. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Standards and Practices for All Appropriate Inquiries [SFUND-2004-0001; FRL-7989-7] (RIN: 2050-AF04) received October 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5107. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Ambient Air Quality Standard for Ozone and Fine Particulate Matter [R03-OAR-2005-DE-0001; FRL-7992-3] received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5108. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Repeal of NOx Budget Program COMAR 26.11.27 and 26.11.28 [R03-OAR-2005-MD-0005; FRL-7992-5] received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5109. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Provo Attainment Demonstration of the Carbon Monoxide Standard, Redesignation to Attainment, Designation of Areas for Air Quality Planning Purposes, and Approval of Related Revisions [RME Docket Number R08-OAR-2005-UT-0006; FRL-7992-6] received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5110. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants [OAR-2002-0031; FRL-7992-8] (RIN: 2060-AK50) received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5111. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revision to the Guideline on Air Quality Models (appendix W to 40 CFR Part 51): Adoption of a preferred general purpose (flat and complex terrain) dispersion model and other revisions [AH-FRL-7990-9] (RIN: 2060-AK60) received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5112. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's annual report for FY 2003 and 2004 on the implementation of the National Do Not Call Registry, pursuant to The Do Not Call Implementation Act; to the Committee on Energy and Commerce.

5113. A communication from the President of the United States, transmitting notification that the national emergency with respect to Iran, as declared by Executive Order 12170 on November 14, 1979, is to continue in effect beyond November 14, 2005, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 109–68); to the Committee on International Relations and ordered to be printed.

5114. A letter from the Director, Pentagon Renovation Program, Department of Defense, transmitting the Department's certification that the total cost for the planning, design, construction and installation of equipment for the renovation of wedges 2 through 5 of the Pentagon, cumulatively, will not exceed four times the total cost for the planning, design, construction, and installation of equipment for the renovation of wedge 1, pursuant to 10 U.S.C. 2674; to the Committee on Armed Services.

5115. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5116. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5117. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5118. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5119. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5120. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5121. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5122. A letter from the Secretary, Department of Transportation, transmitting the Department's annual report for FY 2004 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Government Reform.

5123. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report entitled ''Annual

Report to Congress on Implementation of Public Law 106-107''; to the Committee on Government Reform.

5124. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting the Commission's strategic plan for fiscal years 2006 through 2011, in accordance with Pub. L. 103-62; to the Committee on Government Reform.

5125. A letter from the Director, Office of Management and Budget, transmitting a report entitled ''Statistical Programs of the United States Government: Fiscal Year 2006''; to the Committee on Government Reform.

5126. A letter from the Executive Secretary/Chief of Staff, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5127. A letter from the Executive Secretary/Chief of Staff, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5128. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Emergency Fishery Closure Due to the Presence of the Toxin That Causes Paralytic Shellfish Poisoning [Docket No. 050613158-5262-03; I.D. 090105A] (RIN: 0648-AT48) received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5129. A letter from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule — Provisions for Claiming the Benefit of a Provisional Application with a Non-English Specification and Other Miscellaneous Matters [Docket No.: 2005-P-053] (RIN: 0651-AB65) received October 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5130. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Onslow Beach, North Carolina [CGD05-05-048] (RIN: 1625-AA09) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5131. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; CSX Railroad, Hillsborough River, mile 0.7 Tampa, FL [CGD07-04-148] (RIN: 1625-AA09) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5132. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; High Capacity Passenger Vessels in the Seventeenth Coast Guard District [CGD17-05-003] (RIN: 1625-AA87) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

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. PUTNAM: Committee on Rules. House Resolution 542. Resolution providing for consideration of the bill (H.R. 4241) to provide for reconciliation pursuant to section 201(a) of the concurrent resolution on the budget for fiscal year 2006 (Rept. 109–281). 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. BISHOP of Georgia:

H.R. 4261. A bill to provide eligibility for veterans benefits for individuals who served in the United States merchant marine in the Southeast Asia theater of operations during the Vietnam Era; to the Committee on Veterans' Affairs.

By Mr. ENGLISH of Pennsylvania:

H.R. 4262. A bill to provide a standard deduction for business use of a home; to the Committee on Ways and Means.

By Mr. MARKEY (for himself, Mr. EMANUEL, Mr. SANDERS, Mr. NADLER, and Mr. HINCHEY):

H.R. 4263. A bill to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil, to establish the Consumer Energy Assistance Trust Fund, and to provide for a rebate to energy consumers; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCINTYRE:

H.R. 4264. A bill to amend title 38, United States Code, to improve the outreach activities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. HART:

H.R. 4265. A bill to establish a pilot program to provide grants to encourage eligible institutions of higher education to establish and operate pregnant and parenting student services offices for pregnant students, parenting students, prospective parenting students who are anticipating a birth or adoption, and students who are placing or have placed a child for adoption; to the Committee on Education and the Workforce.

By Mr. PICKERING (for himself, Mr. TAYLOR of Mississippi, Mr. WICKER, Mr. JINDAL, Mr. ALEXANDER, Mr. BONNER, Mr. BOUSTANY, and Mr. MCCRERY):

H.R. 4266. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide temporary emergency assistance for primary residences damaged or destroyed by Hurricanes Katrina and Rita; to the Committee on Transportation and Infrastructure.

By Mr. BEAUPREZ (for himself and Mrs. MUSGRAVE):

H.R. 4267. A bill to provide for the coordination and use of the National Domestic Preparedness Consortium by the Department of Homeland Security, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. DEAL of Georgia (for himself, Mrs. MYRICK, and Mr. PRICE of Georgia):

H.R. 4268. A bill to improve proficiency testing of clinical laboratories; to the Committee on Energy and Commerce.

By Mr. GORDON:

H.R. 4269. A bill to amend title XVIII of the Social Security Act to provide for cost-based reimbursement for ambulance services furnished directly by, or under arrangements with, a critical access hospital; 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. GRIJALVA:

H.R. 4270. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Avra/Black Wash Reclamation and Riparian Restoration Project; to the Committee on Resources.

By Mr. GRIJALVA:

H.R. 4271. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in modifications to the Pima County Wastewater Management Regional Treatment System for Improved Reclaimed Water Production; to the Committee on Resources.

By Mr. FARR (for himself, Mr. ROHRABACHER, Ms. WOOLSEY, Mr. FRANK of Massachusetts, Mr. CONYERS, Mr. HINCHEY, Ms. BALDWIN, Mr. MCDERMOTT, Mr. CASE, and Mr. KUCINICH):

H.R. 4272. A bill to amend the Controlled Substances Act to provide an affirmative defense for the medical use of marijuana in accordance with the laws of the various States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HARRIS:

H.R. 4273. A bill to make single family housing owned by the Department of Housing and Urban Development available for purchase by teachers and public safety officers at a discount; to the Committee on Financial Services.

By Mrs. JONES of Ohio:

H.R. 4274. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to provide for protections with respect to the accrued benefits of participants during conversions of pension plans to cash balance plans; to the Committee on Education and the Workforce, 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 Mrs. KELLY:

H.R. 4275. A bill to amend Public Law 106-348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States; to the Committee on Resources.

By Mr. LARSON of Connecticut (for himself and Ms. DELAURO):

H.R. 4276. A bill to amend the Internal Revenue Code of 1986 to impose a windfall profit tax on oil and natural gas (and products thereof) and to use the proceeds of the windfall profit tax collected to carry out the Low-Income Home Energy Assistance Act and for medical services provided by the Department of Veterans Affairs; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and the Workforce, and Veterans' Affairs, 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. LATHAM (for himself, Mr. PETERSON of Minnesota, Mr. MCCAUL of Texas, Mr. GOODE, and Mr. FORTUÑO):

H.R. 4277. A bill to amend title 38, United States Code, to provide veterans enrolled in the health system of the Department of Veterans Affairs the option of receiving covered health services through facilities other than those of the Department; to the Committee on Veterans' Affairs.

By Ms. LEE (for herself, Mrs. CHRISTENSEN, Mr. OWENS, Ms. MCKINNEY, Mr. GRIJALVA, Ms. CARSON, Mr. KUCINICH, and Mr. CLAY):

H.R. 4278. A bill to assist teachers and public safety officers in obtaining affordable housing; to the Committee on Financial Services.

By Ms. MCKINNEY:

H.R. 4279. A bill to redesignate the Federal building located at 935 Pennsylvania Avenue Northwest in the District of Columbia as the ''Frank F. Church Federal Building''; to the Committee on Transportation and Infrastructure.

By Mrs. MYRICK (for herself, Ms. FOXX, Mr. JONES of North Carolina, Mr. MCHENRY, and Mr. TAYLOR of North Carolina):

H.R. 4280. A bill to ensure that States do not accept an individual taxpayer identification number as proof of identification or legal residence; to the Committee on Transportation and Infrastructure.

By Mr. NUNES:

H.R. 4281. A bill to amend the Tariff Act of 1930 and the Internal Revenue Code of 1986 relating to importation of tobacco products; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. JONES of North Carolina, Mr. DUNCAN, Mr. DEFAZIO, Mr. BARTLETT of Maryland, Mr. BURTON of Indiana, Mr. MILLER of Florida, and Mr. BISHOP of New York):

H.R. 4282. A bill to amend the Federal Food, Drug, and Cosmetic Act concerning foods and dietary supplements, to amend the Federal Trade Commission Act concerning the burden of proof in false advertising cases, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROGERS of Alabama (for himself, Mr. MEEK of Florida, and Mr. MCCAUL of Texas):

H.R. 4283. A bill to require the Comptroller General to conduct a review of the basic training provided by United States Customs and Border Protection to Border Patrol agents to ensure that this training is being conducted as efficiently and cost-effectively as possible; to the Committee on Homeland Security.

By Mr. ROGERS of Alabama (for himself, Mr. KING of New York, Mr. THOMPSON of Mississippi, Mr. MCCAUL of Texas, Mr. PEARCE, Mr. SIMMONS, and Mr. SHAYS):

H.R. 4284. A bill to direct the Inspector General of the Department of Homeland Security to conduct reviews of certain contract actions by the Department of Homeland Security for the new Secure Border Initiative; to the Committee on Homeland Security.

By Mr. ROGERS of Alabama (for himself, Mr. MCCAUL of Texas, and Mr. PEARCE):

H.R. 4285. A bill to increase the number of trained detection canines of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security, and in addition to the Committees on the Judiciary, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW:

H.R. 4286. A bill to amend the Internal Revenue Code of 1986 to allow electric utility companies to expense the cost of replacing above-ground electric transmission lines with underground electric transmission lines; to the Committee on Ways and Means.

By Mr. SHERMAN (for himself, Mr. BERMAN, and Mr. MARSHALL):

H.R. 4287. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for portion of charitable contributions related to Hurricane Katrina or Hurricane Rita in computing adjusted gross income; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 4288. A bill to amend title 38, United States Code, to provide a presumption of service connection for injuries classified as cold weather injuries which occur in veterans who while engaged in military operations had sustained exposure to cold weather; to the Committee on Veterans' Affairs.

By Mr. UDALL of Colorado:

H.R. 4289. A bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WOLF (for himself, Mr. LANTOS, Mr. SOUDER, Mr. ROHRABACHER, Ms. PELOSI, Mr. SMITH of New Jersey, Mr. INGLIS of South Carolina, Mr. BURTON of Indiana, and Mr. STARK):

H. Con. Res. 294. Concurrent resolution calling on the international community to condemn the Laogai, the system of forced labor prison camps in the People's Republic of China, as a tool for suppression maintained by the Chinese Government; to the Committee on International Relations.

By Mr. ABERCROMBIE:

H. Res. 543. A resolution providing for consideration of the joint resolution (H.J. Res. 55) requiring the President to develop and implement a plan for the withdrawal of United States Armed Forces from Iraq; to the Committee on Rules.

By Mr. CAMP (for himself, Mr. OBERSTAR, and Mr. ROGERS of Michigan):

H. Res. 544. A resolution recognizing and supporting the goals and ideals of National Adoption Month; to the Committee on Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. VAN HOLLEN introduced a bill (H.R. 4290) for the relief of Judith Atuh Tanjoh, Serge Mbah Tikum, Marie Noel Tikum, Emmanuel Ngwa Tikum, and Roger Fon Tikum; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. CRAMER.

H.R. 147: Mr. RANGEL and Mr. CLYBURN.

H.R. 354: Mr. ROTHMAN.

H.R. 503: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MEEHAN, and Mr. FITZPATRICK of Pennsylvania.

H.R. 551: Mr. ANDREWS and Mrs. NAPOLITANO.

H.R. 552: Mr. MARCHANT.

H.R. 602: Mr. CARNAHAN.

H.R. 615: Mrs. WILSON of New Mexico.

H.R. 688: Mr. GINGREY.

H.R. 698: Mr. FOLEY, Mr. LINDER, Ms. FOXX, Mr. CARTER, Mr. SAM JOHNSON of Texas, and Mr. MILLER of Florida.

H.R. 772: Ms. DEGETTE and Mr. WYNN.

H.R. 896: Mr. STUPAK.

H.R. 939: Mr. INSLEE.

H.R. 1067: Ms. DELAURO.

H.R. 1131: Ms. HART and Mr. HERGER.

H.R. 1188: Mr. SIMMONS.

H.R. 1264: Mr. SOUDER and Mr. LATHAM.

H.R. 1414: Mr. HIGGINS.

H.R. 1578: Mr. GERLACH, Mr. THOMPSON of California, and Mr. HOLT.

H.R. 1588: Ms. LEE.

H.R. 1663: Mr. TURNER.

H.R. 1668: Mr. GUTIERREZ and Mr. RYAN of Ohio.

H.R. 1940: Mr. MENENDEZ and Ms. SOLIS.

H.R. 1951: Mr. BARROW and Mr. SERRANO.

H.R. 2092: Ms. NORTON, Ms. DEGETTE, and Mr. WATT.

H.R. 2134: Ms. WOOLSEY.

H.R. 2206: Mr. BARROW.

H.R. 2231: Mr. WILSON of South Carolina, Mr. FATTAH, Mr. CARNAHAN, Ms. Watson, Mr. SHAYS, Ms. CARSON, Mr. JEFFERSON, Mr. BECERRA, Mr. BRADY of Pennsylvania, Mr. REYES, Mr. BISHOP of Georgia, Mr. SANDERS, Mr. FILNER, Mr. MORAN of Virginia, and Mr. DEFAZIO.

H.R. 2234: Mr. TIERNEY and Mr. CASTLE.

H.R. 2683: Mr. SERRANO.

H.R. 2716: Mr. BARROW.

H.R. 2747: Mr. BISHOP of Georgia.

H.R. 2808: Ms. LEE and Mr. SALAZAR.

H.R. 2926: Mr. WAXMAN.

H.R. 2961: Mr. SHUSTER, Mr. MCHUGH, and Mr. SALAZAR.

H.R. 3044: Mr. BRADY of Pennsylvania.

H.R. 3049: Mr. KLINE.

H.R. 3128: Mr. FATTAH.

H.R. 3183: Mr. BLUMENAUER.

H.R. 3195: Mr. SERRANO, Ms. LEE, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mr. BRADY of Pennsylvania, Mr. DAVIS of Illinois, Mr. WYNN, and Mr. HINCHEY.

H.R. 3334: Mr. PASTOR, Ms. DEGETTE, Mr. DOOLITTLE, Ms. DELAURO, Mr. THOMPSON of Mississippi, Mr. WEXLER, and Mr. MEEKS of New York.

H.R. 3369: Mr. DEFAZIO.

H.R. 3547: Mr. PAUL and Mr. KUHL of New York.

H.R. 3569: Mr. CARNAHAN.

H.R. 3607: Mr. FATTAH.

H.R. 3614: Mr. GINGREY.

H.R. 3630: Mr. PICKERING and Mr. JINDAL.

H.R. 3640: Mr. BOUCHER, Mr. STARK, Mr. OWENS, Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mr. MCNULTY, Mr. GRIJALVA, Mr. LEWIS of Georgia, Mr. RUSH, Mr. MCDERMOTT, Ms. WOOLSEY, and Ms. BORDALLO.

H.R. 3642: Mr. WAXMAN, Ms. SCHAKOWSKY, Ms. CORRINE BROWN of Florida, Mr. GRIJALVA, Mr. MCNULTY, Mr. OWENS, Mr. LYNCH, Mrs. CHRISTENSEN, Mr. REYES, Ms. JACKSON-LEE of Texas, Mr. GENE GREEN of Texas, Ms. LINDA T. SÁNCHEZ of California, and Mr. MEEKS of New York.

H.R. 3657: Ms. ZOE LOFGREN of California, Mr. SMITH of Washington, and Mr. FILNER.

H.R. 3748: Mr. LEWIS of Georgia, Mr. VAN HOLLEN, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mr. FATTAH, Mr. HOLT, Ms. KAPTUR, Mr. THOMPSON of Mississippi, Mrs. CAPPS, Mr. OBERSTAR, Mrs. JONES of Ohio, Mr. CARDIN, Mr. EMANUEL, and Mr. DAVIS of Florida.

H.R. 3753: Mr. GALLEGLY.

H.R. 3875: Mr. MCNULTY, Mr. JEFFERSON, Mr. COSTA, Mr. WEXLER, and Ms. MCKINNEY.

H.R. 3889: Mr. BISHOP of Georgia.

H.R. 3908: Mr. CALVERT.

H.R. 3917: Mr. GRIJALVA.

H.R. 3922: Mr. NADLER, Mr. CROWLEY, Ms. CARSON, Mrs. CAPPS, Mr. HONDA, Ms. SCHAKOWSKY, Mr. BONNER, Mrs. CHRISTENSEN, Mr. STUPAK, Ms. BERKLEY, Mr. WUI, Mr. LEWIS of Georgia, Mr. GENE GREEN of Texas, Mr. UDALL of New Mexico, Ms. MCKINNEY, Ms. PELOSI, Mrs. MALONEY, Ms. MCCOLLUM of Minnesota, Mrs. TAUSCHER, Mr. UDALL of Colorado, Mr. ENGEL, and Mr. VAN HOLLEN.

H.R. 3923: Mr. PAUL and Mr. TERRY.

H.R. 3924: Mr. PAUL.

H.R. 3969: Mr. BOOZMAN.

H.R. 4006: Mr. RAMSTAD.

H.R. 4049: Mrs. TAUSCHER, Mr. DANIEL E. LUNGREN of California, Ms. MATSUI, AND MS. ESHOO.

H.R. 4062: Mr. GONZALEZ, Ms. SOLIS, and Mr. BROWN of Ohio.

H.R. 4063: Mr. GIBBONS, Mr. PAYNE, Mr. SHAYS, Mr. WAXMAN, Mr. CUMMINGS, Mr. MCDERMOTT, Mr. HOLT, Mr. LATHAM, Mr. WOLF, Mr. ALLEN, Mr. FOLEY, Mr. HOYER, and Ms. LEE.

H.R. 4086: Ms. JACKSON-LEE of Texas, Mr. PAUL, and Mr. MILLER of Florida.

H.R. 4098: Mr. LINCOLN DIAZ-BALART of Florida, Mr. SHAYS, Mr. PETERSON of Minnesota, and Mr. KILDEE.

H.R. 4099: Mrs. MYRICK, Mr. NEUGEBAUER, Mr. ROHRABACHER, Mr. BARTLETT of Maryland, Mr. WELDON of Florida, Mr. WILSON of South Carolina, and Mr. WESTMORELAND.

H.R. 4110: Mr. BRADY of Pennsylvania.

H.R. 4145: Mr. NEY, Mr. RUPPERSBERGER, Mr. JONES of North Carolina, Mr. PETERSON of Minnesota, Mr. HINCHEY, and Mr. DOGGETT.

H.R. 4194: Mr. BASS, Mr. LANTOS, and Mr. MORAN of Virginia.

H.R. 4196: Mr. GONZALEZ.

H.R. 4200: Mr. STUPAK, Mrs. MILLER of Michigan, Mrs. MYRICK, Mr. POE, Mr. FOLEY, Mrs. BONO, Mr. BURTON of Indiana, and Mr. SHUSTER.

H.R. 4223: Mr. CUMMINGS, Mr. HASTINGS of Florida, Mr. JEFFERSON, Mr. WYNN, Mrs. MCCARTHY, Mr. MCNULTY, Mr. FATTAH, Mr. HINOJOSA, Mr. HOLDEN, Mr. GRIJALVA, and Mr. WEXLER.

H.R. 4238: Mr. MARCHANT, Ms. GINNY BROWN-WAITE of Florida, Mr. FEENEY, Mr. PITTS, Mrs. MYRICK, Mr. GINGREY, Mr. CHABOT, Mr. GOODE, Mr. GUTKNECHT, Mr. KING of Iowa, Mr. GARRETT of New Jersey, Mr. KUHL of New York, Mr. MCHENRY, Mr. PRICE of Georgia, Mr. JINDAL, Mr. ISSA, Mr. DOOLITTLE, Mr. BARRETT of South Carolina, Mr. GOHMERT, Mr. WILSON of South Carolina, Mr. KLINE, Mr. WESTMORELAND, Mr. WELDON of Florida, and Mr. COLE of Oklahoma.

H.R. 4239: Mr. KLINE and Mr. PEARCE.

H.R. 4243: Mr. RUPPERSBERGER.

H.R. 4259: Mr. WEXLER.

H. Con. Res. 42: Mr. UPTON.

H. Con. Res. 222: Mr. TERRY.

H. Con. Res. 230: Mr. SMITH of Texas, Ms. BEAN, Mrs. MCCARTHY, and Mr. DOOLITTLE.

H. Con. Res. 231: Mr. ALLEN.

H. Con. Res. 234: Mr. PASTOR and Ms. KAPTUR.

H. Con. Res. 235: Mr. MICHAUD.

H. Con. Res. 272: Ms. BEAN, Mr. HINOJOSA, and Mrs. KELLY.

H. Con. Res. 273: Ms. MCKINNEY.

H. Con. Res. 285: Mr. ROGERS of Alabama.

H. Con. Res. 287: Mr. AL GREEN of Texas, Mr. LIPINSKI, Mr. WAXMAN, Ms. BORDALLO, Mr. LEWIS of Georgia, and Ms. SOLIS.

H. Con. Res. 288: Mr. FARR.

H. Con. Res. 289: Mr. CARNAHAN.

H. Con. Res. 293: Ms. SOLIS.

H. Res. 196: Mr. BROWN of Ohio, Mr. CLEAVER, Mr. DOGGETT, Mr. SMITH of Washington, Mr. GONZALEZ, Mr. RUPPERSBERGER, and Mr. STRICKLAND.

H. Res. 223: Mr. STARK, Ms. ZOE LOFGREN of California, and Mr. GRIJALVA.

H. Res. 230: Mr. SPRATT, Mr. ANDREWS, and Mr. OLVER.

H. Res. 409: Mr. STUPAK.

H. Res. 410: Mr. DOYLE.

H. Res. 456: Mr. LANTOS, Mr. FALEOMAVAEGA, and Mrs. MALONEY.

H. Res. 458: Mr. PRICE of North Carolina.

H. Res. 479: Mr. GONZALEZ.

H. Res. 499: Mr. GERLACH, Mr. FITZPATRICK of Pennsylvania, Mr. PITTS, and Mr. SHIMKUS.

H. Res. 504: Mr. CARTER.

H. Res. 505: Mr. LANGEVIN, Mrs. DAVIS of California, Mr. THOMPSON of Mississippi, Mr. SCHIFF, Mr. LARSEN of Washington, and Mr. GONZALEZ.

H. Res. 517: Mr. ACKERMAN, Mr. KUHL of New York, and Mr. HOLT.

H. Res. 524: Mr. DAVIS of Tennessee and Mr. GEORGE MILLER of California.

H. Res. 526: Mr. SIMMONS.

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PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, WEDNESDAY, NOVEMBER 9, 2005 No. 148

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, who reigns forever, You are a shelter for the oppressed and a refuge in times of trouble. Give our Nation the shield of Your favor that it may bless our world. Guide our Nation's legislative branch with wisdom, integrity, and unity. Strengthen the executive and judicial branches that they will serve Your purposes. Infuse each citizen with a desire to walk on the right road in order to honor You and serve this land we love.

Bless us all with strength of will, steadiness of purpose, and power to persevere. Remind us that it is better to attempt and fail in some great thing, rather than not to try at all. Lord, teach us to number our days that we may have hearts of wisdom. We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 9, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BROWNBACK thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. MCCONNELL. Mr. President, today we are going to begin with a 1-hour period for morning business, and then we will resume consideration of the Department of Defense authorization bill. We made good progress on that measure yesterday by disposing of a very large number of amendments. Today, we hope to work through the remaining amendments, and it is possible that we could finish the bill this evening. The chairman and ranking member are expected to line up additional rollcall votes throughout today, and we will alert Senators as those votes are scheduled.

The majority leader has mentioned several appropriations conference reports that are available or soon will be available. We expect to consider the foreign operations conference report today or tomorrow and will vote on the remaining bills as we can clear them for action in the Senate.

Having said that, Mr. President, we look forward to further progress on the Defense authorization bill during the day.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 1 hour, with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the majority leader or his designee.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MINIMIZING DAMAGE FROM STORMS

Ms. LANDRIEU. Mr. President, I would like to spend a few minutes this morning speaking about a subject that is extremely important to the State I represent, the State of Louisiana, and to the gulf coast and also to call attention to a small but important victory we achieved this week that I hope will signal a turning or a course correction that Congress should take to help prevent the destruction we have seen on the gulf coast in the last several weeks.

Mr. President, you are from Kansas, and you know the power of tornadoes and Mother Nature. There is not anything we can do to prevent the fury of nature, but we can minimize the damage. We most certainly can use our intelligence that God has given us and our talent that God has given us and the wisdom that He gives us to make wise investments and smart choices and try to set priorities that help us make good choices for the people we represent so that we can minimize their pain and their suffering and 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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can maximize their hopes and their dreams for the future. I believe that is why we are here. I know I have talked with you personally, Mr. President, about the reasons you came to the Senate and I came to the Senate, and I think most of our colleagues share that view.

I wish to speak for a few minutes this morning to remind the Nation and my colleagues about the devastation and the destruction that occurred only 10 weeks ago in one of the greatest cities in the United States of America, and that is the city of New Orleans and the surrounding parishes.

New Orleans is our largest city in Louisiana, with 450,000 people, but it sits right next to Jefferson Parish of 450,000, right next to St. Bernard parish of about 60,000, and right next to Plaquemine, which is about 30,000. So it is a metropolitan area of close to 1.5 million to 2 million people.

We have never in the history of the Nation seen destruction such as this. It is unprecedented. It was not, we now know and as I said 2 days after the hurricanes, the hurricanes that got us, Katrina and Rita—a double hit, one to the southeastern part of our State, a category 4 and 5, and one to the southwestern part—but it was our own failings, if you will, that got us stuck. It was the breaching of a levee system that has successfully protected this city for over 300 years. But because of a lack of investment, because we have not set the right priorities in the last several years and over some time, and because we have our focus abroad and not at home, this is the destruction that has occurred, not just in New Orleans but in the region, in the southwestern part of our State as well, and throughout the gulf coast of Mississippi.

Let me show another chart that does not have the same kind of picture, but in a more graphic form it shows the number of people who have been affected by this storm and the breaching of the levee systems which occurred throughout south Louisiana primarily.

Not many levees were breached to the north, but there were levee systems that were breached. In Louisiana, 3 million people were affected; in Texas, 802,000; in Mississippi, 1.7 million; and in Alabama, 829,000 people. Six million people were hit directly by a storm. Again, Katrina and Rita could not have been avoided, but I promise you, Mr. President, we could have minimized the damage and maximized hope if we had set better priorities and invested our money better right in this Congress with a different choice, a different course than the one set by this administration. What do I mean by that? I will get to that in a minute.

I also want to show the significance of this region. There were 6 million people affected in this region, but it is not just any region in the country. Forgive me, I represent this area, so I am quite partial to it. I do know every other area of this country is spectacular and wonderful, and I have visited many places, but I think anybody looking at this chart can understand there is something special about Louisiana, Texas, Mississippi, and Alabama.

What is special about it is we are the Nation's only energy coast. Most of the domestic production comes off the shores, basically, of Texas, Louisiana, Mississippi, and Alabama. Yes, we have some important production in the West in shallow plays of oil and gas, but we have virtually shut down drilling in other parts of the country—in my opinion, not on very good data, but nonetheless that is a choice that has been made.

The point is that we have continued to supply this Nation at a time when it needs oil and gas and needs energy production. Louisiana has not sat down on the job, Texas has not sat down, Mississippi has not sat down, and Alabama has not sat down. But what has happened is this administration and some parts of this Congress have sat down on the job of helping Louisiana and this energy coast protect itself from the kinds of storms that we have seen.

How? By not investing in the wetlands restoration, which serves as a natural barrier to the great city of New Orleans and its surrounding areas and by not investing in the critical infrastructure of levees and navigation channels and appropriate dredging that would help manage water.

Water can be a very powerful force for good. You can see here the mighty Mississippi River. Our country, in large measure, became a nation because of the securing of the mouth of the Mississippi River, the Louisiana Purchase by President Jefferson—when he made a very smart strategic investment. He did not waste his money on things that would not return a benefit to our country, but made the Louisiana Purchase for 3 cents an acre, the best real estate deal ever done. But we purchased the mouth of this river, secured it for national security but also secured it for commerce.

Mr. President, it is impossible to get grain out of Kansas, your State, or Nebraska, or throughout the great Farm Belt in the Midwest of the United States, without using the Mississippi River and its tributaries. Yes, we can manage to get some of it over here to the east coast and out to our trading partners to the east, but moving it out here, down south to our trading partners in the south and also trade routes to the east and the west would be impossible without the Mississippi River.

You would think this Congress would pay attention, particularly this administration that talks about energy independence would pay attention to this energy coast.

In addition to an energy coast, you can see here the red dots are our ports. These are parts of the largest port system in the country—two of the largest. All of the south Louisiana ports and Houston. If you combined all of the ports in Louisiana from New Orleans to the Baton Rouge port, to south Louisiana, that port and the other ports, our port system is larger than any port system in the North American Continent and one of the largest port systems in the world. You would think that we would pay attention to infrastructure such as this and invest wisely and take some of the money out of this Treasury and invest in protection of the wetlands and in a strong and robust levee system.

But we have not done that. In fact, we have done the opposite. This chart is a startling summary. It is startling to me. It is hard to grasp. This is ''Civil Works Capital Investment as a Percentage of Gross Domestic Product,'' since 1929 to the year 2001. When we in America, the America I grew up in, talk about the great investments after the war, you can see what we are talking about. You can see a Nation that was focused on its future. Why? Because it was investing in roads and bridges and levees and dams and infrastructure necessary to lay down the framework for the greatest explosion of entrepreneurship and scientific discovery that before had not been seen in the world; almost unequaled in its breadth and its scope. But what happened? Look here. Starting in the 1980s, there were new priorities set in Washington. They have been very damaging priorities, indeed—slashing critical investments in infrastructure, cutting back on ''nonessentials,'' trying to ''conserve.'' This is not conservation. This is akin to taking a gun and shooting yourself in the head, when you take money out of civil works projects, away from cities, away from suburbs, away from communities, and spend it on either tax cuts for people who do not need them or on other priorities that are not as important or on wars that we cannot win. It is this low line here, right down here to the lowest percentage, under one-half of 1 percent of the GDP, that results in devastation such as this.

You do not have to have a Ph.D. in economics to understand this. This is not complicated. I am going to show it to you again. This is 20 years of disinvestment, disengagement, pretending that these problems do not exist, pretending we have surpluses when we do not, and underfunding critical infrastructure. When that happens, this is the result.

The 450,000 people who lived in the city of New Orleans at one time and the 450,000 people who lived in Jefferson Parish and the 200,000 people who lived in St. Tammany Parish and the 60,000 people who lived in St. Bernard and the 30,000 people who lived in Plaquemines Parish—and that is not mentioning the other parishes along the western part of our coast, Cameron, that is completely destroyed, and Calcasieu Parish, that suffered, and Washington Parish, that had not every tree fall but every house collapsed or destroyed in some way or affected in some way by the falling of the trees—

ask these people whom I represent, was it smart to cut off investments? I don't think so.

The sad thing is, we have had an answer. I am not coming to complain. I am coming to offer a solution which our delegation has offered, now, decade after decade. We have pleaded, we have held hearings, we have had field trips to Louisiana, we have done fly-overs, we have formed a national alliance, we built a coalition of 4,500, an alliance of industry and environmentalists. We have done it all. But what we cannot seem to do is get the attention of this administration and enough members of the Republican leadership to understand that smart investments make a difference: They save lives, they build hope, they build communities, and they make a nation stronger. What I have asked for and my delegation has asked for—and I know my time is running out, and I will take 2 more minutes—what we have asked for is to redirect a portion of offshore oil and gas revenues that have been generated off of our coast, off of this coast where all these people have been injured.

There it is. With the oil and gas being drilled—and has been drilled since 1955—off of this coast, we are generating about $6 billion a year that comes into the general fund. It would be a smart thing and a wise thing right now, a wise action and a smart action, to redirect a portion of those revenues to invest in a levee system, in the restoration of this Gulf Coast area and the wetlands that protect the Nation's great energy port and trade port.

That is my message. We can do better. We must do better. We must make smarter investments with the money that is in the National Treasury. We do not have to raise additional taxes to do this. We have to redirect some of the taxes already flowing into the Treasury to invest to protect the people along the gulf coast. If we needed to share those revenues with other coastal communities—since by the year 2020, two-thirds of the continental United States will live within 50 miles of the coast—we most certainly are able to do that. But for Heaven's sake, let's get our priorities straight.

We can do better. We can make better decisions. That is what this effort is about. We are going to continue on, not complaining but offering solutions. We are not offering to raise taxes but to redirect some of the taxes that we have to make better choices to build a stronger Nation and stronger communities. I ask my colleagues to join us in this effort because I know we can get this job done. I thank the Senator from Illinois for yielding some time this morning for me to discuss this important issue.

The ACTING PRESIDENT pro tempore. The Senator from the great State of Illinois.

Mr. DURBIN. Mr. President, let me thank the Senator from Louisiana. She has been through an ordeal, as well as her colleague, Senator VITTER, with the Katrina damage and what followed. She has been on this floor every day and in private meetings every single day, exhorting this Senate, both Democrats and Republicans, not to forget what happened to her home State. It is a tragedy that none of us would like to see befall our own States, and we owe it to her to work with the President, on a bipartisan basis, first, to help the evacuees and victims; second, to make sure the great city of New Orleans is back and running as quickly as possible; third, to make the changes that are necessary to give them peace of mind and security for generations to come.

I have listened to her time and again come to the floor and talk about health care and education, the basics that people need to survive. I worry, as I am sure she does, that we are going through Katrina fatigue, that we have heard it for so long we want to turn the page and talk about other things. Thank you for reminding us every single day we cannot turn that page. I have met with those victims. Some have come to Illinois. I tell you but for the generosity and compassion of churches, charities, and local community groups, I do not know how some of these families would have survived.

What has happened in farflung communities in Illinois is that these evacuees have been embraced—and thank goodness that happened because otherwise they tell me they wouldn't have known where to turn. When the Government should have been there, it was not there. Sadly, we have to step back now and take an honest evaluation of why that happened.

I know the Senator from Louisiana shares my belief that if we had an independent, nonpartisan commission—which we have been begging for for weeks now—to take a look at what happened, not so much that we can figure out who to blame but so that we make sure we never do it again. We hear complaints about FEMA—a few weeks ago in Florida and complaints in Texas. We can do better. When it comes to disasters facing America, natural and otherwise, we can do better. I think we need to come together in an independent, nonpartisan way to make that happen.

AHMED CHALABI

It is almost hard to believe, and impossible to explain, what is going on in Washington today as we honor and fete Ahmed Chalabi. Who is Ahmed Chalabi? He enjoys the rank of Deputy Prime Minister in the nation of Iraq. But he enjoys a very questionable reputation otherwise.

Ahmed Chalabi, it turns out, was one of the key advisers to the Bush administration before the invasion of Iraq. He was so important to the Bush administration that they paid his organization, through the Defense Intelligence Agency, $335,000 a month to sustain his life and his office. Overall, the Bush White House gave his Iraqi National Congress $39 million over the last 5 years, $39 million to this Ahmed Chalabi. Ahmed Chalabi is an expatriate from Iraq, now returned with Saddam Hussein being removed from power, and he has been bankrolled by our Government as long as President Bush has been in office. His Iraqi National Congress was a major source of misinformation and disinformation about the situation in Iraq before our invasion. He was the one who was producing the evidence that led the administration to tell the American people there were weapons of mass destruction.

There were people who were skeptical of Ahmed Chalabi from the start. Former Secretary of State Colin Powell said, on June 12, 2003, ''I can't substantiate Chalabi's claims. He makes new ones every year.''

This skepticism was shared by other agencies of our Government, but it did not stop the leaders of our Government, under President Bush, from bringing Ahmed Chalabi into the highest level meetings concerning America's national security and our policies in Iraq.

On September 18, 2001, Richard Perle convened a 2-day meeting of the Defense Policy Board, a group that advises the Pentagon. Chalabi, who was a guest speaker at this meeting, made a presentation on the threat from Iraq.

It turns out that Chalabi was producing information from so-called defectors on a regular basis to the highest levels of the Bush administration—most of which turned out to be false.

> Chalabi's defector reports were . . . flowing from the Pentagon directly to the Vice-President's office [Mr. CHENEY] and then on to the President, with little prior evaluation by intelligence professionals.

That statement was made by State Department intelligence expert Greg Thielmann in the New Yorker. He went on to say:

> There was considerable skepticism throughout the intelligence community about the reliability of Chalabi's sources, but the defector reports were coming all the time. Knock one down and another comes along. Meanwhile, the garbage was being shoved straight to the President.

Ahmed Chalabi was the source of this so-called intelligence garbage about the situation in Iraq.

And then there was the notorious source named ''Curve Ball.''

He should have been given that name because his information turned out to be so wrong, so bad, and so misleading. He was another one of the so-called defectors who provided this information. He was a discredited INC defector to Germany, code named ''Curve Ball,'' and the chief source of information on Iraq's supposed fleet of mobile germ weapons factories which turned out to be a hoax. ''Curve Ball'' was the brother of a top lieutenant to Ahmad Chalabi.

Chalabi did not stop with reaching the highest levels of our Government and misleading them about the situation in Iraq. He had his friends in the

media. Chalabi was the source of discredited news stories about Iraq, penned by New York Times reporter Judith Miller. In 2001, Miller wrote a front-page story about claims that Saddam had 20 secret WMD sites hidden in Iraq. It is amazing, the exclusive story came ''just three days after the source had shown deception in a polygraph test administered by the CIA at the request of the Defense Intelligence Agency.''

So when they confronted Ahmad Chalabi and asked, how could you mislead the United States with all of this bad information, leading to our invasion of Iraq, 160,000 American soldiers risking their lives, over 2,000 killed, he said ''we are heroes in error.'' He boasted to the international media that even if he had misled the United States, he had achieved his goal. He got the United States to invade Iraq and depose Saddam Hussein.

And then what happened? The tables turned on Mr. Ahmad Chalabi last year. In May of last year, the Iraqi officials, with the cooperation of the United States, raided Ahmad Chalabi's offices in Iraq. Why? I will tell you. In June 2004 Chalabi came under investigation for allegations that he passed secret intelligence data to Iran. Remember Iran, one of the axes of evil? Chalabi is accused of telling the Iranian Government that the United States had broken the code it used for secret communications. National Security Adviser Condoleezza Rice promised Congress a full investigation into these allegations.

The Wall Street Journal reports:

> There is little sign of progress in a Federal investigation of allegations that Chalabi once leaked United States intelligence secrets to Iran.

If he did this, it is clear he endangered the lives of our troops, he endangered America's national security.

Just this week, the Wall Street Journal came out with a story about Ahmad Chalabi. They went to the FBI and said some 18 months later, what is the status of Ahmad Chalabi? Let me quote FBI spokesman John Miller, who strongly denied that the Chalabi investigation is languished. He said:

> This is currently an open investigation and an active investigation.

He added:

> Numerous current and former government employees have been interviewed.

Here we have a man who misled the leaders of our Government. Here we have a man who conceded and boasted that although he misled them, he achieved his purpose of getting the United States to invade Iraq. Here we have a man accused of selling secrets to the enemy, to Iran, and endangering American troops. And where do we find Ahmad Chalabi today? He is being hosted and feted by this administration. This man is in Washington with his motorcade moving around town, having appointments with Treasury Secretary Snow and the Secretary of State, Condoleezza Rice. Today, he is going to share his wise view of the world with the conservative think tank, the American Enterprise Institute.

This is a hard story to explain. Hard to explain to the American people; harder still to explain to American troops. How can a man who has been accused and is under investigation for passing secrets from the United States to the Iranians and endangering the lives of our troops and national security now be the toast of the town in Washington, DC? How can a man under active investigation by the Federal Bureau of Investigation, a man who has not been called for any statement or any testimony, be this guest at the highest levels of our Government?

Congressman GEORGE MILLER has been involved in this inquiry, as I have. He has made it clear, and I agree with him, when it comes to Ahmad Chalabi we shouldn't be serving him lunch, we ought to be serving him with a subpoena. We shouldn't treat him like a hero, we should treat him like a suspect in a case that may have endangered the lives of our troops.

I don't understand it. We need to call on the Intelligence Committee as well as the Department of Justice to use the tools they have to subpoena Ahmad Chalabi to make certain he answers the hard questions about how he misled our Government into invading Iraq and what he did to endanger the lives of our troops and our national security. Nothing less should be allowed when it comes to protecting our troops.

How much time remains?

The PRESIDING OFFICER (Mr. ISAKSON). There is 2 minutes 10 seconds.

OIL PROFITS

Mr. DURBIN. Mr. President, I close by saying we also have coming to Capitol Hill today a group of oil company executives. They couldn't have come at a better time.

Someone said this is simply theater. I hope it isn't. It is time to ask hard questions of these oil companies which have over the past 6 months dramatically increased the price of energy for people across America. People living in Illinois and across our Nation—families, small businesses, farmers—have been dealing with this oppressive increase in prices.

A lot of blame was pointed, when it came to OPEC, that it is the Saudis; they are running up the price of oil. Well, they did, but that was not the reason the price at the gasoline pump went to $3. It went to $3 because of this: Oil companies are making record profits, record profits over the increased prices they are charging to consumers across America. This chart is an indication of the billions of dollars they are making.

ExxonMobil reported record quarterly profits of $9.9 billion, up 75 percent from last year. Put the nozzle in the tank and watch the numbers spin on the gas pump; the money from your credit card is going directly to the boardrooms of these oil company executives.

Senator MARIA CANTWELL of Washington has the right idea: We need to put the oil company executives under oath today, ask them the hard questions as to whether they have been profiteering at the expense of the most vulnerable people in America, people who get up and go to work every day and cannot afford to fill their gas tanks; businesses that are languishing, that cannot hire the people they need, cannot reach profitability, because of the profiteering of oil companies. And farmers, already hard pressed in many parts of our country by bad weather and bad prices, find their input costs going through the roof because of the high cost of energy.

The oil company and lobbyists are all over Capitol Hill. They are swarming because several Senators, including some Republicans, have called for a windfall profits tax. I support that. Take the money back from these oil companies, give it to consumers across America, fully fund LIHEAP, our program to provide heating sources for the poor in America. Make certain we tell these oil companies no, and stand up for the consumers who paid these outrageous prices.

I yield the floor.

The PRESIDING OFFICER. The balance of morning business is controlled by the majority.

The Chair recognizes the Senator from Kentucky.

RATIFICATION OF IRAQ CONSTITUTION

Mr. MCCONNELL. Mr. President, normally I don't get an opportunity to hear my good friend from Illinois, but I am glad I was here as he gave one of his appraisals of the situation in Iraq. As Paul Harvey often says, I would like to provide the rest of the story; arguably, a more balanced view of what is going on in that very important country.

In fact, freedom has taken another giant step forward in Iraq. On October 15 the Iraqi people voted overwhelmingly to ratify their Constitution. Iraqis turned out in stunning numbers to embrace democracy, tolerance, and a just rule under law. In fact, they turned out in greater numbers than we turned out here last November, which was a very high turnout by U.S. standards—and, of course, most Americans were not afraid they would get shot when they went to the polls.

Iraqis created a constitutional republic in the heart of the Middle East. This is an unequivocal victory in the war on terror. It is the only way we can assess it. With their votes, millions of brave Iraqis rejected dictatorship and created a republic. They rejected rule by fear and terror and embraced rule by the consent of the governed. They stood together as a country under one motto: ''we the people.''

Nearly 10 million Iraqis turned out to vote, a turnout rate of 63 percent. That

was up from 60 percent last January when they elected their interim government. That was 3 percent higher than our own turnout here last November, 60 percent, which was 10 percent higher than our turnout here in 2000, which was 50 percent. Again, I say, those Iraqis, many of them, might have been concerned about their safety when they went to vote. That was the first free election in Iraq in over 50 years last January.

Furthermore, and very significantly, turnout among Sunni Arabs increased dramatically. This is a testament that the policy of continued political outreach to influential Sunni leaders during the constitutional drafting process was a success.

For instance, in the heavily Sunni province of Salahaddeen in the city of Ishaqi, only 300 people voted last January in the interim election vote. This time around, on the Constitution, on October 15, 10,000 Iraqis voted. Three hundred in January, 10,000 in October, largely Sunnis. This is only one city, but the turnout was up dramatically. Many in the Sunni population obviously decided their interests are best served not by fighting an armed insurgency but by joining the political process.

Not only did Iraqis turn out in record numbers, they also voted to ratify their new organizing document in overwhelming numbers. The final results show over 78 percent of Iraqi voters said yes to the Constitution. Of Iraq's 18 provinces, 12 voted yes with majorities exceeding 94 percent. Three more provinces voted yes with solid majorities, including the province of Baghdad. In the Baghdad province, 77 percent ratified the Constitution.

The Iraqi Government decided that for the Constitution to fail, at least three provinces had to vote ''no'' with at least two-thirds of the vote. Only two provinces did that, the Anbar province and the province I mentioned earlier, Salahaddeen.

The democratic process in Iraq will continue to move forward. Iraqis are now preparing for another nationwide election pursuant to the Constitution they ratified. That election on December 15 will be for the first permanent democratic government in Iraq's history. They will choose 275 members of a council of representatives to serve all the people of Iraq.

It is odd to me that at such a moment of triumph in that country, there are still those who call for America to get out while we can in the midst of this triumph that is occurring there. They believe our troop withdrawal should be arbitrarily based on the calendar rather than on achieving results. In short, they want to cut and run. And until we do, they will endlessly criticize our troops' efforts but offer no alternatives of their own.

It is important to remember to withdraw prematurely from Iraq, as the cut-and-run crowd suggests, would play right into the hands of the terrorists. The terrorists themselves have already told us that. They have told us what they have in mind. In a letter our intelligence forces intercepted, written by Ayman al-Zawahiri, the No. 2 terrorist in the al-Qaida hierarchy, and sent to lead Iraqi terrorist Abu Musab al-Zarqawi, we learn that the terrorists' foremost goal is to drive America out of Iraq. No great surprise.

Here is how al-Zawahiri instructs his partner in villainy:

> [T]he Jihad in Iraq requires several incremental goals.
>
> The first stage: Expel the Americans from Iraq.

No surprise.

> The second stage: Establish an Islamic authority . . . in order to fill the void stemming from the departure of the Americans, immediately upon their exit and before un-Islamic forces attempt to fill this void.
>
> The third stage: Extend the Jihad wave to the secular countries neighboring Iraq.

So they clearly not only want Iraq, they want to spread this plague into the countries surrounding Iraq.

Al-Zawahiri goes on to say:

> The mujahedeen must not have their mission end with the expulsion of the Americans from Iraq . . . their ongoing mission is to establish an Islamic state, and defend it, and for every generation to hand over the banner to the one after it until the Hour of Resurrection . . . Americans will exit soon, God willing.

Those are chilling words from our enemies.

Their plans are laid bare for all of us to see. They want us to cut and run. Worse still, they expect it. And then they will turn Iraq into a terrorist haven.

Al-Zawahiri realizes that the terrorists can never hope to defeat America on the battlefield. The only way they can defeat us is by undermining our resolve with continued suicide bombings, gruesome beheadings performed for the camera, and guerilla sneak attacks, all brought to American living rooms through the media.

The terrorists believe they can shape American policy—policy determined, in part, by this chamber—by killing Americans, because they have successfully done so before. In 1983, terrorists killed 241 Americans in Beirut, and American forces were withdrawn from Beirut as a result.

And America did not take the threat of terrorism seriously after the first bombing of the World Trade Center in 1993, nor did we take it seriously after the destruction of our embassies in Tanzania and Kenya in 1998, nor did we take it seriously after the attack on the USS *Cole* in 2000.

The terrorists believe that our determination to fight them now, after 9/11, is the exception rather than the rule. They believe that eventually we will tire, falter, and fail in this fight.

We must make plain for them—in a language they can understand—that they are gravely mistaken.

America is not going to cut and run before the job is done. For our own security, for the security of the Iraqi people, and for the security of the world, we must defeat the terrorists and leave behind a strong, stable, and secure democratic Iraq.

The terrorists are rightfully scared because America is fighting and winning the war on terror. We have made incredible progress in Iraq in 2½ short years.

I think we ought to take a look at the progress that has been made.

Taking note of this chart, Saddam Hussein came to power in 1979 and was in power from 1979 to 2003. What were the hallmarks of those 24 years for the people of Iraq? Over 4,000 political prisoners were summarily executed—one of his great accomplishments; 50,000 Kurds killed, many of them with chemical weapons; 395,000 people were forced to leave Iraq during that 24-year period.

They had to get out or be killed.

Iraq had no free elections and no free newspapers, and Saddam Hussein stood above the law.

What has happened in the 2½ years since Saddam Hussein's fall from power? Iraqis are now innocent until proven guilty. They have a legal system. Seventy-five Kurds have been elected to the legislature, as compared to 50,000 Kurds getting killed during Saddam's regime. Over 270,000 of those Iraqis who had to leave the country—of the 395,000 who were forced to flee Iraq—have come back home to build a new free Iraq, and 9.8 million people voted on the constitution on October 15. They weren't any free elections for 24 years under Saddam. They have over 100 free newspapers—100 free newspapers in Iraq now. They have more competition probably than we do, with freedom of speech breaking out all over Iraq.

Hussein, who stood above the law, now is on trial, subject to the law in Iraq.

That sums up the progress that has been made. The 24-year period of terror is over and a new democratic, free Iraq is emerging.

Before I leave the floor, I want to offer my colleagues some words of bravery from ordinary Iraqis, as an antidote to the al-Zawahiri letter I read earlier. These are the people who defied al-Zawahiri and al-Zarqawi to vote for the free future of their country. What these courageous people have to say should convince anybody that the Iraqis understand and are willing to pay the price of freedom.

Here is what one fellow had to say:

> 'I have not forgotten the mass graves and the torture and the killings,' said Abdul Hussein Ahmed of Najaf. 'Five members of my family were killed by Saddam and his people. But now, with this constitution, everyone is equal under the law.'

Munthir Abbas Elaiwi of Baghdad agrees.

> '[The constitution] will bring all that is good for the people, such as stability, democracy and peace. With such a charter, we will show the world that we are a civilized nation, not a bunch of ignorant and bloodthirsty extremists.'

That is from one of the Iraqis participating in the progress. And if any terrorists think the people of Iraq do not hold their new republic dear, let them heed the words of Munthir's older brother, Naseer Abbas, also of Baghdad. He states quite simply: ''We are ready to defend this constitution with our blood.''

Iraqis are our partners in the war on terror, and they understand the magnitude of our shared cause. They realize the power a thriving democracy in the heart of the Middle East can have as a counter-example to tyrannical regimes like Iran, whose President recently called for Israel to be ''wiped off the face of the Earth.'' The Iraqis have embraced liberty, and rejected the homicidal urgings of terrorists. I hope my colleagues will join me in saluting them and their commitment to freedom.

Tyrannical leaders who repress their people much as Saddam Hussein once did the Iraqis should make no mistake: The people in your country are looking at Iraq and wondering, ''Why not here? Why not now?''

The terrorists do not have the right answers to those questions. Americans, and Iraqis, do.

I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Pennsylvania.

REVOLUTIONARY WAR TOMB OF THE UNKNOWN SOLDIER

Mr. SANTORUM. Mr. President, before I talk about the situation in Iraq, I want to mention something that has gone on in my City of Philadelphia which I think deserves recognition during Veterans Day; that is, a situation with the Tomb of the Unknown Soldier from the Revolutionary War. That is a memorial which was erected in Philadelphia in 1954. There was an eternal flame added to that memorial back in 1976 during our bicentennial year. About 10 years ago that flame went out, and for 10 years the City of Philadelphia and the government of the City of Philadelphia refused to relight it—to fix the flame.

It wasn't until the efforts of Larry Mendte, a journalist for the CBS station WKYW television in Philadelphia, and the work he did in bringing this issue to light—other journalists have brought this to light in the past—but to Larry's credit, he did not give up. And they continued to run story after story and hound the city of Philadelphia to try to finally fix this monument and fix this eternal flame.

I wish to give thanks to the veterans community in Philadelphia, to WKYW, to Larry, and ultimately I have to congratulate Mayor Street. After an enormous amount of pressure put on his administration, Mayor Street finally decided to fix the flame.

Once the flame was fixed, the National Park Service took that flame over and will make sure that the flame at the Tomb of the Unknown Soldier in the Revolutionary War, where so many died in the city of Philadelphia, will burn as an eternal flame.

As we all know, this Friday is Veterans Day, a day when Americans pay tribute to the brave men and women who have served in our armed forces. There is no group of Americans to which we owe more than those who have fought to protect the freedoms that are the very heart of our Nation.

The truth is that our veterans, both past and present, should be honored every day of the year. We would not be here today, enjoying all the blessings we have if it were not for the sacrifices of those who took up arms to defend America. And so, I rise today to recognize the efforts of the residents of my home state who have fought to ensure that those who passed away in service to our country are remembered, day in and day out, with the reverence they deserve.

The city of Philadelphia, so central to the American Revolution, became the final resting place for thousands of Revolutionary soldiers. Many of these brave men, America's first patriots, were laid to rest in mass, unmarked graves throughout the Philadelphia region. To honor these soldiers, and the millions more who have fought for our Nation since its inception, a war memorial was erected in Philadelphia in 1954. Ever since, this monument, known as the Tomb of the Unknown Soldier, has stood as a tribute to those who first made the ultimate sacrifice in the name of America.

During the bicentennial celebration in 1976, an eternal flame was added to the monument. This flame, a symbol of the enduring spirit of the soldiers that passed, was to burn continuously in their honor. Yet over time, the flame was neglected and allowed to die out. For the last few years, this monument has stood incomplete, and as a tribute to our soldiers, insufficient.

Thankfully, Philadelphia is a city filled with conscientious, concerned citizens. On June 6 of this year, Mr. Larry Mendte, a journalist for the CBS station WKYW, reported that the flame had gone out. The response from viewers was immediate. The next night, a veteran of the gulf war traveled to the monument and lit her own flame, a flame that would certainly not wane due to neglect, thus beginning a candlelight vigil that would be joined by many others.

Mr. Mendte, along with his colleagues at CBS, would not let this story disappear. He tracked down city officials, demanded an explanation, and refused to accept their attempts to brush him off. On June 13, merely seven days after the initial story was broadcast, the city began the repair process. Thanks to the efforts of Mr. Mendte, WKYW, and the many concerned Philadelphia residents who responded to this story, over 100 individuals were able to witness the reigniting of the eternal flame on June 29.

An inscription on the Tomb of the Unknown Soldier reads, ''Freedom is a light for which many men have died in darkness.'' Freedom is a light, a light that still shines bright throughout the world thanks to the effort and sacrifice of American soldiers. Today in Philadelphia, a different light is shining, once again, in recognition of these soldiers and what they have given for us.

I commend Mr. Mendte and his colleagues at WKYW for bringing attention to this issue and pushing for its resolution, as well as the residents of Philadelphia who responded, in force, with their support. Most of all, I thank America's veterans, who have given more than we can ever repay, and deserve to be honored and recognized at every opportunity. The eternal flame at the Tomb of the Unknown Soldier is a fitting tribute, and I am proud to represent such dedicated, patriotic citizens who worked so hard for its restoration.

Congratulations to all involved in the city of Philadelphia.

U.S. SERVICE MEMBERS' SUCCESS IN IRAQ

Mr. SANTORUM. Mr. President, I congratulate the Senator from Texas, Senator HUTCHISON, for her tremendous effort in organizing Members to come to the floor to tell the other side of story in Iraq.

It started with a series of e-mails that I received from different people, from constituents to folks who weren't constituents, who complained to me—these are soldiers in-country—that they were becoming frustrated because every day they would be out there on the frontlines in-country, serving, sacrificing for our country and accomplishing great deeds and then would have to turn on CNN and other news shows and read the clips from the American newspapers and see a war being described which they were not seeing. They were not seeing the war as being an IED every day but seeing, every day, hundreds of thousands of Iraqis working with our American military forces to make Iraq a more stable and safe place.

I, along with Senator HUTCHISON and my colleagues, have decided it is time to start going around the mainstream media and telling the other side of the story.

I came from a press conference downstairs where I had four civilian independent military bloggers. These are people who have been in-country—one is going to be in-country in the next couple of weeks, one who is the wife of someone who is heading to Iraq—talking about the military blog, talking about all of the information that is now populating the Internet, of people who are actually there in-country, telling their stories, people who are making a difference every single day in the lives of Iraqis.

One such person is Captain Jim Bentzley, who is from suburban Philadelphia, who wrote to me a month and a half ago. He said:

The reason I'm writing to you about this mission is because I do not believe that the American public realizes how well we are working with the new Iraqi military. In my own shop, the mission could not be accomplished without the help and, cooperation of my Iraqi troop-employees. Likewise, I help them by guiding them through the U.S. military's logistics system. I'm also trying to educate them past the military logistics by introducing them to some of my civilian-experience and U.S. business logistics practices: lean logistics and six sigma. Efficiency is a new concept for them . . . but I believe I can get through to them so that when we, Americans, leave this place, the Iraqis will pick up the mission seamlessly.

I would like you to visit my operation so that you can see the way we work with the Iraqis and so that the American people can also see. There are a lot of good things going on over here and most of them deal with people and the close relationships that are being formed—this is definitely not seen by America; America only seems to see the darker side of Iraq. Friendships that will last a lifetime are starting here, and they are friendships between former enemies. I realize I've only been here, in Iraq, for a couple of weeks, but already I consider my Iraqi counterparts close friends.

Corporal Mindo Estrella, from Erie, PA said:

I like working with the [Iraqi Army] and teaching them our tactics. I think that they've learned what we are teaching them and one day will be able to take over operations.

Corporal Estrella reenlisted. in the Marine Corps this past October, shortly after his battalion arrived: in Iraq. He said:

I like what I do, It gets rough at times, but nobody made me come out here. I signed the contract knowing what I was getting myself into.

He reenlisted last month. He said he likes what he does. He feels he is making a difference in transforming the country of Iraq.

LCpl Dan Williams said the same thing. He arrived in mid-March and has worked in-country, in Fallujah, to identify lots of insurgents and is working with the people now. He says he is getting the intelligence from the people in the community, where originally they were hesitant to work with them. Now most of the intelligence they are gathering is from Iraqi civilians who realize that it is now in their best interests for their country that they want to fight for to cooperate not with the American military but also with the Iraqi military in rooting out insurgents in their country.

We are making tremendous, positive steps.

I am going to be working, over the next several months, to make sure that the stories of the people who are on the frontline, who are fighting the war in the trenches, have their stories told to the American public and not people sitting in editorial rooms in New York City trying to spin what is going on in the mainstream of Iraq.

For example, news comes that America has suffered the loss of 2,048 brave servicemen and women in Operation Iraqi Freedom. The loss of any soldier in the cause of freedom grieves us all; especially the parents, wives, husbands and children of each deceased loved one. As elected officials, we don't know these soldiers as numbers, but as people, with hopes and dreams, family and friends. Knowing them as we do, it is hard to imagine the loss of any of them.

As great as the loss is, it can only compound a family's sadness to hear some say that the loss of their loved one was neither for the protection of America or the freedom of man. Yet we hear it regularly. Critics say Iraq posed no threat, as there was no link in Iraq to the war on terror. Or that securing freedom in the Middle East is impossible or isn't worth one American life.

To those who have lost their loved ones, don't believe these critics. Don't let those poisoned words take root in your heart.

As you hear of the 2,048th soldier lost, there is another number that demonstrates the protection of Americans here, and the preservation of freedom around the world. And that number, as best we can ascertain, stood at 450 last month.

Over 450 suicide bombers have attacked in Iraq. That is over 450 suicide bombers who did not strike at America's homeland, did not strike at our embassies, our ships, our civilians around the globe. It is your sons and daughters who have protected America from these 450 plus suicide bombers.

The suicide bomber represents that greatest threat to America, to democracies, to civilized society, and to peace. Stopping suicide bombers from attacking America and our allies is the foremost goal of the War on Terror. Without terrorists, planes, trains, boats, cars, and buses are moving gifts to society. Add a single terrorist, and they are transformed into weapons of mass death and destruction.

With one suicide bomber, a stolen van filled with explosives cost the U.S. Embassy in Beirut 63 lives, including 17 Americans. With one suicide bomber, a delivery truck took out the Marine Barracks in Beirut, costing the lives of 241 U.S. Marines. With just two suicide bombers, a small boat hit the U.S.S. *Cole*, killing 17 sailors. With just four suicide bombers, the London subway and buses became the final destination for 52 civilians. With just 19 suicide bombers, four airliners made for one of America's darkest days by killing nearly 3,000 innocent people.

The suicide bomber is the foremost weapon of terrorism today. So how can anyone say that 450 ex-suicide bombers in Iraq has not protected American lives?

Critics of this war insist that it is America's presence in Iraq that has created the 450 plus suicide bombers in Iraq. Did America's presence in Iraq cause the attack on the World Trade Center in 1993? Did our presence in Iraq compel terrorist to attack us on 9/11? The answer is no. It was our existence in the world that compelled the terrorists to attack us, time and again. These suicide bombers existed and attacked America before, on, and after 9/11, and well before Operation Iraqi Freedom.

Frankly, I am stunned that after 9/11 that anyone in a position of power would assume the peaceful intentions of one suicide bomber, much less each and every one of the 450 ex-suicide bombers in Iraq.

So I believe that 450 fewer suicide bombers does make America safer, and our brave men and women in uniform serving in Iraq have protected America from these cowards.

On the Marine Corps website is a story about Lance Corporal Dan Williams, a 22-year-old intelligence analyst from Murrysville, PA with the 1st Battalion, 6th Marine Regiment currently conducting security and stability operations in and around Fallujah. Part of Lance Corporal Williams' mission is to piece together fragments of data on terrorist identities, connections, and locations. This information is used to determine where and when to apprehend these individuals, and what type of threat they may face upon arrival. Since his unit arrived in Iraq in mid-March 2005, Lance Corporal Williams and his fellow Marines have helped to apprehend dozens of insurgent supporters and to unearth several weapons caches in the area.

As for this fight for freedom, we now have a democratically-elected constitution in place in Iraq. Will freedom and democracy take root and flourish in Iraq?

We cannot say right now. But, when we laid to rest the 1,500 American soldiers that perished on D–Day in the grave at Normandy, no one could say whether freedom would take in post-Nazi Germany. When we laid to rest those 6,891 fallen soldiers at Iwo Jima, no one could say that militaristic Japan would become a democratic nation. None of those tens of thousands who fought and died in the hot chapter of the Cold War knew that freedom would ever arise behind the Iron Curtain, much less survive. And even here in America, as we buried the 4,435 lost in total at Concord, Lexington, Bunker Hill, Trenton, Princeton, Bennington, Cowpens, and Yorktown, no one could say for certain that a government of, for, and by the people would take. But it did.

Each of those who died in all these battles never knew if freedom and liberty would result from their sacrifice. Rather, they died for the hope and dream that it might exist and flourish, both here and elsewhere for our fellow man.

It is so unfortunate that so often critics of this war fail to tell the stories of success coming out of Iraq; the stories which prove that our U.S. servicemembers are working with the

Iraqis to help them to sustain this newfound freedom by helping the strengthen their armies.

The stories of success from our soldiers and sailors in Iraq need to be told. Our soldiers need to know that their bravery and hard work in Iraq is not in vain.

This new chance for freedom in this part of the world is due entirely to the sacrifice of our soldiers and sailors, and their families.

I say to our servicemen and women and your families—Our nation owes you our gratitude, and we honor you for bestowing the immeasurable gift of freedom. We thank each and every one of you.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Pennsylvania for talking about what our people with boots on, on the ground in Iraq, are saying and what they are seeing.

I think it is important that we talk to them about the feelings in America because some people might get a misimpression if they listened to people who actually put forward the idea that we would cut and run from something that was started for all the right reasons—to protect Americans.

The President, knowing what happened on 9/11, was determined that he was not going to have another terrorist attack on America with weapons of mass destruction. That is why we went into the Middle East. We took on Saddam Hussein, who was known to have, from many different sources, weapons of mass destruction.

So we are there, and our troops are doing a great job. We are building the confidence in Iraq. You can see it from the people who are voting with their feet. They are walking to the polls and voting. Even under threat of death, they are working to establish a democracy. They are defying the terrorists. They know what the terrorists are doing to their country, and they are fighting back. And we are going to stand and fight with them, as we promised we would do.

I want to talk about this picture. It says more than any words ever could. Michael Yon is a former Green Beret who has been out of the service for years. He is also a gifted photographer and writer. He was embedded in Iraq for 9 months earlier this year. He learned about the area, the people, the unit in which he was embedded, and the situation in Iraq. His photographs capture an honest and inspiring message about our soldiers' service in Iraq, the mindset of the terrorists we are fighting, and what this war is all about.

I would like to read Michael's own words describing what happened on Saturday, May 14, 2005, in Mosul, just before he took this heartbreaking picture:

Major Mark Bieger found this little girl after the car bomb that attacked our guys while kids were crowding around. The soldiers have been angry and sad for two days. They are angry because the terrorists could just as easily have waited a block or two and attacked the patrol away from the kids. Instead, the suicide bomber drove his car and hit the Stryker when about twenty children were jumping up and down and waving at the soldiers.

Major Bieger, I had seen him help rescue some of our guys a week earlier during another big attack, took some of our soldiers and rushed this little girl to our hospital. He wanted her to have American surgeons and not go to the Iraqi hospital. She didn't make it. I snapped this picture when Major Bieger ran to take her away.

The soldiers went back to the neighborhood the next day to ask what they could do. The people were very warming and welcomed us into their homes, and kids were actually running up to say hello and to ask soldiers to shake hands.

Eventually, some insurgents must have realized we were back and started shooting at us. The American soldiers and Iraqi police started engaging the enemy and there was a running gun battle. I saw at least one Iraqi police who was shot, but he looked okay and actually smiled at me despite the bullet hole in his leg. I smiled back.

One thing seems certain: The people in that neighborhood share our feelings about the terrorists. We are going to go back there, and if any terrorists come out, the soldiers hope to find them. Everybody is still very angry that the insurgents attacked us when the kids were around. Their day will come.

Mr. President, it is stories like this one that reaffirm why Americans are so proud of our troops and proud of the Iraqi people for embracing democracy and supporting our efforts to defeat terrorism. U.S. troops are not seen as occupiers, as some in our country would have you believe. Our soldiers are standing beside Iraqi forces, and their sacrifice to win the war on terror will never be diminished.

We are fighting an enemy who is willing to make a point of killing innocent children. There will be no freedom if we cut and run. We know why we are there, and we will complete the mission.

This story shows so much about how our troops feel. And if any person in this country talks to troops who have returned from Iraq, they will tell you similar stories about the feelings of the Iraqi people. Iraqis often are under threat of death if they are talking to American soldiers or trying to do something productive that would move their country forward, such as voting on a constitution, which they did in droves. They are standing firm despite the threats.

Our troops are going through the process of teaching the Iraqi police and the Iraqi soldiers how to help themselves, how to work the equipment, and how to counter insurgents who would wait until children are in the picture before choosing to blow themselves up.

This is an enemy that we must not let stay on this Earth. We must eradicate it wherever it is. And we must make sure that it does not come to America because if this enemy would wait until children are surrounding our soldiers to do their heinous crimes, what would they do if they came back to America to attack our people? How heinous would their crimes be here?

Our President is trying to make sure they do not have that opportunity, that they will not be able to perpetrate their horrible and indecent acts against the people of America on our soil. Our President is taking every step to assure that Americans are secure.

So I think it is time for us to stop the partisan bickering. No one in their right mind would suggest that this is a time for America to turn and run. So let's try to work together to make sure we are doing everything possible to help the Iraqi people get on their feet, hold their elections, and begin the process of self-government.

Nothing will eradicate terrorism more quickly than showing that democracy and self-governance can work. That is what our President is leading our country and our troops in the field to provide: Safety and security for the Iraqi people so they can govern themselves. The Iraqi people are moving forward with a constitution they have written and they have voted for, which will be followed by more elections of a parliament and leaders who will take this constitution and make the laws that will give freedom to every Iraqi. Freedom is something which they have not known—many of them—in their lifetimes. It is a worthy cause because it will also assure the security of the American people in future generations.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1042, which the clerk will report.

The journal clerk read as follows:

A bill (S. 1042) to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

Chambliss amendment No. 2433, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods.

Ensign amendment No. 2443, to restate United States policy on the use of riot control agents by members of the Armed Forces.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The journal clerk proceeded to call the roll.

Mr. INHOFE. 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. INHOFE. Mr. President, may I ask what the regular order is right now, what the pending amendment is?

The PRESIDING OFFICER. The pending amendment is the Ensign amendment No. 2443.

AMENDMENT NO. 2440

Mr. INHOFE. Mr. President, I ask unanimous consent to set aside the Ensign amendment, and I send to the desk my amendment No. 2440 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The journal clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE], for himself and Mr. FRIST, proposes an amendment numbered 2440.

Mr. INHOFE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure by law the ability of the military service academies to include the offering of a voluntary, nondenominational prayer as an element of their activities)

At the end of subtitle G of title X of division A, add the following:

SEC. 1073. PRAYER AT MILITARY SERVICE ACADEMY ACTIVITIES.

(a) IN GENERAL.—The superintendent of a service academy may have in effect such policy as the superintendent considers appropriate with respect to the offering of a voluntary, nondenominational prayer at an otherwise authorized activity of the academy, subject to such limitations as the Secretary of Defense may prescribe.

(b) SERVICE ACADEMIES.—For purposes of this section, the term ''service academy'' means any of the following:

(1) The United States Military Academy.

(2) The United States Naval Academy.

(3) The United States Air Force Academy.

Mr. INHOFE. Mr. President, even though the Founding Fathers were very clear and spoke of ''Nature's God'' and of the ''Creator'' in the Declaration of Independence, the Federal courts are increasingly trying to drive every vestige of faith from public life.

On April 30, 2003, came an example from the Fourth Circuit Court of Appeals.

As the Boston Globe reported it:

Judges bar prayer at public colleges. In a precedent-setting ruling against prayer at a State college, a Federal appeals court has barred the Virginia Military Institute from writing and reciting a prayer before cadets eat their evening meals.

VMI and then the Citadel down in South Carolina have scrapped their prayers since that Federal court ruling, though Justice Stevens declared:

There is no injunction presently barring VMI from reinstituting the supper prayer.

The Naval Academy in Annapolis has also been reviewing its policy. The ACLU, the American Civil Liberties Union of Maryland, is calling on the academy to review its practices of leading the students in prayer.

Jeff Jacoby is a columnist for the Boston Globe who wrote in 1996:

Have you heard about the Virginia politician who wanted references to God injected into the Declaration of Independence? Or about the activist from Massachusetts who urged making the Fourth of July a quasi-religious holiday? These proposals were made 220 years ago. Today they would be swiftly denounced by the ACLU, the Democratic Congressional Campaign Committee, and a slew of editorial pages.

It was just last year that the Ninth Circuit Court of Appeals ruled to have ''under God'' taken from our Pledge of Allegiance.

We go around, as I do in my State of Oklahoma, spending a lot of time talking to people. I know what we do up here is significant. We pass laws. We have a lot of rules and regulations coming out of the White House, out of the various committees, including the one I chair, the Environment and Public Works Committee, but when you are on the street, it is the legislating from the bench that bothers people more than anything else. And certainly taking ''under God'' out of our Pledge of Allegiance is right at the top of that list.

Now, I agree with my friend in the other body, Congressman WALTER JONES, who has led this fight in the House of Representatives, when he asks the question:

How much longer will we stand by and allow others to ignore the very God upon whom our Nation was founded?

I also agree with the position of the Concerned Women for America that:

Prayer is essential to the protection of our families, our communities and our nation. We believe that the men and women who put themselves in harm's way have the right to give public thanks to God and ask for His blessings. But some are trying to take this right away.

Ronald Ray and Linda Jeffrey of Concerned Women for America recap:

On July 11, 2005 the Marine Corps Times announced the Anti-Defamation League's reissued call to cease the traditional noonmeal prayer at the Naval Academy, and the Academy's refusal to surrender. The ADL's demands echo the April of 2003 complaint by the ACLU, which could not find a plaintiff to pursue a lawsuit.

This is kind of interesting. The ACLU was trying to find one cadet at the Naval Academy to act as a plaintiff. They couldn't find one.

Take a good look at this painting by Arnold Frieberg of ''The Prayer at Valley Forge.'' Since the time of George Washington and the founding of our country, there is unbroken historic precedent of leader-led prayer sustaining American fighting men on the battlefield through every American war. In his Farewell Address, George Washington said:

I consider it an indispensable duty to close this last solemn act of my official life by commending the interests of our dearest country to the protection of Almighty God and those who have the superintendence of them into his holy keeping.

On the 4th of July, John Adams of Massachusetts said:

It ought to be commemorated as the day of deliverance, by solemn acts of devotion to God Almighty.

The centrality of prayer for the protection of those in peril upon the sea and acknowledgment of divine providence is an official tenet of preparation of the American military. America's dependence upon prayer exhibits itself before, and in the Declaration of Independence, and in the Inaugural Address of every President. Congress opens each day with a prayer. The tradition of prayer continued on June 6, 1944, when President Roosevelt led the entire Nation in prayer during his radio address, lifting up our assault forces and the families of those who would give the supreme sacrifice in the D-Day invasion. The President did that before the invasion.

During World War II, GEN George Patton led the famous prayer for favorable weather during the crucial 1944 Battle of the Bulge, and the weather dramatically improved. Patton issued 3,200 training letters to officers and chaplains in the Third Army to ''urge, instruct, and indoctrinate every fighting man to pray as well as to fight.'' That is George Patton.

In one of the largest social science research projects in history, the Social Science Research Council reported after World War II that soldiers selected prayer most frequently as their source of combat motivation. From 1774 until today, more than 67 Armed Forces prayer books have been widely and efficiently distributed to our fighting forces during war, from the American war for independence to the war on terror we are fighting today.

A sampling of just two prayer books distributed during World War II and the Korean war contain recommended prayers from 34 senior uniformed military authorities, including Bradley, Eisenhower, MacArthur, Marshall, and Patton.

Former Chairman of the Joint Chiefs, Admiral Thomas Moorer, concludes:

Prayer for the common good and acknowledgment of Divine Providence is a central, official and historic tenet of the combat leadership preparation for the American Military, particularly officer training and particularly in times of national peril or war.

Our Constitution demands the freedom to worship freely, and our future leaders, our men and women in military academies across the country, may soon be denied that freedom for which many have died to ensure that freedom for all of us.

Last year, 2004, the Supreme Court decided not to hear the ACLU challenge to cadet-led prayers at Virginia Military Institute. VMI, that is where it all started. That decision allowed the Fourth Circuit Court of Appeals decision to stand which prohibited VMI from sponsoring a daily supper prayer. Right after that, the Citadel followed their lead.

Supreme Court Justice Stevens pointed out in his decision for the majority not to hear the case that, in contrast, the Sixth and Seventh Circuit Courts have rejected challenges to nondenominational prayer at the college level, reasoning that ''college-age students are not particularly susceptible

to pressure from peers towards conformity.''

It is important to acknowledge here that the Sixth and Seventh Circuits, as well as the Fourth Circuit, all agree that there is not a problem in our colleges and universities. The VMI prayer was voluntary. Stevens states that there is no ''direct conflict among Circuits,'' relying on the factual differences between the cases in the different circuit courts.

Justice Scalia writes, however, that ''the basis for the distinguishing—that this was a separate prayer at a state military college, whereas other cases involved graduation prayers at state nonmilitary colleges—is, to put it mildly, a frail one.''

Scalia continues:

> In fact, it might be said that the former is more, rather than less, likely to be constitutional since group prayer before military mess is more traditional than group prayer at ordinary state colleges.

That is the state of the law today. Currently, they are not praying at VMI and at the Citadel. There is some problem at the Naval Academy.

Frustrated by the failure to find anyone in the Naval Academy to serve as a plaintiff, the ACLU now asks the Armed Services Committee of the Congress to take action. My amendment is designed to send an unsubtle signal to any court that entertains an ACLU suit against the military academies. It will stand as an indication of congressional intent on the matter. That is important. A lot of times congressional intent is not. However, when it is stated, when a decision is being made on a matter like this, it is significant. It is that intent that we want to have as an amendment to the bill today.

Judges inclined to back mealtime prayer will be able to point to this legislation as an argument for judicial deference to the will of Congress and the executive branch.

My amendment's language was in the House-passed version of last year's National Defense Authorization Act for fiscal year 2005. This year I want to see a recorded vote in the Senate to make clear exactly who agrees with this provision and who does not and to show the strength of support for this provision. While debating this National Defense Authorization Act, and hereafter, let us honor our heroes and those who have returned home and those who sacrificed their lives by standing against those liberals who would seek to challenge their God-given right to pray to a living Lord.

What I would like to do is yield the floor. First, I ask unanimous consent that Senator ALLARD be added as a cosponsor of the amendment.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

Mr. INHOFE. I understand Senator WARNER, our distinguished chairman, wants to speak, as well as Senator BROWNBACK.

I yield the floor and retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend our colleague. This is a very significant and important step that he has taken. I ask unanimous consent to be added as a cosponsor on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. The Senator from Kansas asked for a moment or two to speak. I shall yield the floor at this point and then follow with my remarks. I first ask the Presiding Officer with regard to the time remaining for the proponents of the amendment.

The PRESIDING OFFICER. The proponents have 17 minutes 15 seconds remaining.

Mr. WARNER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank my colleagues from Oklahoma and from Virginia for allowing me to speak on this important amendment. This morning, I started my day in the Senate as the Presiding Officer. I started it standing next to Chaplain Black, who is a Navy chaplain. He gave the opening prayer for the Senate. We have had an opening prayer for many years. I found it inspiring, encouraging. I found it uplifting and important that we open this body with a prayer. We do so on a daily basis. As I sat as Presiding Officer, I looked at the door opposite me. Right above it, on our mantlepiece, we have ''In God We Trust,'' as we have on our coinage and in our beliefs and hearts. To many Americans, we are one Nation under God, indivisible, with liberty and justice for all.

It is with this in mind that I rise in support of the amendment of the Senator from Oklahoma, No. 2440, that protects the ability of superintendents of military service academies to set appropriate policies for the offering of voluntary nondenominational prayers at authorized events. This is basic. It is important. It is the protection of the practice of religious liberties at our military institutions.

Prayer in military environments, as well as in public settings generally, has come into question in recent years. This amendment has specific relation to the 2004 Supreme Court decision not to hear a case regarding the challenge by the American Civil Liberties Union to mealtime prayers at Virginia Military Institute.

This follows on a series of cases for 40 years now of an attempt by the hard left in America to have a naked public square, to have no recognition of a divine authority, to have no recognition of seeking a divine authority or guidance, but a naked, sterile public square. That was not contemplated in our Constitution. It called for a separation of church and state, but not the removal of church from state which is what this seeks to perpetuate.

The mealtime prayer at Virginia Military Institute was a respected and time-honored practice, a military institution that has played a critical role in training U.S. military leaders for over 160 years. Sadly, the majority decision of the Supreme Court not to hear the case allowed a decision by the Fourth Circuit Court of Appeals to stand which prohibited VMI from sponsoring a daily supper prayer.

However, other circuit courts have rejected challenges to nondenominational prayer at the college level. And we should, too; we should allow this prayer to take place. We shouldn't have a naked public square. We should have a robust one that lifts up faith and lifts up the seeking of those to a higher moral authority.

Freedom of religion as protected in the U.S. Constitution does not require the removal of all religion from public settings. Such secularity is not what our Founding Fathers envisioned when they established religious liberty as one of the basic tenets of the Republic. I support the Senator from Oklahoma in his effort to clarify to the judicial branch and the military Congress's understanding of this fundamental constitutional right with regard to military academies. This is important. It is one of those things, as we try to stop this onslaught of the removal of religious liberty, which is what the move is about and what the Senator from Oklahoma is trying to prevent, the removal of religious liberties, to allow the robust practice of religion, nondenominational, nonsectarian, yet seeking that God in whom we trust.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, before the distinguished Senator from Kansas leaves the floor, I want to speak to him about another matter. I ask unanimous consent to go off this amendment for a brief period and charge the time to me from the bill time so I may have a colloquy with my good friend and colleague from Kansas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. The Senator has submitted to me an amendment which is in our allocation of 12 amendments regarding the notification that you deem important with military families, should they seek to access a military hospital for the performance of an abortion by a young person in that family. Am I generally correct about that?

Mr. BROWNBACK. That is correct.

Mr. WARNER. In studying the amendment over the night—now it is not the pending amendment, but I want to bring these issues to the attention of the Senator, in fairness. The Senator, though, appreciates that so many of these families, particularly those abroad, are often separated because a spouse, male or female, as the case may be, the serving member in uniform, could be detached from the family homesite and sent into other areas of the globe for periods of time to

perform missions. For example, there is a number of families resident in Europe whose spouses are then part of cadres of individuals going into the Iraq situation, some into the Afghan situation. That poses some difficulty, as I see it, in trying to work out a communication between family members, which communication is relative to life and death, and very important.

I am concerned that we are reaching down to a very small number of individuals, i.e., the military families, and could be imposing upon them, should this amendment be adopted and become law, a difficult situation. I am of an open mind, but I am concerned about having that type of legislation on this bill.

Mr. BROWNBACK. If I could respond to my colleague——

Mr. WARNER. And then if the Senator would address also the issue of the U.S. Federal district court being a participant in this situation.

Mr. BROWNBACK. This is a simple parental notification bill which we brought up last time on the Department of Defense authorization bill and agreed to take it on last year because of desires to move the bill forward. We have worked on it a great deal. What it is about is if a child, a dependent of military personnel, seeks an abortion, they have to get parental notification, which most Americans support. Most Americans believe if their child is seeking a medical procedure of any type, they should have parental notification take place.

Mr. WARNER. Mr. President, if I could interject at this time, personally, my own philosophy is in agreement with the objective. My only concern as manager of the authorization bill of the Department of Defense is that I cannot let my personal beliefs override my judgment as to how best to treat these families of our military.

Mr. BROWNBACK. I understand that my colleague from Virginia and I, too, have major military bases in our States. Fort Riley is growing in size as an army unit. It is a place that has troops all the time in Iraq and Afghanistan, so I see this on a personal basis in my State. But I also see on a personal basis, if you are deployed there and you have a minor child who is seeking an abortion, that you as the father or mother want to be notified about that, and we provide this to be done telephonically so a person does not have to be present. The court itself would have to establish witness or evidentiary standards if they want somebody to be present to be able to determine that this person is there, is the actual one who is seeking this.

We also provide a system in here that a guardian is appointed if needed, and that can be done by the district court without the approval of the parents, but they have to go through that procedure to be able to get this done.

We have worked to try to make this work with personnel. I think it is going to happen in a limited number of settings, but it will happen. It is a Federal issue because it is Federal property, Federal employees, and it is something I think we should do for military personnel so they are in charge of their child's upbringing, and particularly on something such as this of a significant medical procedure of an abortion. So we try to take into consideration the very legitimate concerns of the Senator in putting this forward.

Mr. WARNER. Mr. President, again, I strongly support the principle and the goals the Senator is seeking, but I have to be mindful of the practicalities of military life. It is so different than the families who are in our several States, wherever they may be, and that, of course, brings up another question. Suppose this particular military family's members are residents of a State, which State thus far has not addressed this issue. This State has no requirement for the parental consent in that State, yet they are now being subjected to a Federal law which, of course, would have supremacy over the State law. But is that not an invasive practice in the States rights?

Mr. BROWNBACK. Again, it is a legitimate question the chairman asks in these troubling areas. We don't seem to have difficulty with this in any other medical procedure a minor child would ask for, that they have to get their parents' notification. If a child literally in many places has even very minor surgery, they have to get parental notification. And yet because of the social difficulty and how much we wrestle with the issue of abortion, they don't there, and they are using Federal facilities to do this. I think this is wholly appropriate given the use of Federal facilities.

Remember, too, what we are protecting here is the right of the parent toward their minor child. If the minor child has a very difficult relationship with their parents, they can actually take it separately to the court and not have the parent get approval to do this. If I were a military person, I would want something such as this, that I am in charge of my minor child's upbringing, and particularly when it comes to surgery and something that is so important and difficult as an abortion. This is for the personnel.

Mr. WARNER. Mr. President, I engaged my colleague to set forth my concerns to other Members who are trying to evaluate their positions on this amendment, should it come forward, and I anticipate at the appropriate time the Senator will be introducing it. I question is there any precedent in Federal law for requiring parental notification, for example, in Medicare, Medicaid, or Federal employee health programs?

I have to move on to this amendment, but it is a series of very important fundamental questions that has to be addressed in the context of the Senator's amendment, despite my own personal view that I associate myself with the Senator about the parental consent. Consistently I have voted for that here, but I have an overriding responsibility for the men and women in the military, and this is very unique.

So I put this aside at this time, Mr. President, and return to the Inhofe amendment. I thank my colleague.

Mr. BROWNBACK. If I could respond to the last question. No, not Federal employees involved in Medicare and Medicaid, the other situation. We are talking about Federal employees on Federal military facilities. We are trying to protect the parents' rights in this, which the chairman did not dispute, but others may dispute, and we still need to provide another procedure for the child to go outside the parents' rights. I think this is important, and we have tried to make it workable within the military system.

I thank the Senator.

Mr. WARNER. I thank my colleague. We are going to move swiftly today, and issues could be brought up with very short time limitations on debate. That has allowed me the opportunity to express my serious concerns that I will have to address in the context of this amendment as the day progresses.

I ask unanimous consent we go back to the amendment by the Senator from Oklahoma, Mr. INHOFE.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2440

Mr. WARNER. Mr. President, I want to again thank my colleague from Oklahoma. I think it is a very important amendment.

Mr. President, this is an issue that must be carefully balanced, the constitutional guarantee of free exercise of religion and the constitutional prohibition against the establishment of religion. But it is a longstanding tradition at these academies, and I think the amendment is carefully drafted to strike a balance in those two important considerations.

Moreover, this amendment deals with the particular circumstances and environment that exist at our service academies, those honored institutions with long and storied traditions that have the mission of training our next generation of military leaders. A part of that mission is now and always has been the development of moral character and the appropriate respect for religious beliefs and needs of others who are entrusted with their leadership.

I must draw a little bit on my modest experience in service on active duty in periods of two wars. I can tell you my own observation of the importance of religion to individuals, particularly those serving overseas, and the hardships they endured either from family separation or combat situations or other difficult problems. It is a very deep feeling these many individuals have about their respective religious traditions and family traditions in religion, and it has often been a matter of life and death to some individuals. Clinging to those strong beliefs has

pulled them through difficult situations.

I also stop to think about our academies. I have had the privilege over the years to visit all of them. I think particularly of the Naval Academy and its magnificent chapel. People come from all over the world to see the chapel at the U.S. Naval Academy. Just this year I was privileged to be the keynote speaker at the dedication of a new small entrance at the Naval Academy where those of the Jewish faith can go and quietly exercise their religion and share their prayers. I encourage anyone in that area to go and look at these two edifices. To me they symbolize the importance of religion in our military life.

I commend the Senator from Oklahoma.

I have been informed by the distinguished ranking member that there could be an amendment in the second degree and that individual who would bring it forth is due here in about 20 or 30 minute is my understanding, at which time I hope we could finish addressing this amendment such that the Senate could vote presumably on the second-degree amendment and then the underlying amendment prior to the noon period, although we will not stop consideration of the bill at the time but would continue. But I hope that amendment could be agreed to.

I see the distinguished ranking member.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I appreciate the chairman's comment. I do hope and believe that Senator REED will in about half an hour be able to address the issue. I can't commit to a vote, however, as indicated by the chairman. I believe there is some scheduling issue on this side which may preclude a vote at the time hoped for by the chairman. But let me work that issue the best I can as to when the vote would come on this amendment.

I believe Senator CRAIG may have an amendment——

Mr. WARNER. Mr. President, before we depart, I hope the Senator could share with me and the Republican leadership, with the understandable impediments our two leaders have, with regard to votes and scheduling them. We want to try to——

Mr. LEVIN. I hope we could stack votes at some point, including a vote on the Inhofe amendment with a second-degree possibility and also——

Mr. WARNER. And the Ensign amendment.

Mr. LEVIN. And the Ensign amendment as well. I have talked to Senator CRAIG and you have apparently.

Mr. WARNER. I have. It is such that you and Senator CRAIG can discuss that amendment.

Mr. CRAIG. Mr. President, may I inquire as to the order appropriate that we would discuss and bring up this amendment?

Mr. President, I ask unanimous consent that the pending amendment be laid aside to consider amendment No. 2437.

Mr. INHOFE. Reserving the right to object, let me ask the author of the request what the intention is because I want to continue with my discussion. About how much time does the Senator want to take for consideration of the amendment?

Mr. CRAIG. I think less than 2 minutes could solve this issue and we could return to the Senator's amendment.

Mr. INHOFE. I have no objection.

I ask unanimous consent that Senator CORNYN be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, we have a technical problem we have to address with regard to the UC request; that is, we are operating this bill under a UC, 12 amendments each side. This is not 1 of the 12.

Mr. CRAIG. That is correct.

Mr. WARNER. Therefore, I think we could go on the bill time for the purpose of discussing the Senator's amendment in the hopes what differences remain could be reconciled so this amendment could be included as part of the managers' agreed-upon package.

Mr. President, let the record reflect we are not calling this amendment up within the context of the UC which controls the overall procedure of this bill but that the two Senators are simply having a colloquy, which is fine.

Mr. CRAIG. Mr. President, that is, of course, the order. I thank the chairman for correcting us in that because we are operating on the broader bill, the underlying bill, under a UC.

This amendment was brought forth with the hope that both sides could accept it. Our side has accepted it. I worked with the ranking member, Senator LEVIN, to resolve a couple of issues in it that I think can be accepted. In that case, I hope it will appear in the managers' amendment.

We would include in the amendment—and we are discussing those who are eligible to be buried in military cemeteries. We have a prohibition now against those with a Federal capital offense lying at rest in our military cemeteries. We found this summer that an individual who had been convicted of murder in two instances in Maryland, serving his life sentence in a Maryland prison, died and was buried in Arlington. We want to correct that by saying that Federal or State law, where the final decision—he is found guilty even under appeal—it has to be a final decision in that instance, and that under extraordinary circumstances, even though he might be convicted, a Governor or a President would commute the sentence. That would be the exception.

I would be willing to agree to those two items to be included in the amendment if that is acceptable to all parties, and we would so craft it that way.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank the Senator from Idaho. The two changes we have proposed to the amendment make it clear that the conviction of a capital offense, as referred to, could either be State or Federal, would have to be a final conviction so there is no appeal pending or a pending court challenge. And it provides for the possibility of a commutation of that sentence by a Governor or the President.

With those two changes, it will be acceptable to us, and we can agree it will be part of a managers' package. There was no intent that this be 1 of the 12.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, may I inquire of the proponent of the amendment, I heard him use the term ''military cemeteries.'' There are State and Federal cemeteries. This amendment is directed at Federal cemeteries?

Mr. CRAIG. It is the only one over which we have jurisdiction; that is correct.

Mr. LEVIN. As I understand it, national cemeteries, Federal cemeteries are governed by the amendment. With those changes, we will not object to the amendment. In fact, I think there will be good support for it. Senator MIKULSKI, as I understand, is a supporter of it.

One other comment, Mr. President. It is my understanding that both the veterans organizations and the Veterans' Affairs Committee support this amendment; is that accurate?

Mr. CRAIG. Mr. President, that is correct. Full disclosure here: There is always concern when you restrict access for purposes of burial, but because we have already established that in Federal law and this appeared to be a loophole, which it was, and an individual, as I so stated, who was convicted of murder in two instances in Maryland was buried this summer in Arlington Cemetery, they understand that clearly, they appreciate that correction. And I am very specific in my discussions with the Senator from Michigan that we are talking about capital offenses—not all felonies, capital offenses of this kind.

I thank both of my colleagues for helping us work out this issue. I hope this could be included in the managers' amendment.

Mr. LEVIN. Mr. President, if the Senator will yield further, we have had a discussion, and I received the assurance from Senator CRAIG, which I very much welcome, that it is not his intent that this lead to a broadening of this prohibition to include all felonies, but it is his intent, both in the amendment and his personal view, that this should be limited to the capital offense as identified in the amendment.

Mr. CRAIG. That is correct.

Mr. LEVIN. I thank the Senator.

Mr. WARNER. Mr. President, I would like to join Senator CRAIG as a cosponsor on this amendment.

This is an example which other Senators may wish to access as to how the

two managers are willing to work in open colloquy on areas where there are amendments outside the framework of the 12 on each side which could possibly be reconciled, and a part of that reconciliation process would be the need for an open colloquy. This is a format the Senator from Michigan and I are pleased to entertain where there are other amendments that a colloquy in open session would be helpful in trying to reach a reconciliation.

Mr. CRAIG. Mr. President, I thank the chairman of the full committee and the ranking member for their accommodations.

Mr. LEVIN. Mr. President, we thank the Senator from Idaho for bringing this to the attention of the Senate and for making this correction.

Mr. WARNER. Mr. President, it is also important, with my colleague on the floor, that we are bound by this UC, 12 amendments on each side, and as we bring up amendments, I carefully designate, as the Senator from Michigan does, that they are within the 12 each side has.

Mr. LEVIN. If the chairman will yield on that point because I wish to affirm and confirm what he has just said, that these colloquies, which are necessary for clearance of amendments, are very useful. We are used to this, all of us in the Senate, engaging in these kinds of colloquies, and there is no intent, for instance, in this last colloquy, that amendment be listed as 1 of the 12 amendments on the Republican side.

Mr. WARNER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. There is 8 minutes 55 seconds remaining.

Mr. INHOFE. Mr. President, I don't know of anyone who is going to be wanting time to speak against this amendment. I inquire of the ranking member if he knows of anyone who is going to be speaking in opposition to this amendment?

Mr. LEVIN. Mr. President, I do believe there is at least one Member on this side who will be offering or considering a second-degree amendment.

Mr. INHOFE. Or another first-degree amendment. That is fine. In opposition to this amendment, though.

Mr. LEVIN. The second-degree amendment—however one wants to characterize it—I do understand there is a second-degree amendment possible.

Mr. INHOFE. I understand there is 8 minutes remaining; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. So we do not mislead our friend from Oklahoma, there may very well be Senators of whom I am not aware who would want to speak in opposition.

Mr. INHOFE. In that there is no one on the floor right now, if it is all right with the chairman and ranking member, I will conclude my remarks.

Mr. President, I have always enjoyed one-sentence amendments because one can't misinterpret one sentence. I had one the other day that had to do with the appropriations process. I did one in 1994 that ended up being a major, significant reform in the other body.

I will read this so people don't misunderstand it:

> The superintendent of a service academy may have in effect such policy as the superintendent considers appropriate with respect to the offering of a voluntary, nondenominational prayer at an otherwise authorized activity of the academy. . . .

Some people asked a question about denominational prayer. Let me share with you—and I think I can read it in this period of time—an entire piece by John Adams. John Adams was the first Vice President of the United States and the second President of the United States. This is what he said on this subject:

> When the Congress met, Mr. Cushing made a motion that it should be opened with prayer. It was opposed by Mr. Jay of New York and Mr. Rutledge of South Carolina, because we were divided in religious sentiments, some Episcopalians, some Quakers, some Anabaptists, some Congregationalists, so that we could not join in same set of worship. Mr. Samuel Adams rose and said, that he was no bigot, and could hear a prayer of any gentleman of piety and virtue, and at the same time a friend to his country. He was a stranger in Philadelphia, but had heard that Mr. Duche deserved that character and therefore he moved that Mr. Duche, an Episcopalian clergyman, might be desired to read prayer to Congress to-morrow morning. The motion was carried in the affirmative.
>
> Accordingly he . . . read several prayers in the established form, and then read . . . the 35th Psalm. You must remember this was the next morning after we had heard the rumor of the horrible cannonade of Boston. It seemed as if Heaven had ordained that Psalm to be read that morning.
>
> After this, Mr. Duche, unexpectedly to everybody, struck out into extemporary prayer, which filled the bosom of every man present.
>
> Here was a scene worthy of a painter's art. It was in Carpenter's Hall, in Philadelphia. . . . Washington was kneeling there, and Henry, and Randolph, and Rutledge, and Lee, and Jay; and by them stood, bowed in reverence, the Puritan patriots of New England, who, at that moment had reason to believe that armed soldiery was wasting their humbled households. It was believed that Boston had been bombarded and destroyed. They prayed fervently for America, for Congress. . . .

I think that is very significant.

I read an article the other day that was very interesting. It was an article by a military historian who said that the Revolutionary War could not have been won. He goes back and talks about the same thing that John Adams was talking about, about this tremendous army, the greatest military force on the face of this Earth marching up to Lexington and Concord. Our soldiers at that time were not really soldiers; they were hunters and trappers, and they were armed with just basic and crude equipment. We remember the story that most of them couldn't read or write.

So in training, I say to my friend from Texas, they put a tuft of hay in one boot and a tuft of straw in another boot, and they marched to a cadence of ''hay foot straw foot.'' As they stood there and heard the ground shaking as the greatest army on the face of this Earth approached Lexington and Concord, they knew by resisting they were signing their own death warrant. They knew when they heard the shot heard round the world they were going to win in spite of these odds, not even knowing that a tall redhead stood in the House of Burgesses and made a speech for them and for us today, when he asked: How could this frail group of patriots defeat the largest army on the face of this Earth? He made a very famous speech, but there are three sentences people have forgotten. They are:

> Sir, we are not weak if we make a proper use of those means which the God of nature has placed in our power. Three millions of people armed in the holy cause of liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us. Besides, sir, we shall not fight our battles alone. There is a just God who presides over the destinies of nations, and who will raise up friends to fight our battles for us.

And they fired the shot heard round the world, and we won.

We were a nation under God, and we depended upon God to win that fight and every fight since then. That is why I think it is so important today, as a part of this reauthorization bill, that we reaffirm our ability to train our people at our academies to look to Almighty God in the way they deem appropriate, in a way to use that power to defend America in their careers.

I retain the remainder of my time, Mr. President. I understand there is 3 minutes remaining.

The PRESIDING OFFICER. There is 2 minutes remaining.

Mr. WARNER. Mr. President, the distinguished Senator from Texas inquired of the managers if he could address an issue that is tangential to our national security. I ask unanimous consent that he be allowed to speak as in morning business, thereby not taking time off the bill, and that would be for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas is recognized for 10 minutes.

UNITED STATES-INDIA RELATIONS

Mr. CORNYN. Mr. President, I thank the distinguished chairman of the Senate Armed Services Committee and the distinguished ranking member for this accommodation. This is an important matter that does relate directly to our national security and that has to do with the remarkable progress that United States-India relations have made over the last several years and the path that lies ahead.

As my colleagues know, Prime Minister Singh visited Washington in July for a historic state visit. This event marked a critical milestone in our improving relationship, but the Congress

needs to help ensure that this relationship reaches its full potential. President Bush has made it a fundamental foreign policy objective to move United States-India relations to a new level and plans to visit India in the near future.

India is the world's largest democracy, and our two great nations share many common values and common beliefs. It is only appropriate, then, that the United States and India become true strategic partners as we move into the 21st century. Fortunately, the days of the Cold War when the United States and India were at odds are long past. Today, the United States and India share a common vision for the future as we battle terrorism together and the proliferation of weapons of mass destruction, HIV/AIDS, and a host of other challenges that face our world.

The United States is fortunate to have many Indian Americans who have helped bring our two nations closer together. There are 2 million people of Indian origin in the United States, approximately, many of whom are now U.S. citizens. There are about 200,000 Indian Americans in my State of Texas alone. Nearly 80,000 Indian students are studying in our Nation's colleges and universities. Their contributions to our Nation and our relationship have been remarkably positive.

I will spend just a moment talking about an important agreement that was reached last July between President Bush and Prime Minister Singh that will require congressional approval to implement. This agreement, known as the Civil Nuclear Cooperation Initiative, will help India with its energy needs and help bring India into the mainstream of international nuclear nonproliferation efforts, both of which are worthwhile goals.

While it is true that the agreement on civil nuclear cooperation is a significant departure from previous U.S. policy, still it represents a positive step as we grow in our strategic relationship with the nation of India. For more than 30 years, the United States and India have disagreed over India's decision not to sign the Nuclear Non-Proliferation Treaty. As such, the United States has not cooperated with India on the issue of civilian nuclear power.

In short, we have been at a stalemate, which has neither served our nonproliferation goals nor helped India's need for energy resources. Fortunately, a civil nuclear cooperation agreement will allow us to move forward in a way that serves both the interests of the United States and the interests of India.

In order to implement this agreement, Congress will need to approve. The fundamental question before Congress will be why should we allow civilian nuclear cooperation with India when they refuse to sign the Nuclear Non-Proliferation Treaty? And will we not be somehow undermining our own nonproliferation efforts?

The fact is, this agreement will enhance our nonproliferation efforts. It is correct that India is not a signatory to the NPT. They have decided, for their own national security reasons, that they will not become a party to the treaty, and no amount of international pressure, persuasion, or cajoling will convince them to do otherwise. This is a reality which we face, but the status quo for another 30 years is not acceptable either.

Recognizing this reality, we must ask ourselves what we can do to promote nonproliferation efforts with India and bring them within the international nonproliferation regime. The civil nuclear cooperation agreement provides the answer. Despite not signing the NPT, the Nuclear Non-Proliferation Treaty, India has an excellent nonproliferation record. They understand the danger of the proliferation of weapons of mass destruction, and that is why India has agreed to adhere to key international nonproliferation efforts on top of their own stringent export control regime.

This is a significant step forward, which has been welcomed by the International Atomic Energy Agency Director, Mohamed El-Baradei, who understands that India will not come into the NPT through the normal route. This agreement brings India's growing civilian nuclear capabilities within international export control regimes. India will now assume the same nonproliferation responsibilities that other nations have with civil nuclear energy. Specifically, India has agreed to identify and separate civilian and military nuclear facilities and programs and file with the IAEA a declaration with regard to its civilian facilities. It has agreed to place voluntarily its civilian nuclear facilities under IAEA safeguards. It has agreed to sign and adhere to an additional protocol with respect to civilian nuclear facilities. And it has agreed to continue its unilateral moratorium on nuclear testing.

Furthermore, it has agreed to work with the United States for the conclusion of a multilateral fissile material cutoff treaty. It has agreed to refrain from the transfer of enrichment and reprocessing technologies to states that do not have them and support efforts to limit their spread.

Finally, India has agreed to secure nuclear materials and technology through comprehensive export control legislation and adherence to the Missile Technology Control and Nuclear Suppliers Group.

Each of these commitments represents a positive step forward. India, which is no stranger to international terrorism itself, is motivated by its own security needs to fight proliferation of nuclear weapons. The same is true of the United States. Both nations, as well, are dependent on oil imports to satisfy the needs of their economies and to create jobs for their people. Both nations, therefore, see in civilian nuclear energy cooperation an opportunity to satisfy these growing energy needs without environmental hazards of relying solely on fossil fuels. In short, this agreement is important to our growing international strategic partnership and for India's domestic energy needs.

Although the administration's negotiations with the Indians are ongoing regarding the implementation of these commitments, I am confident that we are on the right track. I look forward to the role that Congress will play in this important process.

I yield the floor and 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. REED. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I believe we are on the Inhofe amendment pending before the Senate?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 2440

Mr. REED. Mr. President, I rise to address some of the issues that have been presented by the amendment of Senator INHOFE. I do so with some perspective on issues of prayer at service academies. I spent 4 years as a cadet at West Point, 2 years as a faculty member at West Point, and today I am the chairman of the board of visitors at West Point. I am the first to recognize the importance of prayer, not only in the life of the service academies but in the life of people everywhere.

Over the course of 200-plus years of history, prayer has become an important aspect of life, not only at West Point but at Annapolis and other institutions.

Interestingly enough, when I was a cadet, there was a much more significant structure of religious participation. We were actually ordered to go to chapel, ordered to participate in activities. That was struck down in 1972 as an unconstitutional infringement.

This is a very difficult issue because it does implicate serious constitutional concerns, as well as the desire to maintain the traditions and the customs of the military and the service academies. Interestingly enough, my perspective now, after about 30 years, is that the faith communities at West Point are even more vital and vibrant today than years ago when cadets literally were ordered to participate in religious activities. In fact, last summer, as part of the operations of the board of visitors, I asked that the chaplains come together on an informal basis, and we talked about religious participation at West Point. What I heard from the chaplains is that it is alive and well, that it is something important to the individual lives of cadets and to the community at West Point. That is why

I think, as we try to legislate these activities from the perspective of the U.S. Congress, we might be inviting more problems than we are solving.

As I look at the amendment of Senator INHOFE, it speaks of voluntary, nondenominational prayer at otherwise authorized activities of the academy, subject to the limitations of the Secretary of Defense, more or less. The real problem in the context of military activities is, what is voluntary? There is a strong sense that there is not much that is voluntary in the military. Anyone who has served on active duty understands that even in some cases volunteering isn't voluntary. I know I had a first sergeant in the 82nd Airborne Division who would walk in and pick three people and inform them they had just volunteered. That is a cultural aspect and a legal aspect of military service. So even though this speaks to voluntary, nondenominational prayer, the real issue in the context of the military is, Is it voluntary?

That issue is now being debated. One of the reasons prompting this particular legislative amendment is the fact that the Naval Academy has been questioned about a prayer at their luncheon meal. Whether it is nondenominational is not the point. The question is whether it is voluntary. I do not think we are going to escape that analysis and that issue by passing this legislation. In fact, my fear is by passing this legislation we are going to essentially invite litigation about a whole series of religious expressions at service academies, not just prayer in the mess hall at lunch but prayer at graduation ceremonies, at promotion ceremonies—all of that.

Frankly, on a practical basis, this legislation is not necessary. First, the superintendents already have the authority to prescribe what is happening at the academies—either explicitly or implicitly the current religious expression at the academies is being authorized by the superintendents.

Also, I think, given the fact that they are doing this and it seems to be working fairly well, this legislation does not give them any more authority than they have already. As I suggested previously, it raises, certainly, the profile, so it might engender the kind of controversies that will lead to seriously questioning and perhaps cutting back existing religious expression at these service academies. So I do not think, as a matter of either policy or of good sense, this legislation is in order or necessary.

In addition, what is happening at the academies now is not so much the sole issue of the propriety of prayer or religious expression at different authorized activities. There is another big issue out there that we have to recognize. It comes from the recent activities at the Air Force Academy, where there have been serious reports about proselytization, of superior officers using their rank and position to try to proselytize cadets, to try to insert in the activities of the academy a pronounced and sectarian religious approach. I think we are all familiar with many of the stories from the Air Force Academy.

As a result, the Secretary of Defense has issued interim guidance with respect to proselytization and other religious activities. I would note that the language of Senator INHOFE recognizes the right of the Secretary of Defense to do that. In fact, I would assume it lends further support and credence to the guidance that he is developing and will issue because, as the language says, ''subject to such limitations as the Secretary of Defense may prescribe.''

I think what we are seeing, in terms of this legislation, is several results which might be unintended by those who are supporting it. First, I think rather than clarifying and settling the issue of religious expression at the service academies, it will prompt further discussion, debate, and perhaps even litigation. Second, it does specifically recognize that there is an ongoing process by the Secretary of Defense to redefine appropriate modes of religious expression at the academies. And, as I read it, it does give sanction to those activities—in fact, legal sanction to those activities.

So for many reasons I think the legislation is not the most appropriate way to deal with this issue. Ultimately, my sense is that these issues, because they are dominated by constitutional concerns, will be settled in court, not by legislative enactment. There is nothing we could do legislatively to correct such constitutional faults. I think to try to do that misconstrues what we are about and what we could practically do.

As a result, I hope this legislation could be withdrawn, but I suspect that is not the case. So I think we should make some changes in the legislation in that at least reflects the fact that all of us are bound by the Constitution of the United States.

Again, I have been involved with these academies since I was 17 years old. I have seen personally the important role that prayer and religion play in the lives of cadets, soldiers, and officers. I recognize and cherish the customs of these academies, and these traditions. I think it is unfortunate that we may unwittingly be starting a dynamic that will seriously erode these customs and traditions, and I think perhaps to the detriment of the academies and to the military service and to the young men and women who proudly wear the uniform of our Armed Forces. So I hope we can avoid that.

But I think, also, we have to recognize that we are all governed, particularly when it comes to issues of prayer in the public space, by the Constitution of the United States, and that there is nothing, as I said before, that we can do that can insulate activities within the military from the Constitution. There is nothing we should do. I think whatever language we adopt today has to more explicitly reflect that clear, and I think obvious, fact.

As I mentioned before, the Secretary of Defense is dealing today with the issue of religious activities at the Air Force Academy. He has also indicated that, if his interim guidelines are practical, workable, and appropriate in his view, that he intends to extend those to the other service academies, effectively doing what this legislation is proposing to do. I think we should give the Secretary of Defense a chance to do that. I think he is working in a way that is evenhanded, appropriate, recognizing that soldiers are bound by the Constitution. That is their duty. That is their obligation.

I say if we march down this road, I think we are raising serious issues that are going to complicate the facts even more than they are today. So I hope we could wait. I hope we could wait until these guidelines have been fully vetted by the Secretary and he has made a decision with respect to their propriety, their appropriateness. Indeed, once again, as the amendment suggests, ultimately whatever the superintendents of the academies do will be subject to the guidance of the Secretary of Defense. Frankly, that guidance today, if you look at it, is drawing mixed reviews from both the proponents of the separation of church and state and those who want a much more aggressive posture when it comes to religious expression in public places. Maybe that is a good sign. Maybe the Secretary has struck that balance between the constitutional demands of separation of church and state and the individual's desires and needs to express themselves to the Divine.

I hope we could forbear on this one. If not, then I think we have to make some changes in the text to reflect the overarching constitutional imperatives that are at the heart of this debate.

I retain the remainder of my time and yield the floor.

Mr. INHOFE. If the Senator will yield, I inquire of the Senator, he has used some of the time in opposition speaking to this amendment. Is the Senator's desire to have another amendment on the same subject to be introduced separately from this?

Mr. REED. My preference would be to try to amend the Senator's amendment.

Mr. INHOFE. Mr. President, we have a problem.

Mr. REED. Mr. President, I yielded to the Senator. Would he like to use his time? I retain the remainder of my time.

Mr. INHOFE. Mr. President, I understand I only have a couple of minutes left, so let me very quickly say right now: There is a problem. In the Air Force all they have is a 20-second period of silence. I don't call that a prayer. At West Point they do not even have a period of silence. They say you can pray, but everyone else is talking. This is not a prayer. I think a problem is there.

I think the argument that this might raise the profile is not a valid argument. I have heard it before. In 2003 the ACLU requested specifically that the prayers stop. In 2005 the Anti-Defamation League did the same thing. The attack is there.

This is a very simple, one-sentence solution to the problem. At the appropriate time, in fact, right now, I urge the adoption of this amendment and ask for the yeas and nays.

The PRESIDING OFFICER (Ms. MURKOWSKI). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. INHOFE. It is not my intent to proceed until we start several votes at a later time, I say to my good friend from Rhode Island.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Madam President, we need to inquire as to the issues of the proponent of the amendment, as to the allocation of time. What is his desire on that?

Mr. INHOFE. I would say to the chairman, I think the allocation of time has already taken place. I have used my time. I have not yielded back the remainder of my time. I probably only have 30 or 40 seconds left. It is my desire to get a vote on this amendment, if the distinguished Senator from Rhode Island has an amendment that we get a vote on his amendment, and whatever the allocation of time is at that point, we will exercise that.

Mr. WARNER. Madam President, that sounds like a reasonable request. Can the Senator from Rhode Island advise the Senate?

Mr. REED. Let me understand. Is it in order now for me to propose a second-degree amendment which would then require just a short explanation and debate, and then we can move to a vote on the second-degree amendment, and then on the underlying amendment?

Mr. WARNER. That would be the desire of the manager.

I wish to inquire of the proponent. Does he agree to the course of action?

Mr. INHOFE. Would the Senator please repeat that course of action?

Mr. REED. We are agreeing, as I understand it, that as soon as the Senator yields his remaining time, it would be in order for me to offer a second-degree amendment. I will do so. I will speak briefly on the second-degree amendment, and I think it would be in order to either entertain additional debate by the Senator from Oklahoma and others or to set a time for a vote.

Mr. INHOFE. My preference would be to go ahead and have this as a first-degree amendment, offering the amendment of the Senator from Rhode Island as a first-degree amendment, and if he desires to have a vote on his first, I would have no objection.

Would that satisfy the Senator from Rhode Island?

Mr. REED. I think the most efficient course is simply to allow my second-degree amendment, allowing Members to vote essentially on my amendment first, then voice vote the amendment of the Senator from Oklahoma—if it succeeds, then the underlying amendment. That was my preference.

Mr. INHOFE. There would be side-by-side amendments.

Mr. REED. No. My preference is that we entertain a second-degree amendment and vote, and if the second-degree amendment is agreed to, then the underlying amendment would be voted on. There would be a series of votes. Mine would be voted on first.

Mr. INHOFE. I object to that course.

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. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, I have read the suggested change that the distinguished Senator from Rhode Island has to my amendment. If it is his intention not to offer another amendment on this subject matter but merely to amend mine, I will accept that. I would yield the remainder of my time, and we would have one vote to take care of it.

Mr. REED. Madam 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. REED. Madam 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. REED. Madam President, the Senator from Oklahoma has offered to modify his amendment the way I suggested and then, having modified the amendment, schedule votes. I have no objection to that.

Mr. INHOFE. Madam President, that seems very acceptable to me.

I will read the modification on page 2 of the amendment. On line 2, insert the following: ''the United States Constitution and . . . '' I have no objection to that.

AMENDMENT NO. 2440, AS MODIFIED

I send this amendment to the desk and ask unanimous consent that it be so modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2440), as modified, is as follows:

(Purpose: To ensure by law the ability of the military service academies to include the offering of a voluntary, nondenominational prayer as an element of their activities)

At the end of subtitle G of title X of division A, add the following:

SEC. 1073. PRAYER AT MILITARY SERVICE ACADEMY ACTIVITIES.

(a) IN GENERAL.—The superintendent of a service academy may have in effect such policy as the superintendent considers appropriate with respect to the offering of a voluntary, nondenominational prayer at an otherwise authorized activity of the academy, subject to the United States Constitution and such limitations as the Secretary of Defense may prescribe.

(b) SERVICE ACADEMIES.—For purposes of this section, the term ''service academy'' means any of the following:

(1) The United States Military Academy.

(2) The United States Naval Academy.

(3) The United States Air Force Academy.

Mr. WARNER. Madam President, I thank my two colleagues.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. WARNER. I thank the Presiding Officer.

I am about to propound a unanimous consent request which I understand is cleared on both sides.

I ask unanimous consent that at 2:45 today, the Senate proceed to a vote in relation to the Inhofe amendment No. 2440, as modified, to be followed by a vote in relation to the Ensign Amendment, No. 2443; provided that there be 6 minutes for debate equally divided in the usual form prior to the first vote and 6 minutes equally divided for debate prior to the second vote, with no second degrees in order to either amendment prior to the vote.

Mr. DAYTON. Madam President, reserving the right to object.

Mr. WARNER. I think we are cleared.

Mr. DAYTON. We need to discuss the amount of time on the Ensign amendment.

Mr. WARNER. I think everything has been cleared.

Mr. DAYTON. No objection.

Mr. ENSIGN. Madam President, prior to having the 6 minutes prior to the vote but between now and the time that votes will occur, will there also be time to debate my amendment?

Mr. WARNER. Madam President, I presume there will be an opportunity. We are making progress. But there are junctures at which time Senators can address various aspects of the bill, including the distinguished Senator from Nevada.

Mr. ENSIGN. Madam President, may I ask unanimous consent it be modified so that at least 15 minutes between now and the vote would be reserved for debate on the Ensign amendment?

Mr. WARNER. Madam President, I am willing to accede to that. Would that time be equally divided?

Mr. ENSIGN. Yes.

Mr. WARNER. Fifteen minutes between now and 2:45 be reserved for a debate on the Ensign amendment, 15 minutes equally divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WARNER. I ask the Presiding Officer if that is in place, as modified with the 15 minutes?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. I thank the Chair.

AMENDMENT NO. 1563, AS FURTHER MODIFIED

I ask unanimous consent that the previously agreed to amendment No.

1563 be further modified. I send that modification to the desk. There was a technical error in the preamble. There is no change in the substance of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1563), as further modified, is as follows:

On page 357, after line 20, insert:

PART II—NAVY CONVEYANCES

SEC. 2851. LEASE OR LICENSE OF UNITED STATES NAVY MUSEUM FACILITIES AT WASHINGTON NAVY YARD, DISTRICT OF COLUMBIA.

(a) LEASE OR LICENSE AUTHORIZED.—

(1) IN GENERAL.—The Secretary of the Navy may lease or license to the Naval Historical Foundation (in this section referred to as the ''Foundation'') facilities located at Washington Navy Yard, Washington, District of Columbia, that house the United States Navy Museum (in this section referred to as the ''Museum'') for the purpose of carrying out the following activities:

(A) Generation of revenue for the Museum through the rental of facilities to the public, commercial and non-profit entities, State and local governments, and other Federal agencies.

(B) Administrative activities in support of the Museum.

(2) LIMITATION.—Any activities carried out at the facilities leased or licensed under paragraph (1) must be consistent with the operations of the Museum.

(b) CONSIDERATION.—The amount of consideration paid in a year by the Foundation to the United States for the lease or license of facilities under subsection (a) may not exceed the actual cost, as determined by the Secretary, of the annual operation and maintenance of the facilities.

(c) USE OF PROCEEDS.—

(1) DEPOSIT OF PROCEEDS.—The Secretary shall deposit any amounts received under subsection (b) for the lease or license of facilities under subsection (a) into the account for appropriations available for the operation and maintenance of the Museum.

(2) AVAILABILITY OF AMOUNTS.—The Secretary may use any amounts deposited under paragraph (1) to cover the costs associated with the operation and maintenance of the Museum and its exhibits.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the lease or lease of facilities under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

PART III—AIR FORCE CONVEYANCES

Mr. WARNER. Madam President, we are making progress on this bill. I thank all Senators for their cooperation. It is my hope that in the intervening period between now and the hour of 2:45, subject to the unanimous consent of 15 minutes, that other Senators can come to the Chamber and address the managers regarding the timing of the remaining amendments under the unanimous consent providing 12 amendments on each side.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Madam President, I ask unanimous consent that Senators BURNS, THOMAS, ENZI, DORGAN, and HATCH be listed as original cosponsors of amendment No. 2448, which was agreed to yesterday by unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAYTON. I thank the Chair.

I yield the floor, and 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. LEVIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2443

Mr. LEVIN. Mr. President, relative to the amendment of the Senator from Nevada, I had one question. Section 1 of Executive Order 11850 states the following:

The Secretary of Defense shall take all necessary measures to ensure that the use by the Armed Forces of the United States of any riot control agents and chemical herbicides in war is prohibited unless such use has Presidential approval in advance.

Is there anything in the Senator's amendment which purports or is intended to modify or change in any way that executive order?

Mr. ENSIGN. Madam President, I say to my friend from Michigan, our amendment seeks to clarify and to reinforce the Executive Order No. 11850, including section 1, as well as the examples in (a), (b), (c), and (d), used as examples where the riot control agents are able to be used.

It is very clear that our military is allowed to use riot control agents based on this Executive order in these particular examples as a defensive mode to save civilian lives, for example.

We are trying to clarify for our military and ask the Defense Department to lay out clear guidelines and clear training so the average person on the ground knows exactly when they can and when they cannot use these riot control agents.

Mr. LEVIN. I agree with that purpose. I want to be absolutely certain that all parts of the Executive order, including the specific requirement of section 1, continue and are not purported in any way to be changed by the Senator's amendment.

Mr. ENSIGN. The Senator is correct; we are not trying to change any part of the Executive order. All we are trying to do is to clarify it so the average soldier, marine on the ground knows exactly when they can and when they cannot use it.

We are calling on the Defense Department to clarify for them so this very valuable tool to save lives, both civilian and military, can be employed for a defensive purpose.

Mr. LEVIN. I believe that is a very useful purpose. I support that purpose. I support the Senator's amendment with that assurance. I don't know whether the Senator requested a rollcall, but if so we will support that rollcall.

Mr. ENSIGN. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

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.

Mr. ENSIGN. I yield the floor.

AMENDMENT NO. 2473 TO AMENDMENT NO. 2433

Mr. DURBIN. Madam President, there is a pending amendment offered by Senator CHAMBLISS numbered 2433 which I am going to seek to amend.

With the permission of the Presiding Officer, I would speak to that issue at this moment. We are working with the Parliamentarian on the exact number of this amendment we will be offering. There is no agreement at this time. If I might, I want a few minutes to speak to the amendment I am offering, if that would meet with the approval of the Senator from Nevada.

Mr. ENSIGN. I have spoken to the manager of the bill, and he would like to accommodate the ability of the Senator to have the secondary amendment offered before all time is yielded back. When the Senator is ready—I have spoken to the chairman and he is willing to work on that.

Mr. DURBIN. For the information of my colleagues, the amendment we are going to offer to the Chambliss amendment is designated as 2473.

Madam President, most Senators are probably unaware of the real differences between the military retirement system for Reserve components compared to Active components of our military forces. A person who joins the active-duty military and has 20 years has the option to retire at that point and draw half their pay. A young person at age 18, with 20 years in service—age 38, still relatively young, moves on to a new career, new source of income—still receives half of their military pay.

For a member of the Guard and Reserve, it is different. As you might expect, retirement pay from a part-time career is lower than at the end of a full-time active-duty career. It makes sense.

The major difference, however, lies in the length of time the reservist retiree must wait to start to receive retirement pay. Under the current system, a person who completes 20 years in the Reserve component becomes eligible to receive retired pay but cannot begin to draw the pay until they reach the age of 60. In the Reserves, a young person age 18 can enlist, complete 20 years of dedicated service to our country, and at the end of 20 years reach the age of 38 and retire. But that person has to wait 22 years before receiving the first penny of retirement pay.

That is entirely too long. Many have recognized the system needs to be changed. The Military Officers Association, Reserve Officers Association, National Guard Association, Enlisted Association, the National Guard, all have called for Reserve retirement age to be

reduced from age 60 to 55. There have been several Senate proposals to accomplish it.

I offered this bill in the last Congress. Senators Corzine and Graham introduced bills in the current Congress. I am a cosponsor of both bills. All are worthy approaches to accomplish our goal.

Unfortunately, the plan that has been offered in the form of the amendment by the Senator from Georgia, Senator CHAMBLISS, falls short of being a good age 55 Reserve retirement proposal. In fact, I have some concerns and I offer an alternative approach. The Chambliss amendment offered a modest reduction in the retirement age and then only offers it to about half the members of the Guard and Reserve. Under the Chambliss amendment, half of all reservists still draw no retirement pay until the age of 60. It rewards only those who are called up. There is little or no incentive to stay. This amendment lowers the retirement age for those called up for an extended period in support of major military operations and then only reduces the retirement age by 3 months for every 3 months the member spends on duty.

At this point, more than 450,000 reservists have been mobilized since September 11, 2001. Over 330,000 have been deployed overseas. But we must remember, there are roughly 860,000 members in the select Reserve. That is, members of the National Guard and Reserve who dedicate a minimum in service in the Reserve of 1 weekend each month plus 2 weeks each year to maintain military readiness. So while roughly half of our reservists have been called up for duty, about half of them have not. They have continued to perform every weekend, gone to their annual training periods.

For this segment of our dedicated force, I am afraid the Chambliss amendment does nothing at all. A retirement system should create an incentive to serve. The Chambliss amendment rewards mobilization but does nothing to create the incentive for further service. It simply provides a future benefit to those who get called up. We want to honor the members of the Guard and Reserve who are selected in order to go overseas. Yes, we want to reward service that takes members of the Guard and Reserve away from their families and careers for a year and puts them in harm's way. But we must ask ourselves if such a modest adjustment in the retirement pay eligibility age is the best way to do it.

With recruiting targets being missed by our Reserve components and retention holding steady, but under severe pressures, what we need to do is to revise the retirement system so that it is both fairer to members of the Guard and Reserve and a more powerful incentive to continued service. We should make changes to the system which reward long and continued service, not just volunteering—or being involuntarily selected—for a mobilization.

We can do better for our men and women in uniform.

The amendment I offer is a substitute approach. Under my amendment, members of the National Guard and Reserve are encouraged to stay in the force by offering them a 1-year reduction in the retirement age for every year of service beyond 20 years. That is an incentive to stay in the force. A reservist can begin to draw retirement pay as early as age 55, but in order to do so, they would need to serve an additional 5 years.

By providing a way for reservists to draw retirement pay at age 55 rather than being forced to wait until age 60, this amendment brings the retirement age for reservists down to the Federal civil service retirement age, as was intended when the reservist retirement age was set 50 years ago. Our reservists make tremendous sacrifices. They risk their lives in combat zones. And, in far too many instances, they give their lives for our country. At the very least, they should have the same retirement age as Federal civil servants.

By replacing the current, inflexible approach with a sliding scale that provides earlier receipt of retirement pay in exchange for more years of service, we can create a powerful system of incentives to retain our personnel and maintain a strong Reserve.

This is the approach my amendment takes.

Many of my Republican and Democratic colleagues who, like me, are cosponsors of S. 337, the Guard and Reserve Retention Act, introduced earlier this year by my friend and distinguished colleague, the Senator from South Carolina, will no doubt recognize this concept. The mechanisms are very similar.

I invite my colleagues from both sides of the aisle to join me in making a meaningful reform of the Reserve retirement age—one that encourages long and continued services, not simply rewarding after mobilization; one which will incentivize all of the force to stay in service longer, not just the half—roughly, 50 percent—who are tapped for a callup.

The amendment is endorsed by some significant groups: the National Guard Association of the United States, the Military Officers Association of the United States, the Reserve Officers Association, the Enlisted Association of the National Guard of the United States.

I ask my colleagues, as you consider the Chambliss amendment and my modification to that amendment, keep in mind the organizations that represent the men and women in uniform in the Reserve, who are literally serving our country and risking their lives, believe the approach I am suggesting is preferable. I hope my colleagues will feel the same.

Madam President, I ask unanimous consent that the letter from Stephen Koper, retired brigadier general from the U.S. Air Force, who serves as president of the National Guard Association of the United States, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL GUARD ASSOCIATION OF THE UNITED STATES, INC.,
Washington, DC, November 8, 2005.

Senator RICHARD DURBIN
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR DURBIN: I am writing on behalf of the members of the National Guard Association of the United States (NGAUS) in support of your amendment to reduce the age at which reserve component members receive their retirement pension.

An active component member retiring at 20 years of service may receive a pension immediately upon retirement. A reserve component member serving the same amount of years cannot. Reducing the age from 60 to 55 will be a big step in mitigating this disparity. A more equitable retirement program will aid greatly in recruiting and retaining members in the National Guard. When the age limit for receipt of retired pay by National Guard members was set decades ago, the National Guard was not relied upon the way it is today.

The objective of NGAUS is to support the reduction of the age for retirement eligibility from its current level.

I look forward to working together in support of a strong and viable National Guard. Again, on behalf of the members of NGAUS, thank you for all your hard work on our behalf.

Sincerely,

STEPHEN M. KOPER,
Brigadier General, USAF, (Ret.), President.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, if there is no one prepared at this time to speak on the Durbin amendment, I ask unanimous consent that the Senator from Wisconsin be permitted to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin.

(The remarks of Mr. KOHL pertaining to the introduction of S. 1979 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. KOHL. Madam President, I yield the floor.

Mr. LEVIN. Madam 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. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, I ask unanimous consent that Senator DORGAN be allowed to proceed as in morning business for 5 minutes, and that then Senator DORGAN be recognized to offer an amendment relative to—I think he is calling it a Truman-like commission. I have talked to Senator ENSIGN, and that is agreeable with the majority.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

(The remarks of Mr. DORGAN are printed in today's RECORD under ''Morning Business.'')

AMENDMENT NO. 2476

(Purpose: To establish a special committee of the Senate to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism)

(Mr. THUNE assumed the chair.)

Mr. DORGAN. Mr. President, I have an amendment to offer, an amendment I have shared with both sides. It is, in fact, an amendment that we have previously debated. It deals with the subject of contracting abuses, especially contracting abuses in the reconstruction in Iraq—the money that is paid by American taxpayers, through our Government, to major contractors that are given no-bid contracts, spending billions of dollars, and the stories about contracting abuse are horrifying. Yet nothing seems to happen.

I have described previously something that happened in the 1940s. Harry Truman was in the Senate. Harry Truman was a Democrat. A member of his party was in the White House, Franklin Delano Roosevelt. He couldn't have been very happy about Harry Truman because Truman came to the floor of Senate and said: I have substantial evidence of wrongdoing, of contracting, of military waste with respect to defense contracts and defense spending. I think it needs to be investigated.

They began holding a series of hearings. He finally was able to get a committee together called the Truman Committee. They began a series of hearings. It lasted a number of years. At a time when a member of his own political party was President, it was probably embarrassing for everybody that Harry Truman was leading the charge while FDR was in the White House. But they uncovered a substantial amount of abuse and waste and fraud. Good for them. The memory of the Truman Committee lives on today as an example of what should be done with respect to oversight by the Congress.

We spend a dramatic amount of taxpayer money. The question is, Is it spent wisely? If it is not, when it is wasted or stolen or subject to cheating of the taxpayers, shouldn't somebody know it? Shouldn't somebody see it and do something about it? That is the issue.

I have held a number of hearings as chairman of the Policy Committee on this subject, only because no one else is holding any substantial hearings on it. We will have a couple people come to the floor and say: We have held a good number of hearings. That is not true. Very few if any hearings have been held on this issue.

I wish to go through a few examples of the hearings that we have held, along with some of the headlines. I wish to say this before I get into this too far: Some of this deals with a company called Halliburton. The minute you mention the company Halliburton on the floor of the Senate, they say: Aha, this is a criticism of Vice President CHENEY because he used to be president of Halliburton. It is not about Vice President CHENEY. Vice President CHENEY is not now president of Halliburton. He left that job when he became Vice President. This is not about him.

All of these actions have occurred after Vice President CHENEY left the Halliburton Corporation. But this is about Halliburton and some other companies—Halliburton being the largest—that have gotten big, fat, multibillion-dollar contracts, no-bid, sole-source contracts, and, with all of the evidence in front of us, have been charging American taxpayers for services they have not delivered or overcharging the taxpayers for other services.

We need to aggressively root out that waste, fraud, and abuse. Let me give some examples. The committee that I chair, the Policy Committee, had a hearing. We heard from a man named Rory Mayberry. Rory Mayberry is the former food production manager for KBR, which is a Halliburton subsidiary. Halliburton has gotten billions of dollars to deliver all sorts of things to our troops in Iraq, including feeding the troops.

Here is what Mr. Mayberry, who was the food service supervisor, told us:

> Food items were being brought in to our military base that were outdated or expired by as much as a year and we were told by the food service managers, feed them anyway, use them anyway. So the food was fed to the troops, expired food with expired date stamps. For trucks that were hit by convoy fire and bombings we were told to go into the trucks, remove the food items and use them after removing the bullets and any shrapnel from the bad food that was hit. And we were told then to remove the bullets and turn them over to the managers of the food service operation as souvenirs.

We had hearings at which Bunnatine Greenhouse testified. Bunny Greenhouse was the top civilian official at the Corps of Engineers. She rose to the very top, the highest civilian official in the Corps of Engineers. That is the area of the Pentagon where they actually do the contracts for these firms. In that position, she was responsible for reviewing all contracts worth more than $10 million. After she objected to special treatment given Halliburton on a number of occasions, including an occasion where the company was brought into the meeting at which the contract was being discussed, the specs developed, and who it was going to be awarded to, after objecting to all that, she was forced to either resign or face demotion.

This is a woman who was the highest civilian official in the Corps of Engineers, given stellar performance reviews always, an outstanding employee. But then she started raising questions with the good old boy network about giving billions of dollars of sole-source contracts under the buddy system. She said:

> I can unequivocally state that the abuse related to contracts awarded to KBR [Halliburton] represents the most blatant and improper contract abuse I have witnessed during the course of my professional career.

That is pretty strong.

Now let me go through a couple of headlines. Boston Globe, June of this year: Internal Pentagon audits have flagged about $1.4 billion in expenses submitted by Halliburton for services the firm is providing in Iraq. Charges include $45 for a case of soda, $100 per bag for laundry service, and several months preparing at least 10,000 daily meals that the troops didn't need and ultimately went to—by the way, in this meal issue, there is another complaint. The other complaint is they were charging for 42,000 meals a day and preparing 14,000 meals a day. That meant they were charging the taxpayers for 28,000 meals they were not serving the troops.

''Ex-Halliburton Workers Allege Rampant Waste: They say the firm makes no efforts to control costs, overspending taxpayers' money in Iraq and Kuwait.'' One former employee: ''They didn't want to control costs at all. Their motto was don't worry about cost. It's a cost plus contract.''

The supervisor described an arrangement in which Halliburton provided 10 percent of additional payment on its phone calls to a Kuwaiti company for providing cellular phones although nothing in the contract between Halliburton and the company called for the payments.

They just added 10 percent.

Well, I won't go through it at great length, but $7,500 a month to rent ordinary cars and trucks; $85,000 new trucks left on the side of the road because they had a flat tire, to be trashed and torched. Yes, the taxpayer paid for them. How about a fuel pump that was plugged. Leave the truck on the side of the road. It gets torched. It is all over. The taxpayer pays for it. It is all cost plus.

''Millions in U.S. Property Lost in Iraq, Report Says; Halliburton Claims Figures Only 'projections'.''

''Halliburton Unable to Prove $1.8 Billion in Work, Pentagon Says.''

''Halliburton Faces Criminal Investigation,'' Houston Chronicle. ''Pentagon Proving Alleged Overcharges for Iraq Fuel.''

''Uncle Sam Looks Into Meal Bills; Halliburton Refunds $27 million as a Result.''

You would think with all of this you would have committees in the Congress saying: Wait a second, we are going to pull back the curtain. We are going to have tough investigations to evaluate what is happening, what is happening to the American taxpayer, what is happening with contracts that are given without any competition, soul-source, no-bid contracts.

Mr. ENSIGN. Mr. President, will the Senator yield for a comment?

Mr. DORGAN. Of course.

Mr. ENSIGN. I want to inform the Senator from North Dakota that, hopefully, when we come back for a couple

days in December, as the chairman of the Readiness Subcommittee, I plan on holding hearings on exactly this. I plan on pulling that curtain back. I plan on getting into the investigation in the same way as Harry Truman. If it happens to be it is embarrassing to the administration, we are going to find out the truth on this—just like Harry Truman went after those cost-plus contracts in those days. It is not only the soul-source aspect, it is also the fact they are cost-plus contracts.

We are going to do a thorough investigation through the subcommittee, and I am committing to the Senator that the things he is talking about right now will be fully investigated by our committee, and we are going to uphold our oversight responsibility of this administration.

Mr. DORGAN. Mr. President, that gives me some hope, and I hope as a result of that the Senator would support my amendment as well. The fact is, we have not had many oversight hearings. We have now been in this conflict for several years, and a substantial amount of money has been spent. A very substantial amount of it has been wasted, regrettably.

But I think anything that any committee or subcommittee does to shine a spotlight on this makes some sense. I must say, however, as my colleague knows, there is substantial brushback from the administration. They do not want anything to do with this. And I understand why. But the fact is, what happened here was wrong. A top contracting official gets demoted because she blows the whistle on bad practices, and the taxpayer takes a bath to the tune, I think, of billions of dollars.

So whatever subcommittee or committee wants to dig into this, I think that would be great, and I certainly will commend my colleague if he convenes these hearings. But I would say this: I think there are substantial pressures on many of our committees and subcommittees by the administration not to move too far. We had an example of that on the issue of intelligence recently, and I won't explore that more, but there has been a lot of foot dragging in a lot of areas.

The point of this on behalf of myself, Senator DURBIN, Senator LAUTENBERG, Senator BOXER, and others, the point of it is to establish what we know works, and what we know works is the Truman committee. Yes, it is an old model, but it is a model that really did work—nonpartisan, bipartisan. Take a hard look at what is going on. Don't care where the chips fall, investigate it all. If somebody is cheating the American taxpayer, hold them accountable for it. I mean how do you miss 28,000 meals, overbilling somebody by 28,000 meals a day? I come from a town of 300 people, so we had a small restaurant. You can understand somebody missing a cheeseburger or two but 28,000 meals a day? That is cheating. And it ought not take twice to learn the lesson. Do business with companies that cheat. Cut them off. Shut it down.

I am not going into this at great length, but I can give the example of companies that in the same week that they were paying multimillion dollar penalties for cheating and defrauding the Government, in that same week they were signing new contracts for new business with this Government. Are we that lamebrained that we can't understand when somebody cheats you once you don't need a second chance?

In my hometown, again, a town of 300 people, you wouldn't need to learn that lesson twice. You do business with somebody who cheats you, you don't do business with them again. Not in this town. It is a slap on the wrist, a pat on the back. Atta boy. That is not the way it ought to work.

I could spend a lot of time on this. I will not do it now, but I could spend a lot of time talking about the abuses—the taxpayer pays to air-condition a building under reconstruction in Iraq. Well, that contract that goes to a subcontract, that goes to a local subcontract and pretty soon it is all done. We pay it. It is like an ice cube; it melts in your hand like money does as it goes through to—guess what—pay for air-conditioning, and it is a ceiling fan in a room in Iraq some place. Cheating? You bet it is.

I want to show you a picture of two million dollars. Incidentally, this guy wearing the striped shirt, he worked in this area. These are hundred-dollar bills wrapped in Saran Wrap. What would they be doing with a pile of bills wrapped in Saran Wrap? He testified: I was over there with the Coalition Provisional Authority, which is really us, as you know.

He says: We were telling people that when you come to pick up the cash for your contracts and so on, understand it is going to be in cash, so bring a bag. We deal in cash. He said we actually threw these around as footballs from time to time in the office, hundred-dollar bills wrapped in Saran Wrap.

I don't know how that would feel. But you can look at what it looked like, how they appeared. He said: Bring a bag. We deal in cash. He said: It was like the Old West

I have spoken at some length about this with a company called Custer Battle. A couple guys show up in Iraq, and they decide: We are going to be contractors. Pretty soon they are contractors. Pretty soon they have millions of dollars, millions of dollars in contracting, and then they start setting up offshore subsidiaries and selling to them, cheating the Federal Government. A couple of their employees decide that is not right and they are going to disclose it. Then their lives are threatened.

There is so much going on that it is just almost unbelievable to me.

The inspector general for the Coalition Provisional Authority issued a report about the use of funds that actually belong to the Iraqis. It came from the oil revenues which was under our control then. There were 8,206 guards at one Iraqi ministry, 8,206 guards at one of the ministries. And that is what we were paying for through this $9 billion. It turns out, in paying 8,206 security people, there were only 602 of them. But 8,206 were paid. Where did the money go? If we could have dyed all that money purple and walked around to see who had purple pants pockets, we could have figured it out. This is a massive cheating and abuse scandal.

This is like a Rip Van Winkle operation. We sort of doze through it all, don't offend anybody, upset anybody.

I am delighted to hear my colleague is going to hold some hearings in December, but I am telling you this is a cesspool of trouble, digging into this.

The guy who used to buy towels for our troops, from K.B.R. Halliburton, bought hand towels—you know, the little hand towels. He told us how he ordered the hand towels. Need some thousands and thousands and thousands of hand towels for the troops? Well, you just order them, don't you? Oh, no, no. His supervisor said you don't just order hand towels, you order hand towels embroidered with the company's logo on it so it can double the price. You think when the troops are washing their hands and face they are going to want just a plain towel? No, they are going to want one with our company logo on it, so order the more expensive one.

The sky is the limit. It is all cost plus. Don't worry. Be happy. We are all making money—except the taxpayer is taking a bath.

I have raised this issue now for about 2 years on the floor of the Senate, to dead silence.

There was a silence back in the forties when Harry Truman raised it. They empowered a committee to take a look and they discovered billions of dollars of waste, fraud, and abuse. The taxpayer was taking a bath and the Congress did something about it. The question is, Will it now?

We haven't received one answer from the Pentagon about all these issues. We haven't received one single answer. This has all been transmitted to the Pentagon, all of the testimony from five or six hearings. It is just unbelievable.

By the way, do you want 50,000 pounds of nails? I know where 25 tons of nails are. They are laying in the sand in Iraq, 25 tons of nails, 50,000 pounds ordered for reconstruction of Iraq. But they are the wrong size, and it does not matter, I guess, so they throw them on the ground and they reorder. It is just the taxpayers' money. It is all cost plus. Order 50,000 pounds of nails the wrong size. Don't sweat it. We are all going to get paid.

What a mess. So the point is, Congress has the responsibility. Congress has a responsibility to legislate, and Congress has a responsibility for something called oversight—oversight with respect to the funds that the Congress appropriates. These funds, after all, come in from the American taxpayers

and then are used to be expended on various operations, various projects, in this case reconstruction in Iraq or contractors that are contracting to provide assistance to the troops in Iraq. Some of that assistance to the troops manifests itself in food that is expired, manifests itself in charging for food that wasn't delivered.

Now, Mr. President, I was tempted to go through the whole list of those who have testified. I shall not do that in deference to my colleague who is on the floor ready to speak. But I think the point is made. The Congress can continue to decide, No, we don't want to do anything about this, and vote against this amendment. They have done it previously. But it is pretty hard, it seems to me, to look in the mirror and think you have done a good job for the people in this country, the taxpayers who pay the taxes, if you don't believe this deserves your special attention and you don't believe that Congress has failed in its responsibility of oversight. If you don't believe that, then you should vote against my amendment. But if you understand the responsibility for oversight and understand there has been virtually nothing done except for the hearings I chair in the Policy Committee and with those hearings have uncovered dramatic examples of massive waste, fraud, and abuse, if you believe that is a real serious problem, then you ought to support this amendment.

I hope every Senator will ask questions of the Pentagon about Bunnatine Greenhouse, the highest ranking civilian in the Pentagon with outstanding performance reviews, outstanding reviews all along the way until she began to say: You can't do this. You are violating the regulations of the Pentagon in the way you are proceeding with respect to no-bid contracts, no-bid, sole-source, cost-plus contracts, the minute she started telling those at the top of the Corps of Engineers who wanted to award these kinds of contracts to say: Look, you are violating the very rules that exist. The minute she started doing that, her career took a dramatic turn for the worse. At that point, she was told you are either going to be fired or demoted.

If the Congress does not care about that, then it does not care about anything. If those who have the courage to speak up and tell the truth, as they see it, are told the consequences for that will be their career, then this Congress doesn't care much about those who have the courage to stand up and speak out when it is necessary. There has been a deafening silence, with the exception of a few Members of Congress, on that point as well.

This woman fights on alone. Why? Because not enough people here seem to care, not even to care to ask the basic question of those who run the Pentagon. Mr. President, I send the amendment to the desk on behalf of myself, Senator DURBIN, Senator LAUTENBERG, and Senator BOXER, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. DURBIN, Ms. BOXER, and Mr. LAUTENBERG, proposes an amendment numbered 2476.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. DORGAN. Mr. President, I inquire, how much of the 30 minutes allowed to the proponent of the amendment has been used?

The PRESIDING OFFICER. Twenty-two minutes.

Mr. DORGAN. Mr. President, I reserve the remainder of my time. Senator DURBIN, I know, wishes to speak on this amendment. I reserve the remainder of the time on this amendment.

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. CHAMBLISS. 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. 2433

Mr. CHAMBLISS. Mr. President, I rise in support of the Chambliss amendment and in opposition to the amendment filed by my friend from Illinois, Senator DURBIN. I am pleased that the Durbin amendment has been filed because it is good to see others share my idea that the retirement system for our Guard and Reserve soldiers needs to be updated to meet the new role these soldiers are playing as part of our Nation's military.

By way of introduction, let me say I think it is a very good thing we are debating this issue at this time in the Senate today because not only is this an important issue we need to talk about as policymakers in the Congress, but today we have a majority of the men and women serving in the theater in Iraq who are members of the Guard and Reserve. It is critically important that as we utilize these soldiers, we provide them with benefits that compare to the active-duty soldiers.

I would like to compare the military personnel system to a finely tuned machine because that is what it is. The Department of Defense and the individual military services have staffs that devote significant time and energy to determining how to recruit, retain, promote, separate, and retire people in their respective services. The Department recommends incentives, which we in Congress consider and authorize, which shape this process of recruiting and retention according to the needs of the services. It is a fact that any change in the military personnel system will change the process and the incentives in question and could change them in ways that are detrimental to the military services.

I have crafted my amendment, the underlying amendment, with these factors in mind. However, in my assessment, the Durbin amendment has not received the same scrutiny along these lines and will, indeed, shape the personnel system in unintended ways that are detrimental to the military which we simply cannot afford from a cost perspective.

The effect of this amendment will be to create an imbalance in the personnel system which will likely result in an increase in end strength and result in people in the higher ranks of the enlisted and officer corps clogging the system and not allowing the people beneath them the opportunity for promotion. This amendment also rewards and retains people who, generally speaking, are already being retained at the required rate. In my assessment, this amendment solves a problem that does not exist.

The Durbin amendment simply rewards longevity of service. It does not reward those members of the Reserve components who disrupt their lives in support of a contingency operation, and does not provide an incentive or reward for soldiers deployed in harm's way in defense of their country.

Both amendments target soldiers who have sacrificed, but my amendment targets the ones who have put their lives in harm's way, and we should be giving them a real incentive to stay in the military.

From a cost perspective, the Durbin amendment has a 1-year reward for as few as 22 days of Reserve duty. That is a 17-day reduction in the age a reservist could collect retirement for every 1 day of service, whereas my amendment is far more equitable. It is a one-for-one reduction.

The Durbin amendment scores at $4.8 billion over 5 years. My amendment scores at $320 million over 5 years. I agree that cost should not be the sole determining factor, but we are in a real budget world today where we are struggling to find dollars to buy weapons systems and to provide for these quality-of-life issues for our men and women. I had an amendment last year that was too expensive. We have come back this year with a much more realistic amendment that is affordable and, in my opinion, is more rewarding to those who deserve it at this point in the life of our military. The scoring of Senator DURBIN's amendment is roughly 8 times, almost 10 times as expensive as my amendment.

In summary, while length of service is one area which I do believe we should incentivize for our Guard and Reserve soldiers, it is not the only behavior or even the primary behavior we need to reward. Rather, it is our reservists who have truly sacrificed, who have left their homes, their jobs, and their families and put themselves in harm's way who need to be rewarded

and incentivized to stay in the Reserve. That is exactly what my amendment does and does it in a fair and cost-effective way. We incentivize voluntarism, not just incentivize longevity of service.

I urge my colleagues to reject the Durbin amendment and to support the underlying amendment.

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. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

AMENDMENT NO. 2473, AS MODIFIED

Mr. LEVIN. Mr. President, this has been cleared with the majority.

I call up the Durbin amendment No. 2473.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. DURBIN, for himself, Mr. CORZINE, and Ms. LANDRIEU, proposes an amendment numbered 2473, as modified.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of subtitle C of title V, add the following:

SEC. ___. ELIGIBILITY FOR RETIRED PAY FOR NON-REGULAR SERVICE.

(a) AGE AND SERVICE REQUIREMENTS.—Subsection (a) of section 12731 of title 10, United States Code, is amended to read as follows:

''(a)(1) Except as provided in subsection (c), a person is entitled, upon application, to retired pay computed under section 12739 of this title, if the person—

''(A) satisfies one of the combinations of requirements for minimum age and minimum number of years of service (computed under section 12732 of this title) that are specified in the table in paragraph (2);

''(B) performed the last six years of qualifying service while a member of any category named in section 12732(a)(1) of this title, but not while a member of a regular component, the Fleet Reserve, or the Fleet Marine Corps Reserve, except that in the case of a person who completed 20 years of service computed under section 12732 of this title before October 5, 1994, the number of years of qualifying service under this subparagraph shall be eight; and

''(C) is not entitled, under any other provision of law, to retired pay from an armed force or retainer pay as a member of the Fleet Reserve or the Fleet Marine Corps Reserve.

''(2) The combinations of minimum age and minimum years of service required of a person under subparagraph (A) of paragraph (1) for entitlement to retired pay as provided in such paragraph are as follows:

''Age, in years, is at least:	The minimum years of service required for that age is:
55	25
56	24
57	23
58	22
59	21
60	20.''.

(b) 20-YEAR LETTER.—Subsection (d) of such section is amended by striking ''the years of service required for eligibility for retired pay under this chapter'' in the first sentence and inserting ''20 years of service computed under section 12732 of this title.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act and shall apply with respect to retired pay payable for that month and subsequent months.

Mr. LEVIN. I thank the Presiding Officer. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WARNER. 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. WARNER. Mr. President, in consultation with the distinguished Senator from Michigan and leadership, I propound this unanimous consent request, which I understand has been cleared on both sides. I ask unanimous consent that the 2:45 votes be delayed to begin at 3:20, and further that at 5:30 the Senate proceed to a vote in relation to the Chambliss amendment No. 2433, to be followed by a vote in relation to the Durbin amendment No. 2473, with the instructions modified to change it to a first degree, with no second degrees in order to either amendment prior to the vote; further, that there be 2 minutes equally divided between each of the stacked votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2476

Mr. DURBIN. Mr. President, I joined with Senator DORGAN of North Dakota in offering amendment numbered 2476. It is an amendment on which we both worked. Over the years we have shared billing on it because we both believe it is essential. It is an amendment which calls for the creation of a Truman-like commission to make certain we are spending our defense dollars effectively, we are not wasting money, and that the money spent is for the security of America and the protection of our troops.

In a report on defense logistics issued in March of this year, the Government Accountability Office found that U.S. troops experienced shortages in seven of the nine items that the GAO reviewed. The report reads:

These shortages led in some cases to a decline in the operational capability of equipment and increased risk for troops.

The items included generators for assault vehicles, armored vehicle parts, lithium batteries, meals ready to eat, truck tires, body armor, armored vehicles, and add-on armor kits. The GAO Comptroller, David Walker, testified in a Senate subcommittee hearing that the Department of Defense doesn't have a system to be able to determine with any degree of reliability and specificity how we spend tens of millions of dollars.

Mr. Walker then went on to say:

Trying to figure out what appropriated funds were being spent on is like pulling teeth.

Shortchanging the taxpayers is not acceptable. Shortchanging our troops, especially when they are risking their lives for America, is absolutely inexcusable. We have been talking about personal and vehicle armor shortages for months.

I will never forget my first visit to Walter Reed to see the first injured veteran from Iraq, a member of the Ohio National Guard, who had lost his left leg below the knee. I asked him what happened. He said: It is those humvees. They don't have any armor plating on them.

This soldier told me he couldn't wait to get his new leg so he could get back in combat. That is the kind of fighting spirit which we love to see in the men and women who are serving this country. Shouldn't we have the same fighting spirit when it comes to providing them with the equipment they need so they can come home safely with their mission accomplished, truly accomplished? If we waste money with profiteers and those who try to gouge the Federal Government at the expense of our troops, we are not doing our soldiers any favor.

These shortages, especially of armor, have sent young men to Walter Reed for a long time, with missing arms and legs, and other serious injuries. I have met them. I don't know how we can face them and honestly say we have not tried to do everything within our power to make certain their fellow soldiers are protected. Our current system does not work.

In 1941, Senator Harry Truman, a Democrat from Missouri, introduced a resolution creating a special committee to investigate the national defense program. Who was the President at the time? Franklin Roosevelt, a Democrat from New York. We had a Democratic Senator calling for an investigation of the War Department of a Democratic President. Those were the days—and you have to search the history days to remember them—when there was real oversight in Congress, regardless of the party affiliation.

We find exactly the opposite today. The Republican majority in Congress refuses to accept the responsibility of oversight because they might embarrass the Republican administration in

the White House. This is not about protecting the President from embarrassment. This is about protecting our troops.

This Truman Commission cost very little money in those days, but it saved us billions of dollars. It is a valuable lesson for today. Then, as now, skyrocketing contract costs, rapid allocation of funds meant we were wasting money. Harry Truman stated when he came to this Senate, the same Chamber, almost 64 years ago:

I'm calling the attention of the Senate to these things because I believe most sincerely they need looking into. I consider public funds to be sacred funds and I think they ought to have every safeguard possible to prevent their misuse or being mishandled.

Senator Truman went on to say:

I think the Senate ought to create a special committee with authority to examine every contract.

The National Archives describes the Truman Committee:

The committee earned a high reputation for thoroughness and efficiency. After the end of the war the committee turned its analysis to wartime experiences in order to make recommendations that improved postwar and future national defense programs.

It was a real national service. We continue to offer this amendment on the Democratic side of the aisle and we cannot find a single Senator, or very few, I should say, on the Republican side even interested in talking about it. Why? Why wouldn't they be interested in making certain the taxpayers' dollars are well spent in the Department of Defense? Why wouldn't they want accountability when it comes to the equipment to protect our troops?

I joined with Senator DORGAN with this amendment to create a new Truman committee to oversee contracting awards in Iraq, Afghanistan, and the war on terrorism. We need this committee. As Goldman Sachs International Vice President Robert Hormats stated:

There is nothing more corrosive of support for a war anywhere in the world, the war against terrorism or dealing with the problems in Iraq, than the concern that taxpayer money is not being used well.

The simple fact is we need better oversight. We need this committee. We need to identify the weaknesses in our current system. We need the best practices to be followed by our Department of Defense.

We learned earlier this year that $8.8 billion that was managed by the Coalition Provisional Authority in Iraq simply disappeared. We brought back Mr. Bremmer, the head of that Coalition Provisional Authority for the United States, and gave him a gold medal. I wish we had found the $8.8 billion before we gave him a gold medal. Reports indicate that payrolls in Iraqi ministries under the control of that authority were inflated with thousands of ghost employees. The United States Inspector General for Iraqi reconstruction has said:

We believe the CPA management of Iraq's national budget process and oversight of funds was burdened by severe inefficiencies and poor management.

The list goes on and on.

We owe our troops and our taxpayers better oversight of their money. This bipartisan special committee called for in the Dorgan-Durbin amendment will accomplish that.

So many Members come to the Senate today and say not one penny is going to be spent for Hurricane Katrina or to safeguard America against avian influenza unless we offset it. We are watchdogs when it comes to new programs. Why not be watchdogs for existing programs? If Congress is not exercising its power of oversight, for goodness sake, let us create a Truman-like commission that will. Let's ask the hard question and get the right answers. Let's protect our troops and protect the taxpayers.

I reserve the remainder of my time and urge my colleagues on both sides of the aisle to support the Dorgan-Durbin amendment numbered 2476.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. 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. LAUTENBERG. Mr. President, I ask unanimous consent that the pending amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending amendments are set aside.

AMENDMENT NO. 2478

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 2478.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit individuals who knowingly engage in certain violations relating to the handling of classified information from holding a security clearance)

On page 286, strike lines 1 through 3, and insert the following:

SEC. 1072. IMPROVEMENTS OF INTERNAL SECURITY ACT OF 1950.

(a) PROHIBITION ON HOLDING OF SECURITY CLEARANCE AFTER CERTAIN VIOLATIONS ON HANDLING OF CLASSIFIED INFORMATION.—

(1) PROHIBITION.—Section 4 of the Internal Security Act of 1950 (50 U.S.C. 783) is amended by adding at the end the following new subsection:

''(f) No person who knowingly violates a law or regulation regarding the handling of classified information in a manner that could have a significant adverse impact on the national security of the United States, including the knowing disclosure of the identity of a covert agent of the Central Intelligence Agency to a person not authorized to receive such information, shall be permitted to hold a security clearance for access to classified information.''.

(2) APPLICABILITY.—Subsection (f) of section 4 of the Internal Security Act of 1950, as added by paragraph (1), shall apply to any individual holding a security clearance on or after the date of the enactment of this Act with respect to any knowing violation of law or regulation described in such subsection, regardless of whether such violation occurs before, on, or after that date.

(b) CLARIFICATION OF AUTHORITY TO ISSUE SECURITY REGULATIONS AND ORDERS.—

Mr. LAUTENBERG. Mr. President, the amendment I offer today is something I believe is urgently needed because of security concerns raised constantly these days, particularly as a result of a recent indictment we are all aware of. The amendment is relatively simple, straightforward. It clarifies part of the intelligence law to be clear that those who compromise classified information cannot hold a clearance. The indictment describes conduct by a White House official that must not be tolerated. Certainly, an irresponsible and reckless official should not be allowed to continue to hold a clearance to see top-secret information.

The person at issue is identified in the recent indictment I spoke of earlier as ''Official A.'' According to the Washington Post, White House staff have confirmed that Official A is Mr. Karl Rove. He is the deputy chief of staff to the President. The indictment says this official gave classified information to a journalist. Any official who does such a thing should certainly not continue to hold a clearance.

It is quite clear what President Bush's intent was when he said he wanted to clear the air about any leakage of classified information. I think we should follow his pledge or remind him of his pledge to remove anyone involved with leaking information. We know the information given to the journalist Robert Novak was, indeed, published, and a CIA operative was exposed.

The actions taken by the White House staff have damaged our national security. Thusly, an indictment has come about. It has destroyed an operative's covert cover, compromised intelligence-gathering operations, and endangered the safety of other CIA employees and their contacts.

The amendment I offer today is similar to one that was offered earlier in the year by Senator REID in July. My amendment has one significant difference. It includes the words a ''knowing'' standard so that someone who unknowingly does it doesn't get included in our amendment. We wanted to narrow the field and say, if you talk about these things and know it, you ought to pay for it. The payment is fairly simple. My Republican colleagues reacted to the Reid amendment by talking about it as an open-ended standard. In deference to the concerns of our colleagues on the other side, I have added

a ''knowing'' standard—in other words, if you don't know it, then that is one thing; if you do know it, it is quite something else—which is more than fair to someone who reveals our national security secrets.

I see my colleague and friend from Virginia on the other side. I am reminded when both of us wore a uniform some years ago, it was ''loose lips sink ships.'' The lights were darkened all along the coast. You couldn't even tell your family where you were at the time. As a matter of fact, I was in an area in Belgium that was quite dangerous. I did find a place that sold a postcard that was written in the language of the area. It was Flemish. I sent it to my mother to give her an indication where I was. I kind of had to sneak by the censors.

We are at war. People are at war with us. Terrorists are liable to attack us at any time. They are certainly doing what they can to even injure or kill our service people who are abroad. We ought to make sure we are as diligent about covering our security as we can be. We should ask nothing less than total obedience to the rules. I am here with the consent and support of Senator REID of Nevada, Senator LEVIN, and others who believe we should do this. I hope my colleagues across the aisle can agree that if somebody gives information they shouldn't, by golly, what we are saying is the penalty is that you should lose that security clearance and that person should be treated as the President suggests, removed from the security scene.

It is plain common sense. I urge my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Virginia.

Mr. WARNER. Mr. President, I say to my colleague, I recall that period very well. There were times when the Nation's capital had blackouts. At that time my father was a doctor actively practicing medicine in this city, and he had to take the headlights on his car and put a black screen over the headlight with about a 1-inch slit so he could respond to emergency measures during the blackout. Where our home was at that time we had blackout curtains. We regularly went out to make sure there was no leakage of the light because at that time the city lights, if they had been on, silhouetted U.S. and other allied shipping such that they were the target of then German submarines off the coast. Indeed, it is hard to believe this, but the coastline from Florida all the way up to New England was strewn with the damage of ships that were torpedoed.

I remember well that period of time, and I remember the phrase. I am surprised you, as an Army man, used a Navy phrase that loose lips sank ships. But we have a very serious amendment here, deserving of equally serious attention. It has just been handed to us. I am sure the Senator would appreciate that we would need some time to study this to determine exactly how we should respond.

I am reading the first paragraph: ''No person who knowingly violates,'' that would mean he would have to know that, A, his material is classified, and, B, that he has to have a knowledge of the law and regulation? Are those the two elements of that?

Mr. LAUTENBERG. Yes, the Senator is correct. And what we say is, if you do it, the least that ought to happen is you ought to learn enough of a lesson that we are going to remove any access to classified information if you do it knowingly.

Mr. WARNER. I understand what the consequences are. But I want to make certain the Senator was trying to draw this up in such a way that, no matter how misfortunate, if it is unintentioned, then that would not be a violation.

Mr. LAUTENBERG. Right.

Mr. WARNER. I find it difficult to believe anyone who has a security clearance would not understand the basic law and regulation prohibiting or controlling its use. You can almost impute to the person knowledge of the statute and law.

Mr. LAUTENBERG. We tried our best to clarify it and remove the concern that was exhibited when Senator REID offered it last July. This was added because colleagues on the other side made an observation that was sensible; that is, if someone does something unknowingly, you can't punish them. But on the other hand, if someone has a job that includes security, I would have to say they would know this is a violation to betray any of the rules they are subjected to. But this clarifies it. There is no intention here to pull the wool over anybody's eyes or anything such as that. It is to make sure we prevent any leakage as much as we can of security information. We are so sensitized to it that the country is at times locked up in concerns with these warnings being given out, and we ought to try to restrict that from happening as much as possible.

It can be careless. The Senator can well remember the time, a very unfortunate time, when an informant, someone working with the CIA in Latin America—Guatemala, I believe it was—was assassinated after their identity was revealed. We don't want that to happen. We have our friends and relatives overseas now.

Mr. WARNER. Let me interrupt. I want to make certain that time used during the colloquy is divided equally, that when I speak, it is charged to my time, and the Senator from New Jersey, as he speaks, the time will be charged to him; is that agreeable?

Mr. LAUTENBERG. Certainly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. The standard you have is ''could have a significant adverse impact.'' Do you have any criteria for ''significant''? As you and I both know, having dealt in these areas for many years, we often look at things that are classified and we say to ourselves: Why in the world would they be classifying this document? Unfortunately, the broad brush of classification sometimes is utilized on things that I don't think need to be classified.

Mr. LAUTENBERG. I think current law describes that. We will use that as the standard. Again, there is no intention here to bypass the rules. It is to confirm clearly that if you talk about this, we are not saying you go to jail. We are not saying anything else. But you certainly should no longer have access to classified information.

Mr. WARNER. Would the Senator be able to supply for the record the references that he says would define further the word ''significant''? You said it is defined in law. Could you cite those laws upon which you rely?

Mr. LAUTENBERG. Yes. We will certainly try to do that.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. I think I still have the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, again, this amendment has just been given to the majority side. We will, in due course, have further response to the Senator. At this time it becomes the pending amendment.

The PRESIDING OFFICER. It is the pending amendment.

Mr. WARNER. Fine. I thank my colleague.

I yield the floor.

Mr. LAUTENBERG. I thank the Senator. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, are we not at this point in time guided by the standing order we just entered?

The PRESIDING OFFICER. The Senator is correct. The question is on agreeing to the Inhofe amendment, as modified.

Mr. WARNER. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have been ordered.

Mr. WARNER. May we now proceed with the vote.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 312 Leg.]

YEAS—99

Akaka	Dole	Martinez
Alexander	Domenici	McCain
Allard	Dorgan	McConnell
Allen	Durbin	Mikulski
Baucus	Ensign	Murkowski
Bayh	Enzi	Murray
Bennett	Feingold	Nelson (FL)
Biden	Feinstein	Nelson (NE)
Bingaman	Frist	Obama
Bond	Graham	Pryor
Boxer	Grassley	Reed
Brownback	Gregg	Reid
Bunning	Hagel	Roberts
Burns	Harkin	Rockefeller
Burr	Hatch	Salazar
Byrd	Hutchison	Santorum
Cantwell	Inhofe	Sarbanes
Carper	Inouye	Schumer
Chafee	Isakson	Sessions
Chambliss	Jeffords	Shelby
Clinton	Johnson	Smith
Coburn	Kennedy	Snowe
Cochran	Kerry	Specter
Coleman	Kohl	Stabenow
Collins	Kyl	Stevens
Conrad	Landrieu	Sununu
Cornyn	Lautenberg	Talent
Craig	Leahy	Thomas
Crapo	Levin	Thune
Dayton	Lieberman	Vitter
DeMint	Lincoln	Voinovich
DeWine	Lott	Warner
Dodd	Lugar	Wyden

NOT VOTING—1

Corzine

The amendment (No. 2440), as modified, was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, it is my understanding that we have a second vote as ordered.

AMENDMENT NO. 2443

The PRESIDING OFFICER. The next question is on the Ensign amendment.

There are 2 minutes equally divided. Who yields time?

Mr. ENSIGN. Mr. President, I ask that Senator ALLARD be added as cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, very simply, this amendment seeks to clarify what the policy of the United States has been since 1975, that our military would be able to use riot control agents—in this case tear gas—for defensive purposes. That has been the policy of the United States. But because of some interpretations, our military is not able to use tear gas. They do not take it with them, they do not train with it, and in many cases tear gas—just as police forces use it all over the world—would save civilian lives as well as lives of the members of our military.

This is absolutely a critical amendment to save lives of Americans and for those civilians who, when our military kills them—and unfortunately these things happen—it makes us look bad as a country.

This is a critical amendment that we need to adopt.

Mr. WARNER. Mr. President, I wish to indicate to my colleagues that I have carefully studied this. I support the Ensign amendment. I defer to my colleague, Senator LEVIN.

Mr. LEVIN. Mr. President, the Senator from Nevada has assured the Senate that this amendment does not seek, in any way, to change current policy, including Executive Order 11850, relative to the use of riot control agents. I note that the President has provided the Presidential approval required by that Executive order for use of riot control agents in Iraq. We look forward to consulting with the administration. The amendment of the Senator from Nevada is an appropriate amendment. It could be very helpful, and we support the amendment.

Mr. WARNER. Mr. President, as I stated on the floor yesterday, I am able to support Senator ENSIGN's amendment because it now includes several important modifications that were requested by the administration. As a result of those modifications, the amendment more accurately reflects current U.S. policy and law regarding the use of riot control agents by members of the Armed Forces. I thank Senator ENSIGN for agreeing to those modifications. I will take into account the views and recommendations of the administration as we continue our work on this issue and the bill in conference.

The resolution of ratification for the Chemical Weapons Convention, CWC, passed by this body contained a condition requiring the President to certify that the United States is not restricted by the CWC in its use of riot control agents in certain specified circumstances. In addition, the condition required the President not to eliminate or alter Executive Order 11850, which prohibits the use of riot control agents in war ''except in defensive military modes to save lives.''

In response to questions from myself and Senator LEVIN on the floor yesterday and today, Senator ENSIGN confirmed that he does not seek through this amendment to amend, expand or reinterpret Executive Order 11850 in any way. It is on that understanding that I can support his amendment.

The Senator from Nevada has raised the question of whether the U.S. Armed Forces currently have sufficiently clear authority with respect to riot control agents. I have looked into this matter and consulted with representatives of the Department of Defense, including representatives of our commanders in the field.

They have informed me and my staff that, in their view, the use of riot control agents is a very complex matter. It is not clear that commanders in the field want to use ''RCAs'' widely. However, there are a number of cases where RCAs could be very useful to avoid unnecessary loss of life. I have been assured that, consistent with the Executive Order, U.S. Armed Forces have authority to use riot control agents. Furthermore, I am informed that DoD will examine whether any confusion exists about RCA use, and will take all steps necessary to ensure that U.S. Armed Forces have the clear guidance that they need and deserve.

I am confident that the DoD and the administration will ensure that our men and women in uniform have every tool available to them consistent with U.S. and international law.

Mr. LUGAR. Mr. President, I rise today to share my views on the amendment offered by Senator ENSIGN regarding the use of riot control agents, RCAs, by members of our Armed Forces in war. As one of the principal proponents of Senate ratification of the CWC, along with my ranking member, Senator BIDEN, I feel it important to provide my views in relation to this amendment.

I will vote in favor this amendment, and I do so because I believe that it in no way modifies, changes, reinterprets, or otherwise revises the laws of the United States regarding the use of RCAs in war to save lives, nor in any way affects U.S. compliance with our international obligations. This amendment creates no new law, and changes no U.S. policy.

When the Senate approved a resolution of advice and consent to ratification of the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction—The Chemical Weapons Convention or CWC in 1997, it made the conditional on maintaining U.S. law in effect at that time. Condition 26(B) of that resolution of ratification stated:

> The President shall take no measure, and prescribe no rule or regulation, which would alter or eliminate Executive Order 11850 of April 8, 1975.

Senator ENSIGN's amendment mentions both this Executive order and the Senate-approved condition.

Senator ENSIGN's amendment cannot modify that condition, and because it merely restates authority the President already has regarding the use of RCAs in war, I believe that voting for the amendment will not harm U.S. leadership in preventing the proliferation of chemical weapons nor will it reverse the will of the Senate at the time it approved the CWC. I look forward to working with Chairman WARNER, Senator LEVIN, and the administration as this provision is considered in conference with the House, and in efforts to improve it in that conference.

Mr. BIDEN. Mr. President, I will vote in favor of the Ensign amendment to this bill, relating to the use of riot control agents, and I want to make clear to my colleagues why a steadfast supporter of the Chemical Weapons Convention can do so in good conscience. Senator ENSIGN is concerned that current interpretation of U.S. policy and of U.S. obligations under international law might be hampering U.S. forces in Iraq. I gather that not everybody shares that belief, but I do not doubt that some people have this concern, and I appreciate Senator ENSIGN's desire to make sure that people in the

military fully understand what they can and cannot do when it comes to using riot control agents in Iraq.

What is important about the Ensign amendment, in my view, is that it will in no way modify either U.S. policy or U.S. international obligations regarding the use of riot control agents. The statement, in subsection (a) of the amendment that ''riot control agents are not chemical weapons'' is fully consistent with the Chemical Weapons Convention, in which ''riot control agent'' is defined as a chemical, not listed in any of the Convention's three lists of chemical weapons or their precursors, ''which can produce rapidly in humans sensory irritation or disabling physical effects which disappear within a short time following termination of exposure.'' That definition is quite different from the definition of a ''toxic chemical'' in a chemical weapon, ''which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals.'' So the Ensign amendment is correct in that a riot control agent, as defined in the Chemical Weapons Convention, would not be a chemical weapon as defined in that convention.

Similarly, the Ensign amendment now before this body accurately reflects U.S. policy as established by President Gerald Ford in Executive Order 11850 of April 8, 1975. That Executive order, signed by a Republican President and implemented by six subsequent Presidents of both parties over the last 30 years, states: ''The United States renounces, as a matter of national policy . . . first use of riot control agents in war except in defensive military modes to save lives. . . .'' It goes on to give four examples of such defensive military modes, only two of which relate to combat zones:

''(b) . . . in situations in which civilians are used to mask or screen attacks and civilian casualties can be reduced or avoided''; and

''(c) . . . in rescue missions in remotely isolated areas, of downed aircrews and passengers, and escaping prisoners.''

Executive Order 11850 then orders implementation, as follows:

''Sec. 1. The Secretary of Defense shall take all necessary measures to ensure that the use by the Armed Forces of the United States of any riot control agents and chemical herbicides in war is prohibited unless such use has Presidential approval, in advance.

''Sec. 2. The Secretary of Defense shall prescribe the rules and regulations he deems necessary to ensure that the national policy herein announced shall be observed by the Armed Forces of the United States.''

As far as I can tell, Senator ENSIGN does not intend that anything in Executive Order 11850 be changed, nor that there be any change in the U.S. policy and obligation to fully obey the Chemical Weapons Convention, which binds each state party ''not to use riot control agents as a method of warfare.'' It is standing U.S. policy that if somebody is using human shields, as occurred in Somalia in the early 1990s, our Armed Forces may use riot control agents ''in defensive military modes to save lives'' without violating our obligations as state party to the Chemical Weapons Convention.

In light of my view that the Ensign amendment will not change U.S. policy and will not call into question the requirement to comply with our international obligations under the Chemical Weapons Convention, I see no reason to oppose this amendment. I do urge, however, that the limited nature of this amendment be made more explicit in conference.

The PRESIDING OFFICER. All time has been yielded. The question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 313 Leg.]

YEAS—98

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	Rockefeller
Burns	Hatch	Salazar
Burr	Hutchison	Santorum
Byrd	Inhofe	Sarbanes
Cantwell	Inouye	Schumer
Carper	Isakson	Sessions
Chafee	Jeffords	Shelby
Chambliss	Johnson	Smith
Clinton	Kennedy	Snowe
Coburn	Kerry	Specter
Cochran	Kohl	Stabenow
Coleman	Kyl	Stevens
Collins	Landrieu	Sununu
Conrad	Lautenberg	Talent
Cornyn	Leahy	Thomas
Craig	Levin	Thune
Crapo	Lieberman	Vitter
Dayton	Lincoln	Voinovich
DeMint	Lott	Warner
DeWine	Lugar	Wyden
Dodd	Martinez	

NAYS—1

Harkin

NOT VOTING—1

Corzine

The amendment (No. 2443) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. SHELBY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, we remain on the bill, but a colleague has a unanimous consent.

Mr. SHELBY. Mr. President, I ask unanimous consent I be able to proceed as in morning business for 5 minutes.

The PRESIDING OFFICER (Mr. COBURN). Without objection, it is so ordered.

Mr. WARNER. Is there not a pending amendment that must be laid aside first?

The PRESIDING OFFICER. The Senator is proceeding in morning business, and that will take care of it.

Mr. WARNER. I thank the Presiding Officer.

The Lautenberg amendment is the pending amendment on the Defense authorization bill.

The PRESIDING OFFICER. The Senator is correct.

The Senator from Alabama is recognized for 5 minutes.

(The remarks of Mr. SHELBY are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. 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. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, the need for a quorum call at this time is because there are a number of Senators who had to depart Capitol Hill for a meeting. Therefore, it is beyond the control of either manager. We need to keep in reserve our time on the bill. So I ask unanimous consent that the time expended in the quorum call up to just a minute ago, when I withdrew it, as well as the time that will ensue in the following quorum call not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the Presiding Officer and I thank the Parliamentarian.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. 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. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1526, AS FURTHER MODIFIED

Mr. WARNER. Mr. President, I ask unanimous consent that the previously agreed to amendment No. 1526 be modified. I send that modification to the desk. The amendment has been cleared by the other side and is merely a technical correction.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as further modified, is as follows:

On page 371, between lines 8 and 9, insert the following:

SEC. 2887. SENSE OF THE SENATE REGARDING COMMUNITY IMPACT ASSISTANCE RELATED TO CONSTRUCTION OF NAVY LANDING FIELD, NORTH CAROLINA.

It is the sense of the Senate that—

(1) the planned construction of an outlying landing field in North Carolina is vital to the national security interests of the United States; and

(2) the Department of Defense should work with other Federal agencies to provide community impact assistance to those communities directly impacted by the location of the outlying landing field, including, where appropriate—

(A) economic development assistance;

(B) impact aid program assistance;

(C) the provision by cooperative agreement with the Navy of fire, rescue, water, and sewer services;

(D) access by leasing arrangement to appropriate land for farming for farmers impacted by the location of the landing field;

(E) direct relocation assistance; and

(F) fair compensation to landowners for property purchased by the Navy.

AMENDMENT NO. 2483

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I send an amendment to the desk on behalf of Senator BAYH and myself.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself and Mr. BAYH, proposes an amendment numbered 2483.

Mr. DURBIN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide income replacement payments for certain Reserves experiencing extended and frequent mobilization for active duty service)

At the end of subtitle A of title VI, add the following:

SEC. ____. INCOME REPLACEMENT PAYMENTS FOR RESERVES EXPERIENCING EXTENDED AND FREQUENT MOBILIZATION FOR ACTIVE DUTY SERVICE.

(a) IN GENERAL.—Chapter 19 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 910. Replacement of lost income: involuntarily mobilized reserve component members subject to extended and frequent active duty service

''(a) PAYMENT REQUIRED.—The Secretary concerned shall pay to an eligible member of a reserve component of the armed forces an amount equal to the monthly active-duty income differential of the member, as determined by the Secretary. The payments shall be made on a monthly basis.

''(b) ELIGIBILITY.—Subject to subsection (c), a reserve component member is entitled to a payment under this section for any full month of active duty of the member, while on active duty under an involuntary mobilization order, following the date on which the member—

''(1) completes 180 continuous days of service on active duty under such an order;

''(2) completes 24 months on active duty during the previous 60 months under such an order; or

''(3) is involuntarily mobilized for service on active duty six months or less following the member's separation from the member's previous period of active duty.

''(c) MINIMUM AND MAXIMUM PAYMENT AMOUNTS.—(1) A payment under this section shall be made to a member for a month only if the amount of the monthly active-duty income differential for the month is greater than $50.

''(2) Notwithstanding the amount determined under subsection (d) for a member for a month, the monthly payment to a member under this section may not exceed $3,000.

''(d) MONTHLY ACTIVE-DUTY INCOME DIFFERENTIAL.—For purposes of this section, the monthly active-duty income differential of a member is the difference between—

''(1) the average monthly civilian income of the member; and

''(2) the member's total monthly military compensation.

''(e) DEFINITIONS.—In this section:

''(1) The term 'average monthly civilian income', with respect to a member of a reserve component, means the amount, determined by the Secretary concerned, of the earned income of the member for either the 12 months preceding the member's mobilization or the 12 months covered by the member's most recent Federal income tax filing, divided by 12.

''(2) The term 'total monthly military compensation' means the amount, computed on a monthly basis, of the sum of—

''(A) the amount of the regular military compensation (RMC) of the member; and

''(B) any amount of special pay or incentive pay and any allowance (other than an allowance included in regular military compensation) that is paid to the member on a monthly basis.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''910. Replacement of lost income: involuntarily mobilized reserve component members subject to extended and frequent active duty service.''.

(c) EFFECTIVE DATE.—Section 910 of title 37, United States Code, as added by subsection (a), shall apply for months after December 2005.

(d) LIMITATION ON FISCAL YEAR 2006 OBLIGATIONS.—During fiscal year 2006, obligations incurred under section 910 of title 37, United States Code, to provide income replacement payments to involuntarily mobilized members of a reserve component who are subject to extended and frequent active duty service may not exceed $60,000,000.

Mr. DURBIN. Mr. President, let me say at the outset that Senator BAYH and I are offering this amendment. It turns out that we have had the same basic concept and idea. We kind of came at it a little differently. I spoke to him on the telephone a few moments ago. I am going to defer to him in allowing him to be the lead sponsor on this amendment because together we might have a better chance of success, and that, of course, is the ultimate test of the wisdom of this concept.

I especially salute Robert Preiss of my staff, who is a fellow serving in my office who has come to us from the military and has worked night and day in trying to make certain that we help those who are in the Guard and Reserve and Active military. He has put an awful lot of time into this amendment. When some procedural questions came up that were important to be resolved, we turned it over to Robert Preiss, and he did an excellent job. That is the reason we can come before you today with confidence that this amendment can be considered under this important Defense authorization bill. It is critically important. I would like to explain it for my colleagues to understand why Senator BAYH and I decided to offer it and now offer it together.

The Department of Defense status of forces survey of Reserve component members, released in September 2004, revealed that 51 percent of our National Guard and Reserve said they suffer a loss in income when mobilized for long periods of active duty because their military pay is less than what they were receiving in their civilian job. The average reservist says that he or she loses $368 a month, but 11 percent report losing more than $2,500 a month. Imagine that you joined the Guard and Reserve, volunteered to serve the country, and then you are activated. You leave your job and family, go overseas and risk your life and worry about coming home safe. Many of our Guard and Reserve members are also worried about what is happening to the family back home. There is less money for the monthly budget, less money for the mortgage, less money to pay gasoline bills. It all adds up.

If you take a look, this is kind of an illustration that 51 percent of the reservists lose income when mobilized, and 11 percent lose more than $2,500 per month. This income loss represents a disparity in the ranks and poses on reservists a burden not experienced by many Active-Duty troops. Many Active-Duty troops experience increases in income during deployments due to tax advantages, hazardous duty pay, family separation allowances, and other special pay enhancements. Those reservists with incomes higher than the deployed military suffer a loss. Their ongoing financial commitments continue for their children, for their families, for their homes, their automobiles. You know the list as well as I do. Their basic expenses are based on civilian income, but when they are activated, they are receiving military income. The resulting financial problems on the homefront can distract a man or woman who has said: I am ready to serve my country and even risk my life.

The amendment I offer with Senator BAYH allows reservists mobilized for extended periods to receive up to $3,000 per month in extra pay to make up for differences between their military and civilian salaries. To qualify, a reservist must have a pay gap of at least $50 a month.

The language I offer today is identical to that in the House bill, with one exception. This amendment provides these income replacement payments for Reserve component members mobilized for 6 months or more. The House

bill says that you have to be called up for 18 months or more to qualify for this income supplement. That is entirely too long. It is rare that a reservist is going to be called up for 18 months. So the bill as it comes from the House really doesn't do much. This is entirely too long, to expect a reservist to wait 18 months before we give them some income supplement. Indeed, with most callups currently lasting around 18 months, the practical effect of a qualification period that long would be that few reservists would ever get a dime of help. We can do a lot better than that. America can do better for its men and women in uniform. I urge my Senate colleagues to pull together. The House plan is good, but the qualification period is unrealistically long. We can make it better.

This language was proposed by Congressman MCHUGH. He is the Republican chairman of the House Armed Services Committee Subcommittee on Personnel. He originally proposed a 12-month qualification period. It was extended to 18 months through hasty action in the committee that may not have been carefully considered. As I have said, the language I offer today with Senator BAYH is the same with the exception that this version we offer calls for a 6-month qualification period.

According to an Army Times article about this provision, Chairman MCHUGH said something needs to be done. I agree with him. He said: ''We have a crisis.'' I agree with that. He repeated that the extended deployments are raising this issue time and time again for many of the very best who serve our country. I have to agree with Chairman MCHUGH 100 percent. We have made a sound proposal because we do, indeed, have a crisis. Recruiting numbers are down for our military. That is a fact of life. With the Reserve components missing their recruitment targets, we must look to the retention of existing members to keep up force strength.

So far, retention has been pretty good. I salute the men and women for staying on in the military even though we ask more and more of them each day. But the existence of this income loss is going to hurt us with retention. Let's be honest about it. Of the top 10 reasons cited in the status of forces survey for leaving the National Guard and Reserve, income loss was No. 4. The others are obvious: family burden, too many activations and deployments, activations are too long, and loss of income. We ask a lot of sacrifice from the men and women in uniform. They march off and do their duty, whether it is responding to Hurricane Katrina at home or going over to risk their lives in Iraq or Afghanistan. We understand that we can do something about the income loss. That is what this amendment seeks to do.

I urge my colleagues on both sides to support this measure. Pass this amendment and include it in our Senate bill language so that when we get together with the House of Representatives, we can ensure that something does get done this year to eliminate or at least reduce the income loss suffered by families of some of our guardsmen and reservists. By standing behind a qualification period of 6 months, we lay down a clear marker that we in the Senate stand for more than just symbolism. We really want to help. We stand for real help in addressing the pay gap for the good of the members of our Reserve components, for the good of their families, for the long-term good of the force, and for the good of our Nation.

I urge my colleagues, if they think this is a worthy amendment and will join us in it, Senator BAYH and I would welcome their support. This should be a bipartisan amendment. I don't know how we can argue over whether we should protect the income of the men and women who fight for us. If they are going to be away from their families and separated, not there for the important decisions that are being made by their families, the least we can do is make sure they don't face some unreasonable hardship because of income loss.

I see Senator LANDRIEU is here. I salute her. She has done so many things recently on Hurricane Katrina and other issues. But she has been one of the strongest voices in the Senate for the Guard and Reserve and our military. She and I spoke the other day about this issue. She said: We have to have an amendment to help Guard and Reserve. I am glad she has come to the Chamber at this moment because it is timely. We are trying to make sure this bill doesn't leave the Senate without a provision in it that is going to help these men and women in uniform.

Ms. LANDRIEU. Will the Senator yield?

Mr. DURBIN. I am happy to yield.

Ms. LANDRIEU. I know the Senator is wrapping up his remarks, but I would like to ask the Senator, is he aware that a complementary amendment we have worked on for a couple of years, giving a tax credit to employers who are filling that pay gap, is the Senator aware that has still not passed this Congress?

Mr. DURBIN. I was aware of it. I say to the Senator from Louisiana, a lot of people are not aware of it. They think we have already done these things. We make these proposals on the floor of the Senate. Some of them pass the Senate, then they disappear in conference committees. We all pat ourselves on the back and say we are standing up for the men and women in uniform. At the end of the day, there is no law for the President to sign.

A lot of our colleagues, myself included, will be at Veterans Day events this week. I will be traveling all over Illinois. We are going to stand there. We may be holding the flag. We will say we are for our soldiers and our veterans. But the real proof is in our votes. That is a good one to say to employers: If you are willing to stand behind that man or woman in uniform who is leaving your employment for a short period to do their duty for our country, why shouldn't we stand behind you with the Tax Code?

Ms. LANDRIEU. I thank the Senator from Illinois. I ask him, is there any reason he could believe or think the American people wouldn't put the Guard and Reserve at the top of the list for a tax cut or a tax credit? Is there any other group you can think of that is more deserving than the men and women who leave their homes, put on the uniform, leave their jobs, leave their businesses, and go to the frontline to take the bullets? Would the Senator be able to identify any other group that would be more worthy of a tax credit or a tax cut if we had extra money to give?

Mr. DURBIN. From my point of view, absolutely none. But it is interesting, what a timely question. We are about to consider a tax bill. This tax bill will give a break to millionaires. If you happen to be a millionaire in America, we think you need a tax break of $35,000 a year. Poor souls. If you happen to be making between $50 and $200,000, the tax break turns into $112 dollars; under $50,000, $6. The point is, we are going to spend billions of dollars giving tax breaks to the wealthiest people and not giving a helping hand to the men and women in uniform and the employers who patriotically stand behind them.

I say to the Senator from Louisiana, she couldn't have a more timely observation.

Ms. LANDRIEU. I thank the Senator from Illinois. I would just like to add my few remarks to support his amendment.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, the Senator from Illinois has come to the floor again this afternoon and has spent literally hours over the last 2 years, in particular, speaking about the importance of supporting our Guard and Reserve.

Mr. WARNER. Mr. President, will the distinguished Senator from Louisiana allow me to propound a question to the distinguished Senator from Illinois before he departs the floor?

Ms. LANDRIEU. Mr. President, I will be happy to yield to the chairman.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I thank the Presiding Officer.

Mr. President, I have just gotten this amendment and I am looking it over. It is not unlike similar provisions that have been before the Senate. As a matter of fact, it has been passed by the Senate but dropped in conference.

Here is the problem based on, again, very modest military experience of my own, but a lifetime of association with the men and women in the military. I have come to learn the importance of

pay. Pay to an individual is a tremendous symbolism. I remember when we advanced from private to private first class or, in my case, from seaman to seaman second class, seaman first class, and so on. I got $4 a month in one pay increase, I remember, in World War II. And then the wife at home often is struggling to make ends meet. Boy, that pay is important.

Picture that today we have a total force concept. It is not Reserves serving over here and regulars serving over here. Fortunately, we mix. The units are merged together. When we go to Iraq, as all of us go now, we will find Reserves and regulars performing the same duties commensurate with their rank and their technical experience. Reserves and regulars are subject to the same threat to life and limb from an IED, from the missiles coming in, subject to the same arduous hardships and living conditions both in Iraq and Afghanistan.

Then along comes this amendment, no matter how well-intentioned, and suddenly the Reservist gets a significant amount of money in addition to his monthly pay to the regular who is serving right with him, living in the same tent, eating the same food, and taking the same risks.

For those of us who have had the opportunity to serve in the ranks, that begins to breed tension and inequities. You don't want those types of tensions as these young men and women are courageously performing their military duties. This is my concern.

Mr. DURBIN. Mr. President, may I respond to the Senator?

Mr. WARNER. Yes, of course.

Mr. DURBIN. First, I have the greatest respect for the Senator from Virginia, who served his country not only in the Navy but as Secretary of the Navy, and also as the longest serving Senator in Virginia. Didn't the Senator from Virginia break the record recently?

Mr. WARNER. I am No. 2 for life.

Mr. DURBIN. And very popular in the State of Virginia.

I say to him, consider two things. Let's assume the Senator is in a unit that is in combat and he learns the fellow next to him who has been activated as a Guardsman used to work for Sears Roebuck, a Chicago-based company. And because Sears Roebuck is such a good and patriotic corporation, they have decided they are going to protect his income. They are going to give him more than his military pay. They are going to keep him at the same level of pay he received before he was activated.

Will I think less of that fellow soldier because he is receiving some money from Sears and think maybe we shouldn't eat at the same mess table, or stand together and fight together? I don't think so. I think people will say that is good fortune for you.

The second point I would like to raise is this: A person who is active military—I have a nephew who just enlisted in the Marine Corps—a person who is in the active military knows what his or her life is going to be and builds his or her life accordingly in terms of expenses incurred. A person in the Guard and Reserve has a civilian life and civilian financial obligations that he or she knows may come when they are activated and a hardship may come from separation. But they are in different circumstances as they go into this field of combat. One comes from an active military life with a family budget accordingly, and the other comes from the private sector with another family budget.

It seems to me what I am asking is, since we now rely more than ever on the Guard and Reserve, shouldn't we be more sensitive to that? Shouldn't we say that if you are willing to sacrifice your time and your life for your country, we are willing to sacrifice, too, to make sure there is no unnecessary economic hardship?

I don't think the two observations I made are unreasonable. The Senator from Virginia knows better than I because he has been in the military and I have not served. But I would think in a unit, people would be more sensitive to that. To think that soldier who left that job in the private sector or the Federal Government is next to me worried because they missed the second mortgage payment back home wouldn't make me feel any better about my unit and wouldn't make me feel any better to know that is going on.

Mr. WARNER. Mr. President, I think we have different perspectives. But pay is a very significant thing in every military person's life. We have to adjust. We certainly have to recognize.

What you are in a sense doing, Sears has opted as an employer to do as you state, not let their employee accept the consequences, and there is a category of persons coming in from the Reserve and Guard who simply do not have employers such as Sears Roebuck; for whatever reason their employer won't do it.

I don't know, I am concerned about building tensions into these young people in these units.

Mr. DURBIN. May I ask the Senator, in this colloquy through the Chair, consider this whole question about retention. That is a big issue now. We need these men and women in the Guard and Reserve, even active duty, who have developed the skills, understand the mission, can be combat ready in an instant. We need them to stick around. We need them to reup. If they have been through a bitter experience—personal experience, financial experience, separated from their family—we know it lessens that likelihood. If we want the very best to continue serving, I think this is an incentive for that to happen.

Mr. WARNER. Mr. President, the Senator is absolutely correct. I could even take it a step further. If we didn't have the Guard and Reserve, we would have to carry in peacetime, as well as wartime, a much larger active force. We are fortunate that in wartime conditions, we have these men and women who will respond, and do so willingly and subject their families. The Senator from Illinois is correct on that point.

I have to dwell on this amendment. I just read it. I wanted to have this colloquy, and I appreciate the courtesies the Senator always extends.

Mr. DURBIN. I thank the Senator.

Mr. WARNER. The Senator from Louisiana has the floor.

Mr. LEVIN. Will the Senator from Louisiana yield for a question to Senator DURBIN?

Ms. LANDRIEU. I would like to ask the Senator from Virginia a question before he leaves the floor.

Mr. WARNER. I will be here when the Sun comes up tomorrow.

Mr. LEVIN. Mr. President, it is my recollection that the Senate already passed an amendment in one of the previous bills where we made up the difference for Federal employees; is that not correct?

Mr. DURBIN. That is correct. We passed it for the third or fourth time. It goes into this strange world of conference committees and disappears.

Mr. LEVIN. In which all of us have participated. We have seen the parts that emerge and the parts that do not, and it is always a little mystery as to what emerges and what does not emerge.

My understanding is that clearly is a precedent for treating all employees. Everybody is activated the same way as Federal employees. That is No. 1. So I think that is a good argument for the amendment. But also the cost of this amendment, it seems to me, given the qualification period of 6 months, as I understand it, the cost over 5 years would be $295 million which would be a little under $60 million a year; is that correct?

Mr. DURBIN. That is correct.

Mr. LEVIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I point out, yes, the Senate has passed it, but for various reasons, conferences have not accepted it, so it is not in law today.

Mr. LEVIN. That is correct.

Mr. DURBIN. That is true.

Mr. WARNER. We do not have any of these.

Mr. DURBIN. The Senator might say it is pending in the Defense appropriations conference.

Ms. LANDRIEU. Will the Senator from Virginia yield?

Mr. WARNER. Mr. President, the distinguished Senator from Louisiana had the floor. She very graciously allowed me to intervene. I am happy to take a question.

Ms. LANDRIEU. I do so through the Chair. I first say how much I appreciate the exchange between the Senator from Virginia and the Senator from Illinois. I hope we can find a way to move forward on this very important issue because it is so crucial to

the security of our Nation, to the security of these Guard and Reserve families. It seems the right thing for us to do.

My question to the Senator from Virginia, because he has so much experience in warfighting as the Secretary of the Department of Navy and as the chairman of the Committee on Armed Services, is: When we created the Guard and Reserve Force, did we anticipate that so many would be called up for such a long period of time? That is an important answer to have because my sense of it is that we didn't completely anticipate these numbers and these lengths of deployment.

I ask the Senator, several decades ago, did we foresee this dependency?

Mr. WARNER. Mr. President, the Senator raises a very interesting historical perspective. During World War II, the National Guard was mobilized early on and amalgamated with the regular forces. The Reserves likewise were brought in. So everybody was in World War II for the duration.

The next major conflict was Korea, in which I had minor participation, modest though it may be. The units I served in were quickly made an amalgamation of Reserves and regulars. I remember vividly the squadron I served in as a ground officer. The Reserve pilots, even though they had been called, some of them had only been on active duty 60 days, barely getting retraining and were flying missions with the regulars who had been on active duty for a number of years. There was no distinction between any of us. We were all treated the same. I was a Reservist called up at that time.

Then along came Vietnam, and for whatever reasons, when I was Secretary of the Navy, we didn't employ the Guard and Reserve. We relied on the draft. I would have to research some of the reasons why we didn't do it.

This country has fluctuated back and forth. But in direct answer to the Senator's important question, in this conflict, more than ever before, we have relied on the Guard and Reserve. I believe about 60 percent of the uniformed personnel in Iraq tonight, some 150,000 plus, 60 percent of them are Guard and Reserve.

So the Senator from Louisiana is very correct in her observation.

Ms. LANDRIEU. I thank the Senator from Virginia. I would like to add to that comment.

The PRESIDING OFFICER. The Senator from Louisiana is now recognized.

Ms. LANDRIEU. Mr. President, I would add to this discussion that it is important for us as leaders to be open to change and to adopt new strategies. The one thing that is certain about life is change. Those who adapt survive, and those who do not, do not survive. I believe when it comes to creating policies that secure our Nation and support our armed services, we always need to be open to those things that we need to do differently because circumstances are different, because the challenges are different.

I would argue this is one of the issues that is at the heart of how we sustain a skilled, able, versatile, agile, and quick-to-deploy force without implementing a draft and having the ability to muster a large and effective force when necessary. This is at the heart of it. That is why Senator DURBIN continues to come to this floor and why I come to this floor, why the Senator from Indiana, Mr. BAYH, and others on the Republican side have come to the floor. Because we need to make some changes. We need to adapt to the reality.

Let me submit for the RECORD the reality of this situation. Since the Berlin crisis of 1961 through the Vietnam war, we only called from the Reserve and Guard about 200,000. From 1961 through the Vietnam war, basically to the early 1990s—I know Vietnam was over before then—but basically to the 1990s, we called up 200,000. But as the chairman knows, because he is the great distinguished chairman of our committee, he is correct, since 1990, the Persian Gulf war to the present, we are 150,000 troops strong in Iraq and we have called up 744,000 Guard and Reserve members.

As the Senator from Illinois so beautifully pointed out, these are citizen soldiers. They live in the community. Their budgets are based on their civilian jobs. Their children, their spouses, and their families have dreams and aspirations based on their civilian payrolls. They do not enter the military and decide: We are only going to make $40,000, $50,000, $60,000 the rest of our life, but the benefit is we get a discount on food. We get our health insurance. We will move around every 2 years. We get a housing allowance. It is the life we have chosen. We understand the sacrifices we are making, and we budget accordingly.

These are business owners, policemen, nurses, doctors, engineers, scientists who answer the call, put the uniform on, and sometimes answer that call in 24 hours, literally, or in just a few weeks. They kiss their children goodbye—maybe the wife is the spouse who is leaving. Maybe it is the husband. They tell everyone goodbye. They leave and they are gone for 18 months.

Under our current rules, which are not working, not only does that soldier make the sacrifice but our Government is asking that family in some cases to take a 30- to 40-percent decrease in pay. I just cannot understand it. Nothing about it makes sense. It defies common sense. How can we recruit Guard and Reserve, then send them to long deployments, sometimes without even the equipment they need—which is a whole other issue—but ask their families to take a 30- and 40-percent decrease? I do not understand it.

I know we have not done this in the past, but this Senator from Louisiana thinks it is time to do it for the future. I hope we can again take bipartisan action on this Senate floor, as we have done so many times before, to support the amendment offered by the Senator from Illinois, at least in the Federal employ, our own engineers, our own scientists, our own nurses, our own doctors, our own office administrators, when we ask them to put the uniform on and go to the frontline to take the bullets, that as an employer we do not say: And also, by the way, we would like your spouse and your children to live on 30 percent less income while you are away.

If the country was in crisis in terms of no money for anyone and we were all on rations and we were all sacrificing financially and we did not have the money, I think these families would say: Look, we are all in the same boat. We are serving the country. We will take the 30-percent cut in pay. But what gets me, what galls me, what makes me so angry is, this Congress is giving other families who do not put the uniform on, other families who are making upwards of $350,000, $400,000, $500,000, tax cuts, and we cannot seem to find the will, the energy, or the focus to help the small group of families that one could argue are bearing the entire burden in some cases—let me repeat, the entire burden of the war on terror. I do not understand it. Senator DURBIN does not understand it. Senator BAYH does not understand it. The Senators have voted now unanimously.

What happens to this amendment when it goes to the House of Representatives? What should I tell the Guard and Reserve families who went to Iraq, over 6,000 of them—3,000 of them just came home and a third of the ones who just came home came home to no house, no school, and no church. Now I have to go home and say that Congress is going to get ready to pass another spending bill, another tax bill, and I am sorry, yes, you have, once again, been left out. I do not even know how to explain it because it cannot be explained.

Senator DURBIN's amendment simply says, let the Federal Government be the leader. Let the Federal Government set the pace as an employer. Let us at least do what other States and other employers are doing, fill the gap, stand in the gap for them. They are taking the bullets. They are taking the risk with their lives. Why would we ask our Federal employees to take a serious pay cut? I do not think we should. Again, if we did not have any money at all, if we were just flat broke, then maybe we would have to. We give money away to everybody, but we cannot give it to our Federal employees who are serving this country twice: as public servants so they do not get a very high salary normally, and then they go to the frontlines and take the bullets and get a salary cut even lower, and we think that is perfectly fine.

Well, this Senator does not think it is fine. This Senator thinks we can do

better. This Senator thinks we need to have better priorities. This Senator believes we need to have different priorities that support our Nation, support our services, support our Guard and Reserve, and it would ultimately support the country. And, frankly, it is the right thing to do.

I see the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, this is an important amendment. It has been offered on behalf of Senator BAYH, by Senator DURBIN. Senator LANDRIEU is a very passionate and persuasive supporter of this amendment. I think Senators BAYH, DURBIN, and LANDRIEU are right; that we basically designed the Guard and Reserve force to be a strategic reserve. As a practical matter, now they are effectively part of our operational forces. We have to change this arrangement so they do not take such a severe hit as they are being called up, and they are now in for longer and longer periods. I do not have the statistics on how long the average period of callup is now, but I am quite confident that if we could compare the length of the callup, say, during the last few years to the periods between 1973, when we ended the draft, that we would see there has been a dramatic increase in the length of the callup.

I support the amendment. I think we can make some real progress—I hope we can—this year in conference on this matter. It is a reasonable cost, a fair cost. It is something on which we can do better, and the troops deserve that we do better.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, first I commend all Senators who have participated in this debate. Each time I listen to the distinguished Senator from Louisiana, I say to my ranking member, she was a very valued member of our committee before she went AWOL.

Mr. LEVIN. She is still part of the Guard and Reserve, though.

Mr. WARNER. Yes, proceeding to the Appropriations Committee, where some think all power resides in the Senate.

Nevertheless, to think that the Senator found time to work on this amendment, as she has on a number of personnel issues through the years—I remember the last authorization bill. Does the Senator from Michigan remember that?

Mr. LEVIN. I do, indeed.

Mr. WARNER. One of the last amendments we were dealing with was on personnel issues. Anyway, the Senator from Louisiana found time to be here, given the tremendous burdens that she has in connection with the tragic suffering in her State, past, present, and possibly the future. I point out to my colleagues a provision comparable to this is in the House bill now in conference, therefore, that we go to.

Mr. BAYH. Mr. President, I rise today for a cause that is essential to preserving our Nation's security by ensuring the Guard and Reserve remain a vital component of our national security structure. I also rise to defend our moral obligation to do right by our fellow citizens who bear the burden of battle and by their loved ones who make it possible for them to do that by supporting them here at home.

No one should be forced to choose between doing right by their family and their loved ones and doing right by their country, but too often today we have placed thousands of our fellow citizens in exactly that position. That is what this amendment is designed to correct.

We now have 145,000 guardsmen and reservists serving who have been called to active duty. Fully 35 percent of our troops in Iraq are guardsmen and reservists, many of them putting their lives in harm's way. Just this last week, I took the liberty of spending a couple of hours out at Walter Reed Army Hospital. Many of the most grievously injured there have served in the Guard and Reserve. We owe it to do right by them.

Their deployments are lasting longer than before. Since the Korean War, it is our practice to only have them called to active duty for no more than 6 months. But today, it is routine, not at all uncommon, for them to be called to active duty for more than a year and sometimes multiple calls.

Mr. President, 51 percent of these individuals whose lives we are disrupting, 51 percent who are serving, many of them in harm's way, suffer a substantial loss of income, what I have referred to as the ''patriot penalty.'' The average loss of income is about $4,400 per soldier—a material amount of money for many Americans. Our amendment, with the support of Senator DURBIN, Senator LANDRIEU, the active support of Senators WARNER and LEVIN, would help to correct this situation by providing up to $3,000 per month in making up lost income for our Reserve and Guard men and women.

This is important to maintaining the Guard as a critical component of our national security structure. We are currently running, in the Army Guard, about 24 percent below our recruiting goals. The commander of the Reserve not too long ago described his force as ''a broken force.'' At a time when we are relying upon the Guard and the Reserve more than ever before, we must ensure that we act to maintain our recruiting goals and to ensure the morale of the force.

Many laudable private firms have risen to the challenge by providing for their employees but, regrettably, not all do so. About 29 percent of employers are currently doing that, but that still leaves the bulk of our Guard men and women and our reservists without, so we have acted to make up that gap. It is not a burden they could have reasonably anticipated, given the difference in callups today versus before.

I again thank my distinguished colleagues, the Senator from Virginia and the Senator from Michigan. Once again, I thank my colleague DICK DURBIN, who has been extremely gracious and who has been a strong leader in this capacity.

I will conclude by saying the true test of a strong society is not only the armaments we purchase but how we support those who bear the burden of battle and their loved ones here at home. If we can help them pay the mortgage or keep food on the table while they are serving us in Iraq and Afghanistan and elsewhere, it is not only the intelligent thing to do, it is the morally responsible thing to do. That is what this amendment would accomplish.

I thank my colleagues for their graciousness and their support.

Mr. WARNER. I urge adoption of this amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. LEVIN. I yield back the remainder of my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 2483) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. I say to my colleagues, this is a matter that we will carefully review in conference. It has failed to survive in previous conferences, but I think this time it may, particularly because of the question of recruiting and the difficulty of the Reserves and Guard and the adjustment to family life. As the Senator pointed out, hundreds upon hundreds of thousands—700,000 I believe—have been involved in this conflict.

Mr. LEVIN. If the Senator would yield on that?

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. It seems to me, the fact that there is a provision in both bills does increase the opportunity and the likelihood this time around that we will come out of conference with something. All we can do is continue to try, but I am a little more optimistic now that this amendment passed. Again, we thank the Senators from Indiana, Illinois, and Louisiana for their leadership.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. I see the lead sponsor of the amendment on the floor, so let me be brief so he can close out. I thank the leadership for accepting this amendment. I know they will fight hard to keep this in conference as we move forward because it really is an important part of our strategic alignment for the future. I thank the chairman and the ranking member for their

leadership not just today but over time, for doing the right thing by our troops and always being willing to think about new ways of making our military stronger and better.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. WARNER. If I can make one comment before our distinguished colleague from Louisiana leaves the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. There comes a time every now and then to reflect on the past with a sense of humor. When I was a young Senator many years ago, one of the Senator's predecessors was Russell Long. His expertise was in the area of taxes. How many times, I ask my good friend from Michigan, would I hear him in these vigorous floor debates come over and say: We will drop it in conference; accept it?

Mr. LEVIN. Usually with his arm around you.

Mr. WARNER. With his arm around you shaking you like a tree. But we are not saying that.

I just thought maybe that little bit of color might remind Louisianans of his proud record in the Senate.

Mr. President, this is another example of how the managers, in the course of colloquies, can work out amendments. I strongly urge colleagues to come forward because we are getting down to the few amendments that are remaining in the hopes that this bill can be acted on for final passage tomorrow, as early as possible in the day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, my understanding is that at 5:30 there will be two votes. I am wondering if Senator LAUTENBERG's amendment has been—I know it has been offered. I am wondering whether there is further debate on the Lautenberg amendment.

Mr. WARNER. Mr. President, I wish to say to my colleague at the present time I am drafting an amendment in the second degree. As soon as I have it, I will be prepared to debate it on the floor and let the matter go to a vote.

Mr. LEVIN. I think it is very helpful that Senator LAUTENBERG be informed that there is a plan to offer a second-degree amendment so perhaps he can then be prepared to come to the floor and debate whatever that second-degree amendment is.

Mr. WARNER. I would propose to do it. I would have to check. There are three amendments, and actually the fourth is the pending amendment. I will see if he cannot possibly bring up his amendment right after the two votes.

Mr. LEVIN. Perhaps during those two votes, if the chairman so desires, we could try to line up the rest of the business for tonight.

Mr. WARNER. I thank my partner, who has been most helpful in getting this bill passed. We are going to try and facilitate that.

Mr. LEVIN. 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. BAYH. 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. BAYH. Mr. President, I have many of my colleagues to thank for their graciousness and for their attention to an issue of significant importance to our country. I would like to start with my friend and colleague, DICK DURBIN from Illinois, who has cared about this issue for many years, particularly with regard to our Federal employees who are bearing the burden of battle today on our behalf just as they work for us in their civilian capacities here at home.

Senator DURBIN has been a model of comity and accommodation and in a body that is too often driven by other interests. I thank him profusely for his consideration here today.

I also thank Senator LANDRIEU for her longstanding interest in this issue. She has had a somewhat different approach, but it would achieve the same objective—helping our Guard men and women and their families while they are serving our country.

I also express my appreciation to the two leaders on the Armed Services Committee, Senators WARNER and LEVIN, for their courtesy. I thank you for accepting our amendment. I know you share our conviction about doing right by our brave men and women in the Guard and Reserve, and I wish to express my personal appreciation for your accommodation in this regard. I know there are occasionally differences of opinion about some aspects of this, and the fact that we could work through them at this moment means a great deal to me, as I know it does to the families of the Guard men and women we are attempting to help.

Mr. WARNER. Mr. President, the distinguished Senator from Indiana has had a lot on his mind here recently with the tragic natural disaster in his State, and I thank him for finding the time to come to the Chamber and offer this amendment. I recall, during the markup of the Armed Services bill, he, being a very valued member of the committee, had this general concept in mind. The Senator advised the committee as a whole in the markup session that at the time this bill reached the floor, he would have formulated his thoughts and done his research and gathered his colleagues and would present this bill. That he has done, and in that he has succeeded. This is a matter we will take up in conference with careful consideration.

I thank our colleague.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, let me add my thanks to the Senator from Indiana for his eloquent, passionate portrayal of the needs and responsibilities we have to carry out toward our guardsmen and reservists.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, it is just a matter of minutes before we start the votes. Perhaps the distinguished Senator from Georgia would like to make some explanation about the vote coming up?

AMENDMENT NO. 2433

Mr. CHAMBLISS. Mr. President, these next couple of votes involve an amendment I filed and an amendment the Senator from Illinois, Mr. DURBIN, has filed. I think the significant thing about both amendments is that we are finally starting to recognize that, because we are calling up our Guard and Reserve folks on an all too regular basis these days, and because today, as we enjoy the freedoms that we sometimes take for granted in this country, we have troops serving in Iraq, 60 percent of whom are Guard and Reserve troops, it is necessary that we continue down the path we have been down for the last several years under the leadership of Senator WARNER and Senator LEVIN, trying to increase the benefits to our Guard and Reserve and the families of those brave men and women. Both these amendments seek to do that.

There is a fundamental difference in the two amendments, though. My amendment, the underlying amendment, provides for a reduction in retirement age from 60 to 55 for reservists, based upon the activation of those reservists and Guard men and women into contingency areas. For every 3 months they have been activated and sent into a conflict, they receive a 1-for-1 or 3-month reduction in the retirement age, from 60 down to the minimum or lower level of 55. The Durbin amendment simply would not make that kind of 1-to-1 offset but would treat the Guard and Reserve the same as the Active-Duty folks. Unfortunately, the difference between the two is we cannot afford the Durbin amendment.

What my amendment does is to ultimately allow the reduction down to age 55 for those Reserve and Guard people who are activated. It has a cost, over 5 years, of about $320 million. The Durbin amendment has a cost of about $4.8 billion over that same 5-year period. That is such a significant difference that, in my opinion, we will never get that done.

My amendment can be done. It is a movement in the right direction, to recognize that we are calling up these folks on a more regular basis and that we should continue to provide them and their families with some security measures from the standpoint of incentivizing them to go into the Guard and Reserve and stay in the Guard and Reserve.

The PRESIDING OFFICER. All time has expired.

Mr. CHAMBLISS. The Durbin amendment would not do that. Mine would.

Mr. WARNER. Mr. President, I ask unanimous consent that the vote be delayed by 5 minutes so the Senators may have a minute or 2, I can have a minute or 2, and the Senator from Michigan can have a minute or 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, if we are going to call on these brave volunteers, we need to incentivize them, and my amendment does that. It seeks to call on the individual from a volunteer standpoint. It doesn't seek to protect the top level, the officers and the uppercrust, the enlisted personnel. It seeks to protect all members of the Guard and Reserve from the enlisted standpoint and give them an opportunity to reduce their retirement age from 60 down to 55.

I think it is fair. I think it is reasonable. And I think it is supportable.

I ask my colleagues to support my amendment and to vote against the Durbin amendment.

I ask unanimous consent that Senator HAGEL be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I likewise ask to be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I strongly support the Chambliss amendment.

I want to bring to the attention of colleagues that a minute ago we accepted another amendment which will go to conference, and I am quite confident that out of that conference will come a package of further compensation to the men and women for the Guard and Reserve for other reasons. But in this bill we are adding enormous benefits for the men and women in the Armed Forces, all of which are justified in many areas. The Senator has picked out an area which has been under consideration for some period of time. But I point out that the cost of the Durbin second degree, which vote will follow this one, must be considered in the area of $1 billion for their 2006 and $10 billion over the next 10 years. That is 10 times, according to my calculation, the cost to the Federal taxpayer of the amendment of the Senator from Georgia.

Am I correct?

Mr. CHAMBLISS. That is correct.

Mr. WARNER. So I urge my colleagues we must show some restraint as we are going through a number of valid and important increments in pay and benefits for the men and women in the Armed Forces. In essence, the Chambliss amendment is an adaptation of the Durbin amendment but at one-tenth the cost because I think you are more equitably treating those who have served in periods of active service.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I support very much the Chambliss amendment. I think it makes an important statement, as well as taking an important step toward greater equity relative to retirement. The Senator from Georgia has described his amendment, and I will not describe it again because he has accurately described it.

I commend him for this amendment. It is an important amendment.

I ask the Presiding Officer whether there is time between the vote on the Chambliss amendment and the Durbin amendment for an explanation of the Durbin amendment.

The PRESIDING OFFICER. There are 2 minutes equally divided.

Mr. LEVIN. I will be in a position of supporting the Chambliss and Durbin amendments. While the Chambliss amendment takes an important step, the Durbin amendment takes three or four important steps in the right direction allowing earlier retirement. Where there has been 25 years of service, for instance, retirement would be allowed at age 55. Where there has been 24 years of service under the Durbin amendment, retirement would be allowed at age 56. There is a greater cost. I think it is justified. We will talk more about that in the minute which has been allowed on the Durbin amendment.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that a letter from the Naval Reserve Association in support of my amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NAVAL RESERVE ASSOCIATION,
Alexandria. VA, November 8, 2005.

Sen. SAXBY CHAMBLISS,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR CHAMBLISS: I am writing on behalf of the members of the Naval Reserve Association in support of your amendment to reduce the age at which reserve component members receive their retirement pension.

An active component member retiring at 20 years of service receives a pension immediately upon retirement. A reserve component member serving the same number of qualifying years cannot. Reducing the age from 60, will be a positive step in mitigating this disparity. A more equitable retirement program will aid greatly in recruiting and retaining members in the Navy Reserve, and all reserve components. When the age limit for receipt of retired pay by reserve component members was set decades ago, the Navy Reserve, and other reserve components, was not relied upon the way it is today.

The objective is to support the reduction of the age for retirement eligibility from its current level to one that is consistent with today's utilization of the reserve component. Your new legislation which links that reduction to duty in a recalled to active duty status accomplishes that goal.

I look forward to working together in support of a strong and viable Navy Reserve, and all reserve components. Again, on behalf of the members of the Naval Reserve Association and members of the Navy Reserve, thank you for all your hard work on our behalf.

Sincerely,

CASEY W. COANE,
RADM, USN (Ret) Executive Director.

The PRESIDING OFFICER. All time has expired.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. WARNER. Mr. President, I also ask for the yeas and nays on the Durbin amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment of the Senator from Georgia. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Mr. VITTER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 314 Leg.]

YEAS—99

Akaka	Dole	Martinez
Alexander	Domenici	McCain
Allard	Dorgan	McConnell
Allen	Durbin	Mikulski
Baucus	Ensign	Murkowski
Bayh	Enzi	Murray
Bennett	Feingold	Nelson (FL)
Biden	Feinstein	Nelson (NE)
Bingaman	Frist	Obama
Bond	Graham	Pryor
Boxer	Grassley	Reed
Brownback	Gregg	Reid
Bunning	Hagel	Roberts
Burns	Harkin	Rockefeller
Burr	Hatch	Salazar
Byrd	Hutchison	Santorum
Cantwell	Inhofe	Sarbanes
Carper	Inouye	Schumer
Chafee	Isakson	Sessions
Chambliss	Jeffords	Shelby
Clinton	Johnson	Smith
Coburn	Kennedy	Snowe
Cochran	Kerry	Specter
Coleman	Kohl	Stabenow
Collins	Kyl	Stevens
Conrad	Landrieu	Sununu
Cornyn	Lautenberg	Talent
Craig	Leahy	Thomas
Crapo	Levin	Thune
Dayton	Lieberman	Vitter
DeMint	Lincoln	Voinovich
DeWine	Lott	Warner
Dodd	Lugar	Wyden

NOT VOTING—1

Corzine

The amendment (No. 2433) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. There are now 2 minutes of debate equally divided on the upcoming amendment.

The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, we have this vote. We are making great progress on this bill. I will be consulting with the leadership. There is a

possibility we would like to continue tonight, but with regard to further rollcall votes, we will have to consult our respective leaders to determine that. We will do that as quickly as possible so as to convenience Senators. But this bill will go on tonight. It may well be we debate amendments and stack them for the morning.

Mr. LEVIN. Is there any way of determining that now?

Mr. WARNER. Well, I have to get my leader, I have to tell you. I know he came on and off the floor.

Mr. President, the managers wish to advise the Senate that this will probably be the last rollcall vote tonight. But we will continue to debate amendments and stack them for a time agreed upon by the two leaders for tomorrow morning.

AMENDMENT NO. 2473, AS MODIFIED

The PRESIDING OFFICER. Who yields time on the amendment?

Mr. DURBIN. Mr. President, if I could have the attention of the Chamber for 60 seconds.

The last amendment by Senator CHAMBLISS received 99 votes. We all joined in supporting it. It was a good amendment. This amendment, which I am offering, I think is better. Here is why.

Under the amendment offered by Senator CHAMBLISS, you could reduce the age at which you are eligible as a reservist to start receiving your retirement based on the time you spent mobilized, activated. This amendment says you could reduce it by the time served in the Reserve.

Right now, no matter when you start, how long you serve, you cannot draw the first dollar in retirement until you are 60 years old. Under my amendment, if you have served 25 years in the Reserve, you could start drawing it at age 55, which is the common retirement age for civil servants, for Federal employees.

My amendment is endorsed by the National Guard Association, the Military Officers Association, and the Reserve Officers Association.

Mr. President, I ask unanimous consent to add Senators Corzine and Landrieu as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who seeks time in opposition?

The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, as I said earlier, while I sympathize with the Senator from Illinois, because this is a critical issue, it is simply a matter of not being able to provide the funding for this particular retirement bill.

We had this issue up last year, and we did not get the funding for it. My bill takes a more reasonable approach. It rewards those men and women who are serving in Iraq today.

I ask that we render a ''no'' vote against this amendment so we can make a strong move to include my amendment in the conference report that will be forthcoming.

The PRESIDING OFFICER. The question is on agreeing to the amendment. 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) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 59, as follows:

[Rollcall Vote No. 315 Leg.]

YEAS—40

Akaka	Harkin	Murray
Bayh	Inouye	Nelson (FL)
Biden	Jeffords	Obama
Bingaman	Johnson	Pryor
Boxer	Kennedy	Reed
Byrd	Kerry	Reid
Cantwell	Kohl	Rockefeller
Clinton	Landrieu	Salazar
Dayton	Lautenberg	Sarbanes
Dodd	Leahy	Schumer
Dorgan	Levin	Stabenow
Durbin	Lieberman	Wyden
Feingold	Lincoln	
Feinstein	Mikulski	

NAYS—59

Alexander	Crapo	McCain
Allard	DeMint	McConnell
Allen	DeWine	Murkowski
Baucus	Dole	Nelson (NE)
Bennett	Domenici	Roberts
Bond	Ensign	Santorum
Brownback	Enzi	Sessions
Bunning	Frist	Shelby
Burns	Graham	Smith
Burr	Grassley	Snowe
Carper	Gregg	Specter
Chafee	Hagel	Stevens
Chambliss	Hatch	Sununu
Coburn	Hutchison	Talent
Cochran	Inhofe	Thomas
Coleman	Isakson	Thune
Collins	Kyl	Vitter
Conrad	Lott	Voinovich
Cornyn	Lugar	Warner
Craig	Martinez	

NOT VOTING—1

Corzine

The amendment (No. 2473), as modified, was rejected.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I see the distinguished Senator from Missouri and the Senator from Connecticut. This is one of the amendments in the 12 on this side of the aisle. I would like to have this amendment move forward.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

AMENDMENT NO. 2477

Mr. TALENT. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. TALENT], for himself, Mr. WARNER, Mr. STEVENS, Mr. CHAMBLISS, Mr. CORNYN, Mr. LIEBERMAN, Mrs. BOXER, Mrs. FEINSTEIN, and Ms. COLLINS, proposes an amendment numbered 2477.

Mr. TALENT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the multiyear procurement authority for C–17 aircraft)

Strike section 131 and insert the following:

SEC. 131. C–17 AIRCRAFT PROGRAM AND INTER-THEATER AIRLIFT REQUIREMENTS.

(a) MULTIYEAR PROCUREMENT AUTHORIZED.—The Secretary of the Air Force may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract, beginning with the fiscal year 2006 program year, for the procurement of up to 42 additional C–17 aircraft.

(b) CERTIFICATION REQUIRED.—Before the exercise of the authority in subsection (a), the Secretary of Defense shall submit to the congressional defense committees a certification that the additional airlift capacity to be provided by the C–17 aircraft to be procured under the authority is consistent with the quadrennial defense review under section 118 of title 10, United States Code, to be submitted to Congress with the budget of the President for fiscal year 2007 (as submitted under section 1105(a) of title 31, United States Code), as qualified by subsection (c).

(c) ADDITIONAL EXPLANATION OF INTER-THEATER AIRLIFT REQUIREMENTS.—

(1) INCLUSION IN QUADRENNIAL DEFENSE REVIEW.—The Secretary of Defense shall, as part of the quadrennial defense review in 2005 and in accordance with the provisions of section 118(d)(9) of title 10, United States Code, carry out an assessment of the inter-theater airlift capabilities required to support the national defense strategy.

(2) ADDITIONAL INFORMATION.—In including the assessment required by paragraph (1) in the quadrennial defense review as required by that paragraph, the Secretary shall explain how the recommendations for future airlift force structure requirements in that quadrennial defense review take into account the following:

(A) The increased airlift demands associated with the Army modular brigade combat teams.

(B) The objective to deliver a brigade combat team anywhere in the world within four to seven days, a division within 10 days, and multiple divisions within 20 days.

(C) The increased airlift demands associated with the expanded scope of operational activities of the Special Operations forces.

(D) The realignment of the overseas basing structure in accordance with the Integrated Presence and Basing Strategy.

(E) Adjustments in the force structure to meet homeland defense requirements.

(F) The potential for simultaneous homeland defense activities and major combat operations.

(G) Potential changes in requirements for intra-theater airlift or sealift capabilities.

(d) MAINTENANCE OF C–17 AIRCRAFT PRODUCTION LINE.—In the event the Secretary of Defense is unable to make the certification specified in subsection (b), the Secretary of the Air Force should procure sufficient C–17 aircraft to maintain the C–17 aircraft production line at not less than the minimum sustaining rate until sufficient flight test data regarding improved C–5 aircraft mission capability rates as a result of the Reliability Enhancement and Re-engining Program and Avionics Modernization Program have been obtained to determine the validity of assumptions concerning the C–5 aircraft used in the Mobility Capabilities Study.

Mr. TALENT. Mr. President, Senator LIEBERMAN and I are offering an amendment that we believe is crucial to providing our Armed Forces with the air transport capabilities they

need. The amendment has been cosponsored by Chairman WARNER and Senators STEVENS, BOXER, FEINSTEIN, CORNYN, CHAMBLISS, and others. In addition, we have worked closely with the chairman and Senator LEVIN and committee staff, and the amendment has been cleared on both sides. I am grateful to the managers of the bill for their work on this important legislation.

The Defense Department's current intertheater airlift requirement was established by the Mobility Requirement Study, called MRS–05, which was released in December 2000. That study identified the airlift necessary to conduct high-priority missions in support of two major theater wars. That was the national military strategy at the time, to be able to conduct two major theater wars at the same time.

Even back in 2001, recently retired TRANSCOM Commander, GEN John Handy, identified the Department's pre-September 11 intertheater airlift requirements as inadequate. He characterized that study, which was a pre-9/11 study, shortly after its release as a historical document, not of great value, because in his judgment it significantly underestimated the true airlift requirements of the Department even at that time. I will expand on this point in a few minutes.

We are now learning that the Department's most recent study has completely failed to readjust the airlift requirement in light of all the different missions in which the United States is now and will be engaged for years to come—the global war on terror, international humanitarian relief missions, expanded special operations and training, to say nothing of our need to support the underlying national military strategy needs.

The C–17 is the primary intertheater air transport used by the United States to deploy and sustain forces overseas. It has delivered 70 percent of the cargo airlifted into Iraq. It has turned in stellar performances in theaters from Kosovo to Afghanistan to the global war on terror in all its various locations. In addition, the C–17 played a key role in several recent humanitarian relief missions, including the response to the gulf coast hurricanes and the earthquake in Pakistan.

The Chief of Staff for the Air Force, GEN Michael Moseley, recently said that the C–17 has ''proven its worth in gold.''

The real question before the Senate is not whether we need additional intertheater airlift but how much more airlift is required. The Air Force's longstanding position, reiterated time and again over the last few years, has been at least 222 C–17s—42 more than the planned procurement of 180 aircraft—are needed to meet growing airlift requirements. General Handy repeatedly testified that 222 C–17s would be the minimum necessary to meet our airlift requirements and that even more may be needed, and this is in addition to other programs for increasing the lift capabilities of the Department.

The Department's decision regarding future C–17 production is, we believe, imminent. Senator LIEBERMAN and I believe if we do not procure additional transports, our intertheater airlift capabilities will be inadequate to meet our military's needs. We will lack the lift capability needed to deploy and adequately sustain forces overseas.

While our primary responsibilities must be to our military personnel and national security, there is also a significant economic stake for many States. C–17 production generates approximately $8.4 billion in economic activity and is supported by 702 suppliers in 42 States. This is a major industrial base issue. St. Louis is one of the essential suppliers of components for the C–17. I have had the privilege of visiting workers who build parts for the plane.

There are over 1,800 people throughout Missouri who help build the C–17, which generates more than $776 million in economic impact. States such as California, New York, Illinois, Iowa, Connecticut, Florida, and Washington have over 491 C–17 suppliers that generate over $5.5 billion of economic activity in these States alone.

Despite the facts I recited before about airlift, it has been reported that the draft version of the new Mobility Capabilities Study recommends no further C–17 production beyond 180 aircraft, at least 42 transports short of the minimum number required. Incredibly, the new Mobility Capabilities Study calls for the same transport force structure planned before 9/11, and it sets forth the same airlift requirement in the pre-9/11 days. Again, even before 9/11, the head of TRANSCOM, General Handy, said the Department's estimate of its airlift requirement was out of date. Yet the draft study doesn't increase that requirement, even given the undeniable additional needs since the global war on terror began.

The Talent-Lieberman amendment would accomplish three objectives to protect the lift capability needed to deploy and sustain forces overseas.

First, it would authorize a multiyear contract for the purchase of up to 42 additional C–17 aircraft.

Second, the amendment urges the Secretary of the Air Force to sustain the production line by procuring a minimum sustaining production rate of C–17s per year at least until further assessment of airlift needs are completed.

Third, it requires the Secretary of Defense to certify whether there is a need for additional C–17s by assessing the additional intertheater airlift requirements generated by seven factors which have to be considered but which were not considered, we believe, in the flawed mobility study, including the Army's shift to brigade combat teams, its goal of deploying a brigade anywhere in the world in 4 to 7 days, and a division anywhere in the world in 10 days, our increased involvement in international humanitarian relief missions and deployment back to the United States of forces as part of the Global Posture Review.

We cannot pull back from forward bases around the world. We cannot adapt increased requirements for being able to move substantial forces of the Army around the world. We cannot fight a global war on terror everywhere and perform humanitarian relief functions around the world. We cannot do these things without adequate lift.

What is at stake is the ability of the United States to project its military power on the world and to project aid where necessary on a humanitarian basis around the world. It is this airlift which enables us to do the other transformational things in the military which are the way we hope to sustain an adequate military force while also having some economies.

Senator LIEBERMAN and I offer this amendment because intertheater airlift is the means by which our forces deploy on short notice anywhere in the world and a primary means by which we sustain deployed forces. When the Chief of Staff of the Air Force, the recently retired head of TRANSCOM, and others who understand the central importance of airlift for our services tell us about how vital this aircraft is to the military's air transport needs, we believe it is prudent to take their word for it and plan accordingly.

It is my understanding this amendment has been agreed to on both sides. We are certainly grateful for that. I appreciate the leadership of the floor managers in being able to reach that agreement.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks time? The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to speak in favor of the amendment that I am privileged to cosponsor with my friend from Missouri. He spoke very comprehensively and eloquently about it. I will say a few words and associate myself with everything he has said.

This is all about strategic airlift. It is all about the ability to deploy our forces and the equipment and materials to sustain them to battlefields around the world. The C–17, a remarkable aircraft, has done that with enormous efficiency, reliability, and skill.

I have been around here long enough now that I remember when the military was pleading with us in Congress to authorize and appropriate for the development of a new strategic airlift capacity. It became the C–17. I remember the arguments. The strategic airlift is like the long pole in a tent. If the pole is gone, the tent collapses. If you cannot get your forces, material, and equipment to support them to the field of battle around the world—the fields of battle are not only dispersed around the world but in very different circumstances often without typical or

conventional airfields on which to land—then you can't fight the battle.

From that plea over a period of years came the design and construction of the C–17. I remember the first day I saw the first C–17 fly into an airfield in East Hartford, associated with Pratt & Whitney who, I am proud to say, builds the engines for these planes. It is remarkable. It is an enormous plane. The pilots flew it with an ease and mobility that made it seem like a much smaller plane.

It has performed admirably over the years. Time after time, members of the Armed Services Committee, on which the Senator from Missouri and I are privileged to serve, have heard our warfighting commanders tell us that they don't have enough strategic airlift.

I am privileged to serve as the ranking Democrat on the Airland Subcommittee of the Armed Services Committee. We authorize strategic airlift, and here, too, we have heard over and over, one, about the need and, two, about the enormously impressive performance of the C–17.

It is the heart of our strategic airlift. The Air Force, as my friend from Missouri, Senator TALENT, has said, has contended over and over—and this reaches a level of a plea also—that we need 222 C–17s. That is a position held by the U.S. Transportation Command, which is responsible for the planning and providing of strategic transportation for our military.

Here is the problem and what brings Senator TALENT and I and a very broad group of Senators of both parties to offer this amendment.

A study has recently been completed by the Department of Defense called the Mobility Capabilities Study. It concludes, uniquely—no one else has—that the need now is only for 180 C–17s; again, at odds with the Transportation Command. Here is the problem. If that position holds and we stop production of the C–17 at 180, that would mean production would end in 2008 and the production line would close. It is hard to start it up again—impossible to start it up again. A lot of people around the country, including in Connecticut, will lose their jobs.

There is a fundamental flaw to the Mobility Capabilities Study. It is simply that the case has not been made that we are going to adequately support our military with 180 of these planes. We need 222.

The Mobility Capabilities Study has serious limits and flaws. The first point is that it started several years ago, and its conclusions are based on assumptions that I contend are no longer valid.

Among these that concern me most are the assumptions that the planning scenarios in place during the study, the war situation scenarios, need situation scenarios, are still valid. Also, that there will be no increase in demand from revisions in those planning scenarios, that there will be no increase in what we call intertheater demand—within the theater—demand for strategic airlift, and there will be no significant increase in concurrent demand associated with homeland defense at the same time there are major combat operations overseas underway.

Senator TALENT pointed out that recently the C–17s were used to bring critically important materials into the gulf coast area after Hurricane Katrina struck.

I say that all of these assumptions of the Mobility Capabilities Study, which reached this unique conclusion that we will be safe with 180 C–17s, are suspect. The fact is, the Department of Defense is now looking at some very different military planning scenarios which would occasion very significant demand for the C–17 strategic airlift capacity.

We know that in-theater demand for this capacity has obviously increased in Iraq because of the danger of ground movement, and the C–17s have met that need brilliantly and reliably.

Subsequent insurgencies, the kinds of unconventional conflicts and threats we are likely to face in the years ahead, will also require the kind of unique capacity that this aircraft has to carry an enormous amount of material or personnel and land in very unconventional and different topographies.

There is now, as we know, a Quadrennial Defense Review underway. That is done every 4 years within the Pentagon to sketch out—more than sketch out—to define and delineate the strategic and specific materiel needs of our military to execute the national military strategy. That QDR is underway and probably will address these issues. I personally believe that the QDR will increase the requirement for strategic airlift, not decrease it, as the Mobility Capabilities Study suggests.

This amendment is protection against the implementation of the Mobility Capabilities Study numbers prematurely, of the shutting down of these production lines, of the loss of jobs, and of the inability to meet the strategic airlift needs of our military.

The amendment says the Secretary of the Air Force may execute a multiyear contract for the 42 more airplanes that would bring us to the 222 standing requirement, that the Department of Defense must reconsider the validity of those Mobility Capabilities Study assumptions during the QDR, and that the production line for the C–17s and all component parts must be kept operating at least at a minimum sustaining rate until we are confident of what we need.

This is a hedge against a precipitous and, I would say, dangerous decision made based on a single study done within the Pentagon.

I am grateful for the encouragement and, I hope and believe, support of the chairman of the Armed Services Committee and the ranking Democrat. I thank Senator TALENT for all the work he has done to bring this forward. It has been a pleasure working with him.

I ask my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I strongly endorse the amendment by our colleagues, both the Senator from Missouri and the Senator from Connecticut. They have carefully discussed with us the process by which they arrived at this conclusion. I must say, putting aside a little modesty, years and years ago, I was the one who on several occasions worked with others in this Senate to save the C–17 from even coming into being. We could see the needs into the future.

This plane has been an absolute, rock-solid performer in our inventory of airlift. I think this amendment comes at a critical time, expressing the desires of the Congress. It gives flexibility to the Secretary of the Air Force and the Secretary of Defense to proceed. I strongly support it.

At this time, it may be necessary to put in a quorum call so the matter can be discussed. Is that correct?

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that my friend and colleague from Connecticut, Senator DODD, be added as an original cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. He has been a steadfast and I would go so far as to say a fervent supporter of the C–17 over the years of the existence of this program, and on behalf of Senator TALENT, I ask that when a vote is taken on this amendment, it be taken by rollcall.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we support this amendment. The Secretary's certification that is involved should not be related to the mobility capability study because that will not make any recommendations for changing airlift requirements. The certification should be related to the Quadrennial Defense Review because if there are changes in the national military strategy that affect airlift requirements, those should be reflected in the QDR.

If the Air Force does not buy any more C–17 aircraft after 2007, Boeing may have to close down its production line after delivering the last of 180 C–17s. That would be before we have the testing data on the C–5 upgrades because that data will not be available until 2008.

Given the fact there are some risks those upgrades will not achieve the mission-capable rates the DOD expects and then make it possible for us to meet our lift requirements, this is a positive amendment. It gives some real flexibility and discretion to the Secretary of Defense.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, do I understand the Senators desire a rollcall vote?

Mr. TALENT. That is correct.

Mr. WARNER. 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. WARNER. We will schedule this vote at a time in consultation with our respective leaders. There may be some other matters that we have.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. TALENT. Mr. President, I again thank the chairman and ranking member for their hard work. The Senator from Connecticut and I talked about it. We thought this measure, going to the heart of such an important requirement, was worthy of a rollcall vote. I do appreciate the chairman's patience on that.

Mr. WARNER. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEMINT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. The Senate is now in session on the bill; is that correct?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 2478

Mr. LAUTENBERG. Mr. President, I want to amend my amendment, No. 2478, which I introduced earlier, to include another paragraph to clarify exactly what we mean. I listened to recommendations that we use other language that again further clarifies the intent here.

The intent, very simply, is to say if someone violates the rules for transferring classified information knowingly, then we think they should lose that opportunity for access to that.

That was the sole purpose. I offer it.

Mr. WARNER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent to second-degree my amendment. I send it to the desk for consideration.

Mr. LEVIN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Parliamentary inquiry: It is my understanding the Senator has a right to send a second-degree amendment to the desk without consent.

The PRESIDING OFFICER. The Senator may second-degree his own amendment without consent.

Mr. WARNER. Mr. President, my understanding of the parliamentary situation is that the ruling of the Chair is correct, that a Senator may send an amendment in the second degree. But under the underlying unanimous consent agreement on which we are operating on this bill, all time has to be yielded back before the second-degree amendment may be offered.

The PRESIDING OFFICER. The Senator from New Jersey asked consent to second-degree his amendment. The amendment is not currently the pending question, nor has all time expired on the first-degree amendment, so it is appropriate to ask consent at this time.

Is there objection?

Mr. WARNER. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1316, AS MODIFIED; 1329, AS MODIFIED; 1382, AS MODIFIED; 1410, 1438, 1444, 1469, AS MODIFIED; 1471, 1534, 1543, 1544, AS MODIFIED; 1550, AS MODIFIED; 1559, AS MODIFIED; 1560, AS MODIFIED; 1562, 1567, AS MODIFIED; 1885, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499 TO 1396; 2500, 2501, 2502, 2503, 2504, 2505, AND 2506, EN BLOC

Mr. WARNER. Mr. President, in consultation with the distinguished Senator from Michigan, I send a managers' package of some 40 amendments to the desk which have been cleared by myself and the ranking member.

Mr. LEVIN. Mr. President, the amendments have been cleared on our side.

Mr. WARNER. Mr. President, I ask unanimous consent the Senate consider those amendments en bloc, the amendments be agreed to, and the motions to reconsider be laid upon the table. Finally, I ask unanimous consent that any statements relating to any of these individual amendments be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1316, AS MODIFIED

(Purpose: To authorize, with an offset, an additional $5,000,000 for research, development, test, and evaluation for the Army for the Joint Service Small Arms Program)

At the end of subtitle B of title II, add the following:

SEC. 213. JOINT SERVICE SMALL ARMS PROGRAM.

(a) INCREASED AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $5,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a), $5,000,000 may be available for the Joint Service Small Arms Program.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) is hereby reduced by $5,000,000.

AMENDMENT NO. 1329, AS MODIFIED

(Purpose: To authorize, with an offset, an additional $1,000,000 for procurement for the Marine Corps for General Property for Field Medical Equipment for the Rapid Intravenous (IV) Infusion Pump)

At the end of subtitle C of title I, add the following:

SEC. 124. RAPID INTRAVENOUS INFUSION PUMP.

(a) ADDITIONAL AMOUNT FOR PROCUREMENT FOR THE MARINE CORPS.—The amount authorized to be appropriated by section 102(b) for procurement for the Marine Corps is hereby increased by $1,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 102(b) for procurement for the Marine Corps, as increased by subsection (a), $1,000,000 may be available for General Property for Field Medical Equipment for the Rapid Intravenous (IV) Infusion Pump.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) is hereby reduced by $1,000,000.

AMENDMENT NO. 1382, AS MODIFIED

(Purpose: To require a report on the aircraft of the Army to perform the High-altitude Aviation Training Site of the Army National Guard)

At the end of subtitle C of title III, add the following:

SEC. 330. REPORT ON AIRCRAFT TO PERFORM HIGH-ALTITUDE AVIATION TRAINING SITE

Not later than December 15, 2005, the Secretary of the Army shall submit to the congressional defense committee a report containing the following:

(1) An evaluation of the type of aircraft available in the inventory of the Army that is most suitable to perform the High-altitude Aviation Training Site (HAATS) mission.

(2) A determination of when such aircraft may be available for assignment to the HAATS.

AMENDMENT NO. 1410

(Purpose: To express the sense of Congress concerning actions to support the Nuclear Non-Proliferation Treaty)

On page 296, after line 19, add the following:

SEC. 1205. SENSE OF CONGRESS ON SUPPORT FOR NUCLEAR NON-PROLIFERATION TREATY.

Congress—

(1) reaffirms its support for the objectives of the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (the ''Nuclear Non-Proliferation Treaty'');

(2) expresses its support for all appropriate measures to strengthen the Nuclear Non-Proliferation Treaty and to attain its objectives; and

(3) calls on all parties to the Nuclear Non-Proliferation Treaty—

(A) to insist on strict compliance with the non-proliferation obligations of the Nuclear Non-Proliferation Treaty and to undertake effective enforcement measures against states that are in violation of their obligations under the Treaty;

(B) to agree to establish more effective controls on enrichment and reprocessing technologies that can be used to produce materials for nuclear weapons;

(C) to expand the ability of the International Atomic Energy Agency to inspect and monitor compliance with safeguard agreements and standards to which all states should adhere through existing authority

and the additional protocols signed by the states party to the Nuclear Non-Proliferation Treaty;

(D) to demonstrate the international community's unified opposition to a nuclear weapons program in Iran by—

(i) supporting the efforts of the United States and the European Union to prevent the Government of Iran from acquiring a nuclear weapons capability; and

(ii) using all appropriate diplomatic means at their disposal to convince the Government of Iran to abandon its uranium enrichment program;

(E) to strongly support the ongoing United States diplomatic efforts in the context of the six-party talks that seek the verifiable and irreversible disarmament of North Korea's nuclear weapons programs and to use all appropriate diplomatic means to achieve this result;

(F) to pursue diplomacy designed to address the underlying regional security problems in Northeast Asia, South Asia, and the Middle East, which would facilitate non-proliferation and disarmament efforts in those regions;

(G) to accelerate programs to safeguard and eliminate nuclear weapons-usable material to the highest standards to prevent access by terrorists and governments;

(H) to halt the use of highly enriched uranium in civilian reactors;

(I) to strengthen national and international export controls and relevant security measures as required by United Nations Security Council Resolution 1540;

(J) to agree that no state may withdraw from the Nuclear Non-Proliferation Treaty and escape responsibility for prior violations of the Treaty or retain access to controlled materials and equipment acquired for ''peaceful'' purposes;

(K) to accelerate implementation of disarmament obligations and commitments under the Nuclear Non-Proliferation Treaty for the purpose of reducing the world's stockpiles of nuclear weapons and weapons-grade fissile material; and

(L) to strengthen and expand support for the Proliferation Security Initiative.

AMENDMENT NO. 1438

(Purpose: To redesignate the Naval Reserve as the Navy Reserve)

(The amendment is printed in the RECORD of July 22, 2005, under ''Text of Amendments.''

AMENDMENT NO. 1444

(Purpose: To ensure that any reimbursement for services is retained for fire protection activity)

At the end of subtitle G of title X, add the following:

SEC. 1073. RETENTION OF REIMBURSEMENT FOR PROVISION OF RECIPROCAL FIRE PROTECTION SERVICES.

Section 5 of the Act of May 27, 1955 (chapter 105; 69 Stat. 67; 42 U.S.C. 1856d) is amended—

(1) by striking ''Funds'' and inserting ''(a) Funds''; and

(2) by adding at the end the following new subsection:

''(b) Notwithstanding the provisions of subsection (a), all sums received for any Department of Defense activity for fire protection rendered pursuant to this Act shall be credited to the appropriation fund or account from which the expenses were paid. Amounts so credited shall be merged with funds in such appropriation fund or account and shall be available for the same purposes and subject to the same limitations as the funds with which the funds are merged.''.

AMENDMENT NO. 1469, AS MODIFIED

(Purpose: To renew the moratorium on the return of veterans memorial objects to foreign nations without specific authorization in law)

At the end of subtitle G of title X, add the following:

SEC. 1073. RENEWAL OF MORATORIUM ON RETURN OF VETERANS MEMORIAL OBJECTS TO FOREIGN NATIONS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

Section 1051(c) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 763; 10 U.S.C. 2572 note) is amended by inserting '', and during the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006 and ending on September 30, 2010.

AMENDMENT NO. 1471

(Purpose: To require a study on the deployment times of members of the National Guard and Reserves in the global war on terrorism)

At the end of subtitle C of title V, add the following:

SEC. 538. DEFENSE SCIENCE BOARD STUDY ON DEPLOYMENT OF MEMBERS OF THE NATIONAL GUARD AND RESERVES IN THE GLOBAL WAR ON TERRORISM.

(a) STUDY REQUIRED.—The Defense Science Board shall conduct a study on the length and frequency of the deployment of members of the National Guard and the Reserves as a result of the global war on terrorism.

(b) ELEMENTS.—The study required by subsection (a) shall include the following:

(1) An identification of the current range of lengths and frequencies of deployments of members of the National Guard and the Reserves.

(2) An assessment of the consequences for force structure, morale, and mission capability of deployments of members of the National Guard and the Reserves in the course of the global war on terrorism that are lengthy, frequent, or both.

(3) An identification of the optimal length and frequency of deployments of members of the National Guard and the Reserves during the global war on terrorism.

(4) An identification of mechanisms to reduce the length, frequency, or both of deployments of members of the National Guard and the Reserves during the global war on terrorism.

(c) REPORT.—Not later than May 1, 2006, the Defense Science Board shall submit to the congressional defense committees a report on the study required by subsection (a). The report shall include the results of the study and such recommendations as the Defense Science Board considers appropriate in light of the study.

AMENDMENT NO. 1534

(Purpose: To permit the Department of Defense and other Federal agencies to enter into reciprocal agreements with fire organizations for emergency medical services, hazardous material containment, and other emergency services)

On page 286, between lines 7 and 8, insert the following:

SEC. 1073. EXPANSION OF EMERGENCY SERVICES UNDER RECIPROCAL AGREEMENTS.

Subsection (b) of the first section of the Act of May 27, 1955 (69 Stat. 66, chapter 105; 42 U.S.C. 1856(b)) is amended by striking ''and fire fighting'' and inserting '', fire fighting, and emergency services, including basic and advanced life support, hazardous material containment and confinement, and special rescue events involving vehicular and water mishaps, and trench, building, and confined space extractions''.

AMENDMENT NO. 1543

(Purpose: To authorize the Secretary of Energy to carry out certain new plant projects for defense nuclear non-proliferation activities)

On page 372, line 3, insert after ''$1,637,239,000'' the following: '', of which amount $338,565,000 shall be available for project 99–D–143, the Mixed Oxide Fuel Fabrication Facility, Savannah River Site, Aiken, South Carolina, and $24,000,000 shall be available fro project 99–D–141, the Pit Disassembly and Conversion Facility, Savannah River Site, Aiken, South Carolina''.

AMENDMENT NO. 1544, AS MODIFIED

(Purpose: To authorize, with an offset, an additional $6,000,000 for Research, Development, Test, and Evaluation, Navy, for research and development on Long Wavelength Array low frequency radio astronomy instruments)

At the end of subtitle B of title II, add the following:

SEC. 213. LONG WAVELENGTH ARRAY LOW FREQUENCY RADIO ASTRONOMY INSTRUMENTS.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $6,000,000.

(b) AVAILABILITY OF AMOUNT.—

(1) IN GENERAL.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by subsection (a), $6,000,000 may be available for research and development on Long Wavelength Array low frequency radio astronomy instruments.

(2) CONSTRUCTION WITH OTHER AMOUNTS.—The amount available under paragraph (1) for the purpose set forth in that paragraph is in addition to any other amounts available under this Act for that purpose.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force is hereby reduced by $6,000,000.

AMENDMENT NO. 1550, AS MODIFIED

(Purpose: To improve national security through the establishment of a Civilian Linguist Reserve Corps Pilot Project within the Department of Defense comprised of citizens fluent in foreign languages who would be available to provide translation services and related duties, as needed)

On page 48, line 21, strike ''$18,584,469,000'' and insert ''$18,581,369,000''.

At the appropriate place, insert the following:

SEC. ___. PILOT PROJECT FOR CIVILIAN LINGUIST RESERVE CORPS.

(a) ESTABLISHMENT.—The Secretary of Defense (referred to in this section as the ''Secretary''), through the National Security Education Program, shall conduct a 3-year pilot project to establish the Civilian Linguist Reserve Corps, which shall be composed of United States citizens with advanced levels of proficiency in foreign languages who would be available, upon request from the President, to perform any services or duties with respect to such foreign languages in the Federal Government as the President may require.

(b) IMPLEMENTATION.—In establishing the Civilian Linguist Reserve Corps, the Secretary, after reviewing the findings and recommendations contained in the report required under section 325 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2393), shall—

(1) identify several foreign languages that are critical for the national security of the

United States and the relative priority of each such language;

(2) identify United States citizens with advanced levels of proficiency in those foreign languages who would be available to perform the services and duties referred to in subsection (a);

(3) cooperate with other Federal agencies with national security responsibilities to implement a procedure for calling for the performance of the services and duties referred to in subsection (a); and

(4) implement a call for the performance of such services and duties.

(c) CONTRACT AUTHORITY.—In establishing the Civilian Linguist Reserve Corps, the Secretary may enter into contracts with appropriate agencies or entities.

(d) FEASIBILITY STUDY.—During the course of the pilot project, the Secretary shall conduct a study of the best practices in implementing the Civilian Linguist Reserve Corps, including—

(1) administrative structure;

(2) languages to be offered;

(3) number of language specialists needed for each language;

(4) Federal agencies who may need language services;

(5) compensation and other operating costs;

(6) certification standards and procedures;

(7) security clearances;

(8) skill maintenance and training; and

(9) the use of private contractors to supply language specialists.

(e) REPORTS.—

(1) EVALUATION REPORTS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter until the expiration of the 3-year period beginning on such date of enactment, the Secretary shall submit to Congress an evaluation report on the pilot project conducted under this section.

(B) CONTENTS.—Each report required under subparagraph (A) shall contain information on the operation of the pilot project, the success of the pilot project in carrying out the objectives of the establishment of a Civilian Linguist Reserve Corps, and recommendations for the continuation or expansion of the pilot project.

(2) FINAL REPORT.—Not later than 6 months after the completion of the pilot project, the Secretary shall submit to Congress a final report summarizing the lessons learned, best practices, and recommendations for full implementation of the Civilian Linguist Reserve Corps.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $3,100,000 for fiscal year 2006 to carry out the pilot project under this section.

(g) OFFSET.—The amounts authorized to be appropriated by section 301(4) are hereby reduced by $3,100,000 from operation and maintenance, Air Force.

AMENDMENT NO. 1559, AS MODIFIED

(Purpose: To increase by $1,000,000 the amount authorized to be appropriated to the Army for research, development, test, and evaluation, to be available for research on and facilitation of technology for converting obsolete chemical munitions to fertilizer, and to provide an offset)

On page 28, between lines 10 and 11, insert the following:

SEC. 203. FUNDING FOR DEVELOPMENT OF DISTRIBUTED GENERATION TECHNOLOGIES.

(a) INCREASE IN FUNDS AVAILABLE TO ARMY FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army maybe increased by $1,000,000, with the amount of such increase to be available for research on and facilitation of technology for converting obsolete chemical munitions to fertilizer.

(b) REDUCTION IN FUNDS AVAILABLE TO AIR FORCE.—The amount authorized to be appropriated by section 301(4) for the Air Force is hereby reduced by $1,000,000.

AMENDMENT NO. 1560, AS MODIFIED

(Purpose: To increase by $1,500,000 the amount authorized to be appropriated to the Navy for research within the High-Brightness Electron Source program, and to provide an offset)

On page 28, between lines 10 and 11, insert the following:

SEC. 203. FUNDING FOR RESEARCH AND TECHNOLOGY TRANSITION FOR HIGH-BRIGHTNESS ELECTRON SOURCE PROGRAM.

(a) INCREASE IN FUNDS AVAILABLE TO NAVY FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy maybe increased by $1,500,000.

(b) REDUCTION IN FUNDS AVAILABLE TO ARMY FOR PROCUREMENT, AMMUNITION.—The amount authorized to be appropriated by section 301(4) for the Air Force is hereby reduced by $1,500,000.

AMENDMENT NO. 1562

(Purpose: To designate the annex to the E. Barrett Prettyman Federal Building and United States Courthouse located at 333 Constitution Avenue Northwest in the District of Columbia as the ''William B. Bryant Annex'')

On page 371, between lines 8 and 9, insert the following:

SEC. 2887. DESIGNATION OF WILLIAM B. BRYANT ANNEX.

(a) DESIGNATION.—The annex to the E. Barrett Prettyman Federal Building and United States Courthouse located at 333 Constitution Avenue Northwest in the District of Columbia shall be known and designated as the ''William B. Bryant Annex''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the annex referred to in subsection (a) shall be deemed to be a reference to the ''William B. Bryant Annex''.

AMENDMENT NO. 1567, AS MODIFIED

(Purpose: To modify the exclusion from officer distribution and strength limitations of officers serving in intelligence community positions)

At the end of subtitle A of title V, add the following:

SEC. 509. APPLICABILITY OF OFFICER DISTRIBUTION AND STRENGTH LIMITATIONS TO OFFICERS SERVING IN INTELLIGENCE COMMUNITY POSITIONS.

(a) IN GENERAL.—Section 528 of title 10, United States Code, is amended to read as follows:

''§ 528. Exclusion: officers serving in certain intelligence positions

''(a) EXCLUSION OF OFFICER SERVING IN CERTAIN CIA POSITIONS.—When either of the individuals serving in a position specified in subsection (b) is an officer of the armed forces, one of those officers, while serving in such position, shall be excluded from the limitations in sections 525 and 526 of this title while serving in such position.

''(b) COVERED POSITIONS.—The positions referred to in this subsection are the following:

''(1) Director of the Central Intelligence Agency.

''(2) Deputy Director of the Central Intelligence Agency.

''(c) ASSOCIATE DIRECTOR OF CIA FOR MILITARY SUPPORT.—An officer of the armed forces serving in the position of Associate Director of the Central Intelligence Agency for Military Support, while serving in that position, shall be excluded from the limitations in sections 525 and 526 of this title while serving in such position.

''(d) OFFICERS SERVING IN OFFICE OF DNI.—Up to 5 general and flag officers of the armed forces assigned to positions in the Office of the Director of National Intelligence designated by agreement between the Secretary of Defense and the Director of National Intelligence shall be excluded from the limitations in sections 525 and 526 of this title while serving in such positions.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 32 of such title is amended by striking the item relating to section 528 and inserting the following new item:

''528. Exclusion: officers serving in certain intelligence positions.''.

AMENDMENT NO. 1885

(Purpose: To authorize the Secretary of the Navy to provide for the welfare of Special Category Residents at Naval Station Guantanamo Bay, Cuba)

At the end of subtitle C of title III, add following:

SEC. 330. WELFARE OF SPECIAL CATEGORY RESIDENTS AT NAVAL STATION GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—The Secretary of the Navy may provide for the general welfare, including subsistence, housing, and health care, of any person at Naval Station Guantanamo Bay, Cuba, who is designated by the Secretary, not later than 90 days after the date of the enactment of this Act, as a so-called ''special category resident''.

(b) PROHIBITION ON CONSTRUCTION OF FACILITIES.—The authorization in subsection (a) shall not be construed as an authorization for the construction of new housing facilities or medical treatment facilities.

(c) CONSTRUCTION OF PRIOR USE OF FUNDS.—The provisions of chapter 13 of title 31, United States Code, are hereby deemed not to have applied to the obligation or expenditure of funds before the date of the enactment of this Act for the general welfare of persons described in subsection (a).

AMENDMENT NO. 2484

(Purpose: To authorize, with an offset, an additional $1,000,000 for research, development, test, and evaluation for the Army for Warhead/Grenade Scientific Based Manufacturing Technology)

At the end of subtitle B of title II, add the following:

SEC. 213. WARHEAD/GRENADE SCIENTIFIC BASED MANUFACTURING TECHNOLOGY.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR THE ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $1,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a), $1,000,000 may be available for Weapons and Ammunition Technology (PE#602624A) for Warhead/Grenade Scientific Based Manufacturing Technology.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) for operation and maintenance, Air Force activities is hereby reduced by $1,000,000.

AMENDMENT NO. 2485

(Purpose: To establish the National Foreign Language Coordination Council to develop and implement a foreign language strategy)

(The amendment is printed in today's Record under ''Text of Amendments.'')

AMENDMENT NO. 2486

(Purpose: To provide, with an offset, an additional $16,000,000 for Operation and Maintenance, Army, for the Point of Maintenance/Arsenal/Depot AIT Initiative)

At the end of subtitle C of title III, add the following:

SEC. 330. POINT OF MAINTENANCE/ARSENAL/DEPOT AIT INITIATIVE.

(a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, ARMY.—The amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army is hereby increased by $10,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army, as increased by subsection (a), $16,000,000 may be available for the Point of Maintenance/Arsenal/Depot AIT (AD–AIT) Initiative.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) is hereby reduced by $10,000,000, with the amount of the reduction to be derived from amounts authorized to be appropriated by that section for the Air Force.

AMENDMENT NO. 2487

(Purpose: To provide, with an offset, an additional $4,500,000 for Operation and Maintenance, Army, for procurement of the RI-2200 and RI-2400 Long Arm High-Intensity Arc Metal Halide Handheld Searchlight)

At the end of subtitle C of title III, add the following:

SEC. 330. LONG ARM HIGH-INTENSITY ARC METAL HALIDE HANDHELD SEARCHLIGHT.

(a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, ARMY.—The amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army is hereby increased by $4,500,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army, as increased by subsection (a), $4,500,000 may be available for the Long Arm High-Intensity Arc Metal Halide Handheld Searchlight.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) is hereby reduced by $4,500,000, with the amount of the reduction to be derived from amounts authorized to be appropriated by that section for the Air Force.

AMENDMENT NO. 2488

(Purpose: To support the acquisition of foreign language skills among participants in the Reserve Officers' Training Corps)

On page 92, after line 25, add the following:

SEC. 538. PROMOTION OF FOREIGN LANGUAGE SKILLS AMONG MEMBERS OF THE RESERVE OFFICERS' TRAINING CORPS.

(a) IN GENERAL.—The Secretary of Defense shall support the acquisition of foreign language skills among cadets and midshipmen in the Reserve Officers' Training Corps, including through the development and implementation of—

(1) incentives for cadets and midshipmen to participate in study of a foreign language, including special emphasis for Arabic, Chinese, and other ''strategic languages'', as defined by the Secretary of Defense in consultation with other relevant agencies; and

(2) a recruiting strategy to target foreign language speakers, including members of heritage communities, to participate in the Reserve Officers' Training Corps.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the actions taken to carry out this section.

AMENDMENT NO. 2489

(Purpose: To make available, with an offset, $3,000,000 for Research, Development, Test, and Evaluation, Air Force, for assurance for the Field Programmable Gate Array)

At the end of subtitle B of title II, add the following:

SEC. 213. FIELD PROGRAMMABLE GATE ARRAY.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $3,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by subsection (a), $3,000,000 may be available for Space Technology (PE # 0602601F) for research and development on the reliability of field programmable gate arrays for space applications, including design of an assurance strategy, reference architectures, research and development on reliability and radiation hardening, and outreach to industry and localities to develop core competencies.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) is hereby reduced by $3,000,000.

AMENDMENT NO. 2490

(Purpose: To provide for Department of Defense support of certain Paralympic sporting events)

At the end of subtitle C of title III, add the following:

SEC. ____. DEPARTMENT OF DEFENSE SUPPORT FOR CERTAIN PARALYMPIC SPORTING EVENTS.

(a) PROVISION OF SUPPORT.—Subsection (c) of section 2564 of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(4) A sporting event sanctioned by the United States Olympic Committee through the Paralympic Military Program.

''(5) A national or international Paralympic sporting event (other than one covered by paragraph (3) or (4))—

''(A) which is—

''(i) held in the United States or any of its territories or commonwealths;

''(ii) governed by the International Paralympic Committee; and

''(iii) sanctioned by the United States Olympic Committee; and

''(B) for which participation exceeds 100 amateur athletes.''.

(b) FUNDING AND LIMITATIONS.—Such section is further amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) the following new subsection:

''(d) FUNDING FOR SUPPORT OF CERTAIN EVENTS.—(1) Funds to provide support for a sporting event described in paragraph (4) or (5) of subsection (c) shall be derived from the Support for International Sporting Competitions, Defense account established by section 5802 of Public Law 104–208 (110 Stat. 3009–522), notwithstanding any limitation in such section relating to the availability of funds in such account for support of international sporting competitions.

''(2) The total amount that may be expended in any fiscal year to provide support for a sporting event described in paragraph (5) of subsection (c) may not exceed $1,000,000.''.

AMENDMENT NO. 2491

(Purpose: To delay until September 30, 2007, the limitation on the procurement by the Department of Defense of systems that are not equipped with the Global Positioning System)

At the end of subtitle E of title II, add the following:

SEC. 244. DELAYED EFFECTIVE DATE FOR LIMITATION ON PROCUREMENT OF SYSTEMS NOT GPS-EQUIPPED.

(a) DELAYED EFFECTIVE DATE.—Section 152(b) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1578), as amended by section 218(e) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1952; 10 U.S.C. 2281 note), is further amended by striking ''2005'' and inserting ''2007''.

(b) RATIFICATION OF ACTIONS.—Any obligation or expenditure of funds by the Department of Defense during the period beginning on October 1, 2005, and ending on the date of the enactment of this Act to modify or procure a Department of Defense aircraft, ship, armored vehicle, or indirect-fire weapon system that is not equipped with a Global Positioning System receiver is hereby ratified.

AMENDMENT NO. 2492

(Purpose: To make available, with an offset, additional amounts for defense basic research programs)

At the end of subtitle B of title II, add the following:

SEC. 213. DEFENSE BASIC RESEARCH PROGRAMS.

(a) ARMY PROGRAMS.—(1) The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $10,000,000.

(2) Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by paragraph (1), $10,000,000 may be available for Program Element 0601103A for University Research Initiatives.

(b) NAVY PROGRAMS.—(1) The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $5,000,000.

(2) Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by paragraph (1), $5,000,000 may be available for Program Element 0601103N for University Research Initiatives.

(c) AIR FORCE PROGRAMS.—(1) The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $10,000,000.

(2) Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by paragraph (1), $10,000,000 may be available for Program Element 0601103F for University Research Initiatives.

(d) DEFENSE-WIDE ACTIVITIES.—(1) The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by $15,000,000.

(2) Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, as increased by paragraph (1)—

(A) $10,000,000 may be available for Program Element 0601120D8Z for the SMART National Defense Education Program; and

(B) $5,000,000 may be available for Program Element 0601101E for the Defense Advanced Research Projects Agency University Research Program in Computer Science and Cybersecurity.

(e) OFFSETS.—(1) The amount authorized to be appropriated by section 301(c), Operation and Maintenance, Navy, is hereby reduced by $40,000,000.

AMENDMENT NO. 2493

(Purpose: To improve the provision relating to clarification of authority of military legal assistance counsel)

On page 96, strike lines 19 and 20 and insert the following:

''(2) Military legal assistance may be provided only by a judge advocate or a civilian attorney who is a member of the bar of a Federal court or of the highest court of a State.

''(3) In this subsection, the term 'military legal assistance' includes—

AMENDMENT NO. 2494

(Purpose: To provide an education loan repayment program for chaplains in the Selected Reserve)

At the end of subtitle E of title VI, add the following:

SEC. 653. EDUCATION LOAN REPAYMENT PROGRAM FOR CHAPLAINS IN THE SELECTED RESERVE.

(a) IN GENERAL.—Chapter 1609 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 16303. Education loan repayment program: chaplains serving in the Selected Reserve

''(a) AUTHORITY TO REPAY EDUCATION LOANS.—Under regulations prescribed by the Secretary of Defense and subject to the provisions of this section, the Secretary concerned may, for purposes of maintaining adequate numbers of chaplains in the Selected Reserve, repay a loan that—

''(1) was used by a person described in subsection (b) to finance education resulting in a Masters of Divinity degree; and

''(2) was obtained from an accredited theological seminary as listed in the Association of Theological Schools (ATS) handbook.

''(b) ELIGIBLE PERSONS.—(1) Except as provided in paragraph (2), a person described in this subsection is a person who—

''(A) satisfies the requirements specified in subsection (c);

''(B) holds, or is fully qualified for, an appointment as a chaplain in a reserve component of an armed force; and

''(C) signs a written agreement to serve not less than three years in the Selected Reserve.

''(2) A person accessioned into the Chaplain Candidate Program is not eligible for the repayment of loans under subsection (a).

''(c) ACADEMIC AND PROFESSIONAL REQUIREMENTS.—The requirements specified in this subsection are such requirements for accessioning and commissioning of chaplains as are prescribed by the Secretary concerned in regulations.

''(d) LOAN REPAYMENT.—(1) Subject to paragraph (2), the repayment of a loan under this section may consist of payment of the principal, interest, and related expenses of such loan.

''(2) The amount of any repayment of a loan made under this section on behalf of a person may not exceed $20,000 for each three year period of obligated service that the person agrees to serve in an agreement described in subsection (b)(3). Of such amount, not more than an amount equal to 50 percent of such amount may be paid before the completion by the person of the first year of obligated service pursuant to such agreement. The balance of such amount shall be payable at such time or times as are prescribed by the Secretary concerned in regulations.

''(e) EFFECT OF FAILURE TO COMPLETE OBLIGATION.—A person on behalf of whom repayment of a loan is made under this section who fails, during the period of obligated service the person agrees to serve in an agreement described in subsection (b)(3), to serve satisfactorily in the Selected Reserve may, at the election of the Secretary concerned, be required to pay the United States an amount equal to any amount of repayments made on behalf of the person in connection with the agreement.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1609 of such title is amended by adding at the end the following new item:

''16303. Education loan repayment program: chaplains serving in the Selected Reserve.''.

AMENDMENT NO. 2495

(Purpose: To modify and improve the National Call to Service program)

At the end of subtitle F of title V, add the following:

SEC. 573. NATIONAL CALL TO SERVICE PROGRAM.

(a) LIMITATION TO DOMESTIC NATIONAL SERVICE PROGRAMS.—Subsection (c)(3)(D) of section 510 of title 10, United States Code, is amended by striking ''in the Peace Corps, Americorps, or another national service program'' and inserting ''in Americorps or another domestic national service program''.

(b) ADMINISTRATION OF EDUCATION INCENTIVES BY SECRETARY OF VETERANS AFFAIRS.—Paragraph (2) of subsection (h) of such section is amended to read as follows:

''(2)(A) Educational assistance under paragraphs (3) or (4) of subsection (e) shall be provided through the Department of Veterans Affairs under an agreement to be entered into by the Secretary of Defense and the Secretary of Veterans Affairs. The agreements shall include administrative procedures to ensure the prompt and timely transfer of funds from the Secretary concerned to the Secretary of Veterans Affairs for the making of payments under this section.

''(B) Except as otherwise provided in this section, the provisions of sections 503, 511, 3470, 3471, 3474, 3476, 3482(g), 3483, and 3485 of title 38 and the provisions of subchapters I and II of chapter 36 of such title (with the exception of sections 3686(a), 3687, and 3692) shall be applicable to the provision of educational assistance under this chapter. The term 'eligible veteran' and the term 'person', as used in those provisions, shall be deemed for the purpose of the application of those provisions to this section to refer to a person eligible for educational assistance under paragraph (3) or (4) of subsection (e).''.

AMENDMENT NO. 2496

(Purpose: To provide for the policy of the Department of Defense on the recruitment and enlistment of home schooled individuals in the Armed Forces)

At the end of subtitle B of title V, add the following:

SEC. 522. RECRUITMENT AND ENLISTMENT OF HOME SCHOOLED STUDENTS IN THE ARMED FORCES.

(a) POLICY ON RECRUITMENT AND ENLISTMENT.—

(1) POLICY REQUIRED.—The Secretary of Defense shall prescribe a policy on the recruitment and enlistment of home schooled students in the Armed Forces.

(2) UNIFORMITY ACROSS THE ARMED FORCES.—The Secretary shall ensure that the policy prescribed under paragraph (1) applies, to the extent practicable, uniformly across the Armed Forces.

(b) ELEMENTS.—The policy under subsection (a) shall include the following:

(1) An identification of a graduate of home schooling for purposes of recruitment and enlistment in the Armed Forces that is in accordance with the requirements described in subsection (c).

(2) Provision for the treatment of graduates of home schooling with no practical limit with regard to enlistment eligibility.

(3) An exemption of graduates of home schooling from the requirement for a secondary school diploma or an equivalent (GED) as a precondition for enlistment in the Armed Forces.

(c) HOME SCHOOL GRADUATES.—In prescribing the policy, the Secretary of Defense shall prescribe a single set of criteria to be utilized by the Armed Forces in determining whether an individual is a graduate of home schooling. The Secretary concerned shall ensure compliance with education credential coding requirements.

(d) SECRETARY CONCERNED DEFINED.—In this section, the term ''Secretary concerned'' has the meaning given such term in section 101(a)(9) of title 10, United States Code.

AMENDMENT NO. 2497

(Purpose: To make available, with an offset, $10,000,000 for Project Sheriff)

At the end of subtitle B of title II, add the following:

SEC. 213. PROJECT SHERIFF.

(a) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, the amount available for the Force Transformation Directorate may be increased by $10,000,000, with the amount of the increase to be available for Project Sheriff.

(b) OFFSET.—Of the amount authorized to be appropriated by section 301(4) is hereby reduced by $10,000,000.

AMENDMENT NO. 2498

(Purpose: To make available, with an offset, an additional $5,000,000 for Research, Development, Test, and Evaluation, Army, for Medium Tactical Vehicle Modifications)

At the end of subtitle B of title II, add the following:

SEC. 213. MEDIUM TACTICAL VEHICLE MODIFICATIONS.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(1) for Research, Development, Test, and Evaluation for the Army, is hereby increased by $5,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(1) for Research, Development, Test, and Evaluation for the Army, as increased by subsection (a), $5,000,000 may be available for Medium Tactical Vehicle Modifications.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) for Operation and Maintenance for the Air Force is hereby reduced by $5,000,000.

AMENDMENT NO. 2499 TO AMENDMENT NO. 1396

(Purpose: To make a technical correction)

On page 2, line 16, strike ''$3,008,982,000'' and insert ''$3,108,982,000''.

AMENDMENT NO. 2500

(Purpose: To extend by one year the date of the final report of the advisory panel on laws and regulations on acquisition practices and to require an interim report)

At the end of subtitle E of title VIII, add the following:

SEC. 846. REPORTS OF ADVISORY PANEL ON LAWS AND REGULATIONS ON ACQUISITION PRACTICES.

(a) EXTENSION OF FINAL REPORT.—Section 1423(d) of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108–136; 117 Stat. 1669; 41 U.S.C. 405 note) is amended by striking ''one year'' and inserting ''two years''.

(b) REQUIREMENT FOR INTERIM REPORT.—That section is further amended—

(1) by inserting ''(1)'' before ''Not later than''; and

(2) by adding at the end the following new paragraph:

''(2) Not later than one year after the date of the establishment of the panel, the panel shall submit to the official and committees referred to in paragraph (1) an interim report on the matters set forth in that paragraph.''.

AMENDMENT NO. 2501

At the appropriate place, insert the following:

(a) FINDINGS.—

(1) According to the Department of State, drug trafficking organizations shipped approximately nine tons of cocaine to the United States through the Dominican Republic in 2004, and are increasingly using small, high-speed watercraft.

(2) Drug traffickers use the Caribbean corridor to smuggle narcotics to the United States via Puerto Rico and the Dominican Republic. This route is ideal for drug trafficking because of its geographic expanse, numerous law enforcement jurisdictions and fragmented investigative efforts.

(3) The tethered aerostat system in Lajas, Puerto Rico contributes to deterring and detecting smugglers moving illicit drugs into Puerto Rico. The aerostat's range and operational capabilities allow it to provide surveillance coverage of the eastern Caribbean corridor and the strategic waterway between Puerto Rico and the Dominican Republic, known as the Mona Passage.

(4) Including maritime radar on the Lajas aerostat will expand its ability to detect suspicious vessels in the eastern Caribbean corridor.

(b) SENSE OF THE SENATE.—Given the above findings, it is the Sense of the Senate that—

(1) Congress and the Department of Defense fully fund the Counter-Drug Tethered Aerostat program.

(2) Department of Defense install maritime radar on the Lajas, Puerto Rico aerostat.

AMENDMENT NO. 2502

(Purpose: To modify the designation of facilities and resources constituting the Major Range and Test Facility Base)

At the end of subtitle E of title II, add the following:

SEC. 244. DESIGNATION OF FACILITIES AND RESOURCES CONSTITUTING THE MAJOR RANGE AND TEST FACILITY BASE.

(a) DEPARTMENT OF DEFENSE TEST RESOURCE MANAGEMENT CENTER.—Section 196(h) of title 10, United States Code, is amended by striking ''Director of Operational Test and Evaluation'' and inserting ''Secretary of Defense''.

(b) INSTITUTIONAL FUNDING OF TEST AND EVALUATION ACTIVITIES.—Section 232(b)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2490) is amended by striking ''Director of Operational Test and Evaluation'' and inserting ''Secretary of Defense''.

AMENDMENT NO. 2503

(Purpose: To authorize the Secretary of Energy to purchase certain essential mineral rights and resolve natural resource damage liability claims)

On page 378, between lines 10 and 11, insert the following:

SEC. 3114. ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE.

(a) DEFINITIONS.—In this section:

(1) ESSENTIAL MINERAL RIGHT.—The term ''essential mineral right'' means a right to mine sand and gravel at Rocky Flats, as depicted on the map.

(2) FAIR MARKET VALUE.—The term ''fair market value'' means the value of an essential mineral right, as determined by an appraisal performed by an independent, certified mineral appraiser under the Uniform Standards of Professional Appraisal Practice.

(3) MAP.—The term ''map'' means the map entitled ''Rocky Flats National Wildlife Refuge'', dated July 25, 2005, and available for inspection in appropriate offices of the United States Fish and Wildlife Service and the Department of Energy.

(4) NATURAL RESOURCE DAMAGE LIABILITY CLAIM.—The term ''natural resource damage liability claim'' means a natural resource damage liability claim under subsections (a)(4)(C) and (f) of section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) arising from hazardous substances releases at or from Rocky Flats that, as of the date of enactment of this Act, are identified in the administrative record for Rocky Flats required by the National Oil and Hazardous Substances Pollution Contingency Plan prepared under section 105 of that Act (42 U.S.C. 9605).

(5) ROCKY FLATS.—The term ''Rocky Flats'' means the Department of Energy facility in the State of Colorado known as the ''Rocky Flats Environmental Technology Site''.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(7) TRUSTEES.—The term ''Trustees'' means the Federal and State officials designated as trustees under section 107(f)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(f)(2)).

(b) PURCHASE OF ESSENTIAL MINERAL RIGHTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, such amounts authorized to be appropriated under subsection (c) shall be available to the Secretary to purchase essential mineral rights at Rocky Flats.

(2) CONDITIONS.—The Secretary shall not purchase an essential mineral right under paragraph (1) unless—

(A) the owner of the essential mineral right is a willing seller; and

(B) the Secretary purchases the essential mineral right for an amount that does not exceed fair market value.

(3) LIMITATION.—Only those funds authorized to be appropriated under subsection (c) shall be available for the Secretary to purchase essential mineral rights under paragraph (1).

(4) RELEASE FROM LIABILITY.—Notwithstanding any other law, any natural resource damage liability claim shall be considered to be satisfied by—

(A) the purchase by the Secretary of essential mineral rights under paragraph (1) for consideration in an amount equal to $10,000,000;

(B) the payment by the Secretary to the Trustees of $10,000,000; or

(C) the purchase by the Secretary of any portion of the mineral rights under paragraph (1) for—

(i) consideration in an amount less than $10,000,000; and

(ii) a payment by the Secretary to the Trustees of an amount equal to the difference between—

(I) $10,000,000; and

(II) the amount paid under clause (i).

(5) USE OF FUNDS.—

(A) IN GENERAL.—Any amounts received under paragraph (4) shall be used by the Trustees for the purposes described in section 107(f)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(f)(1)), including—

(i) the purchase of additional mineral rights at Rocky Flats; and

(ii) the development of habitat restoration projects at Rocky Flats.

(B) CONDITION.—Any expenditure of funds under this paragraph shall be made jointly by the Trustees.

(C) ADDITIONAL FUNDS.—The Trustees may use the funds received under paragraph (4) in conjunction with other private and public funds.

(6) EXEMPTION FROM NATIONAL ENVIRONMENTAL POLICY ACT.—Any purchases of mineral rights under this subsection shall be exempt from the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(7) ROCKY FLATS NATIONAL WILDLIFE REFUGE.—

(A) TRANSFER OF MANAGEMENT RESPONSIBILITIES.—The Rocky Flats National Wildlife Refuge Act of 2001 (16 U.S.C. 668dd note; Public Law 107–107) is amended—

(i) in section 3175—

(I) by striking subsections (b) and (f); and

(II) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively; and

(ii) in section 3176(a)(1), by striking ''section 3175(d)'' and inserting ''section 3175(c)''.

(B) BOUNDARIES.—Section 3177 of the Rocky Flats National Wildlife Refuge Act of 2001 (16 U.S.C. 668dd note; Public Law 107–107) is amended by striking subsection (c) and inserting the following:

''(c) COMPOSITION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the refuge shall consist of land within the boundaries of Rocky Flats, as depicted on the map—

''(A) entitled 'Rocky Flats National Wildlife Refuge';

''(B) dated July 25, 2005; and

''(C) available for inspection in the appropriate offices of the United States Fish and Wildlife Service and the Department of Energy.

''(2) EXCLUSIONS.—The refuge does not include—

''(A) any land retained by the Department of Energy for response actions under section 3175(c);

''(B) any land depicted on the map described in paragraph (1) that is subject to 1 or more essential mineral rights described in section 3114(a) of the National Defense Authorization Act for Fiscal Year 2006 over which the Secretary shall retain jurisdiction of the surface estate until the essential mineral rights—

''(i) are purchased under subsection (b) of that Act; or

''(ii) are mined and reclaimed by the mineral rights holders in accordance with requirements established by the State of Colorado; and

''(C) the land depicted on the map described in paragraph (1) on which essential mineral rights are being actively mined as of the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 until—

''(i) the essential mineral rights are purchased; or

''(ii) the surface estate is reclaimed by the mineral rights holder in accordance with requirements established by the State of Colorado.

''(3) ACQUISITION OF ADDITIONAL LAND.—Notwithstanding paragraph (2), upon the purchase of the mineral rights or reclamation of the land depicted on the map described in paragraph (1), the Secretary shall—

''(A) transfer the land to the Secretary of the Interior for inclusion in the refuge; and

''(B) the Secretary of the Interior shall—

''(i) accept the transfer of the land; and

''(ii) manage the land as part of the refuge.''.

(c) FUNDING.—Of the amounts authorized to be appropriated to the Secretary for the Rocky Flats Environmental Technology Site

for fiscal year 2006, $10,000,000 may be made available to the Secretary for the purposes described in subsection (b).

AMENDMENT NO. 2504

(Purpose: To authorize, with an offset, an additional $4,000,000 for research, development, test, and evaluation for the Air Force for Aging Military Aircraft Fleet Support)

At the end of subtitle B of title II, add the following:

SEC. 213. AGING MILITARY AIRCRAFT FLEET SUPPORT.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR THE AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $4,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by subsection (a), $4,000,000 may be available for Program Element #63112F for Aging Military Aircraft Fleet Support.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) for operation and maintenance for Air Force activities is hereby reduced by $4,000,000.

AMENDMENT NO. 2505

(Purpose: To make United States nationals eligible for appointment to the Senior Reserve Officers' Training Corps)

At the end of subtitle C of title V, add the following:

SEC. 537. ELIGIBILITY OF UNITED STATES NATIONALS FOR APPOINTMENT TO THE SENIOR RESERVE OFFICERS' TRAINING CORPS.

(a) IN GENERAL.—Section 2107(b)(1) of title 10, United States Code, is amended by inserting ''or national'' after ''citizen''.

(b) ARMY RESERVE OFFICERS TRAINING PROGRAMS.—Section 2107a(b)(1) of such title is amended by inserting ''or national'' after ''citizen''.

(c) ELIGIBILITY FOR APPOINTMENT AS COMMISSIONED OFFICERS.—Section 532(f) of such title is amended by inserting '', or for a United States national otherwise eligible for appointment as a cadet or midshipman under section 2107(a) of this title or as a cadet under section 2107a of this title,'' after ''for permanent residence''.

AMENDMENT NO. 2506

(Purpose: To require a report on cooperation between the Department of Defense and the National Aeronautics and Space Administration on research, development, test, and evaluation activities)

At the end of subtitle E of title II, add the following:

SEC. 244. REPORT ON COOPERATION BETWEEN THE DEPARTMENT OF DEFENSE AND THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ON RESEARCH, DEVELOPMENT, TEST, AND EVALUATION ACTIVITIES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration shall jointly submit to Congress a report setting forth the recommendations of the Secretary and the Administrator regarding cooperative activities between the Department of Defense and the National Aeronautics and Space Administration related to research, development, test, and evaluation on areas of mutual interest to the Department and the Administration.

(b) AREAS COVERED.—The areas of mutual interest to the Department of Defense and the National Aeronautics and Space Administration referred to in subsection (a) may include, but not be limited to, areas relating to the following:

(1) Aeronautics research.

(2) Facilities, personnel, and support infrastructure.

(3) Propulsion and power technologies.

(4) Space access and operations.

Mr. WARNER. Mr. President, I ask unanimous consent that time until 11:30 a.m. tomorrow be equally divided in the usual form, and that at 11:30 the Senate proceed to a vote in relation to the Dorgan amendment No. 2476, to be followed by a vote in relation to the Talent amendment No. 2477, with no second degrees in order to those amendments prior to the votes; further, that there be 3 minutes equally divided between the votes.

Mr. LEVIN. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the Senate will soon vote to approve the fiscal year 2006 Defense authorization bill. The passage of this legislation is important to all Americans who are now serving in the U.S. Armed Forces, but especially to those who are serving in harm's way.

Our troops in Iraq and Afghanistan require all the support that our Nation can give them until the day that they can return to their homes. Our military prides itself in being the most capable and the best trained fighting force in the entire world. The Constitution places in Congress the responsibility to ''raise and support armies'' and to ''provide and maintain a navy.'' It is therefore of the greatest importance that Congress provide our troops with the equipment that they need for their dangerous missions.

The wars that continue in Iraq and Afghanistan are unlike the conflicts that the United States has fought in the past two decades. In the first Persian Gulf War or Kosovo, our military depended on high-tech aircraft and smart bombs to quickly overwhelm our enemies. Today, in Iraq, our awesome airpower is of limited use. The wars in Iraq and Afghanistan are, by and large, the wars of the soldier and the marine. These are the wars of the foot soldier, carried out in the hostile streets of foreign cities. These troops do not enjoy the near-invulnerability of stealth aircraft or cruise missiles. Our troops do not see the enemy as a blip on a radar screen, because often the enemy is seen eye to eye.

With this being the reality of urban warfare, there must be a new focus on providing our ground troops with the equipment that they need to fight and survive in the urban combat environment. The Defense authorization bill reported by the Armed Services Committee makes steps in this direction. It authorizes $1.4 billion in spending to protect our troops serving overseas. This figure includes $500 million to detect and destroy roadside bombs, $344 million for up-armored HMMWVs, and $118 million for body armor.

But more must be done to provide our troops with the next generation of weapons that will help our troops prevail in ground combat. More needs to be done to apply the technology that allows our military to dominate the air and the seas to build a new generation of weapons that will allow our troops to dominate the ground. One such technology that deserves investigation is the SPIKE missile system currently being developed by the Navy. The SPIKE missile is designed to be a low-cost, lightweight, precision-guided rocket that would allow our troops to accurately engage enemies at great range. If this technology is successful, it could provide our ground troops with the same sort of revolutionary advantage that precision-guided munitions provided to our advanced aircraft a decade ago.

There are also emerging opportunities for the use of unmanned aerial vehicles to support the warfighter on the ground. While important UAVs like Global Hawk provide intelligence about what is going on in large sections of a country, our ground troops often need to know what is happening on the other side of a hill. Smaller UAVs can provide our troops with a decisive advantage in urban environments. Important projects like SWARM, being developed by Augusta Systems in Morgantown, are exploring ways to allow small UAVs to work together to seek out our enemies on the battlefield, eliminating the chance that our troops could be taken by surprise. The next step is to use small UAVs as ways to strike first, before our ground troops come into the range of our enemy's weapons. Our military is only beginning to tap the growing potential of UAV technology to support our troops on the ground.

The Department of Defense is currently engaged in the Quadrennial Defense Review, a top-to-bottom study of our military strategy, posture, and equipment that will guide this Nation's defense research and development and procurement policies for the next 4 years. With this review underway, it is an ideal opportunity to place a new emphasis on bringing cutting-edge technology to our troops on the ground in Iraq and Afghanistan. I urge the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the other Pentagon officials who are carrying out this study to broaden their view of what our troops require.

The QDR should propose new technologies to protect our troops from the threats that they face in combat, and it should also accelerate the development of new weapons systems that allow our soldiers to dominate the battlefield in urban environments. The Department of Defense should place these efforts on the top of its priorities: we should not wait for the next war to give our troops the advantage of new, high-tech weapons. Instead, the Pentagon and Congress should make every effort to arm our troops with the next generation of technology, today. For so long as our troops are serving in

harm's way, we must give them not only the armor and protection, but also the weapons, that they need to ensure that they will come home safely.

Mr. FEINGOLD. Mr. President, last night the Senate passed an amendment that I offered to this bill that represents another step toward enhancing and strengthening transition services that are provided to our military personnel and builds upon an amendment that I offered to this bill last year. I want to thank the chairman and the ranking member of the Armed Services Committee for working with me to accept this amendment.

As the Senate conducts its business today, thousands of our brave men and women in uniform are in harm's way in Iraq, Afghanistan, and elsewhere around the globe. These men and women serve with distinction and honor, and we owe them our heartfelt gratitude.

We also owe them our best effort to ensure that they receive the benefits to which their service in our Armed Forces has entitled them. I have heard time and again from military personnel and veterans who are frustrated with the system by which they apply for benefits or appeal claims for benefits. I have long been concerned that tens of thousands of our veterans are unaware of Federal health care and other benefits for which they may be eligible, and I have undertaken numerous legislative and oversight efforts to ensure that the Department of Veterans Affairs makes outreach to our veterans and their families a priority.

While we should do more to support our veterans, we must also ensure that the men and women who are currently serving in our Armed Forces receive adequate pay and benefits, as well as services that help them to make the transition from active duty to civilian life. I am concerned that we are not doing enough to support our men and women in uniform as they prepare to retire or otherwise separate from the service or, in the case of members of our National Guard and Reserve, to demobilize from active-duty assignments and return to their civilian lives while staying in the military or preparing to separate from the military. We must ensure that their service and sacrifice, which is much lauded during times of conflict, is not forgotten once the battles have ended and our troops have come home.

Earlier this year I introduced legislation, the Veterans Enhanced Transition Services Act, VETS Act, which would help to ensure that all military personnel have access to the same transition services as they prepare to leave the military to reenter civilian life, or, in the case of members of the National Guard and Reserve, as they prepare to demobilize from active-duty assignments and return to their civilian lives and jobs or education while remaining in the military.

I have heard from a number of Wisconsinites and members of military and veterans service organizations that our men and women in uniform do not all have access to the same transition counseling and medical services as they are demobilizing from service in Iraq, Afghanistan, and elsewhere. I have long been concerned about reports of uneven provision of services from base to base and from service to service. All of our men and women in uniform have pledged to serve our country, and all of them, at the very least, deserve to have access to the same services in return.

I am pleased that the VETS Act is supported by a wide range of groups that are dedicated to serving our men and women in uniform and veterans and their families. These groups include: the American Legion; the Enlisted Association of the National Guard of the United States; the National Coalition for Homeless Veterans; the Paralyzed Veterans of America; the Reserve Officers Association; the Veterans of Foreign Wars; the Wisconsin Department of Veterans Affairs; the Wisconsin National Guard; the American Legion, Department of Wisconsin; Disabled American Veterans, Department of Wisconsin; the Wisconsin Paralyzed Veterans of America; the Veterans of Foreign Wars, Department of Wisconsin; and the Wisconsin State Council, Vietnam Veterans of America.

I introduced similar legislation during the 108th Congress, and I am pleased that a provision that I authored which was based on that bill was enacted as part of the fiscal year 2005 Defense authorization bill.

In response to concerns I have heard from a number of my constituents, my amendment, in part, directed the Secretaries of Defense and Labor to jointly explore ways in which DoD training and certification standards could be coordinated with Government and private sector training and certification standards for corresponding civilian occupations. The Secretaries of Defense and Labor submitted their report, ''Study on Coordination of Job Training Standards with Certification Standards for Military Occupational Specialties,'' in September of this year. It is my hope that this report will serve as a useful tool as the Departments seek to help military personnel who wish to pursue civilian employment related to their military specialties to make the transition from the military to comparable civilian jobs.

In addition, this amendment required the Government Accountability Office, GAO, to undertake a comprehensive analysis of existing transition services for our military personnel that are administered by the Departments of Defense, Veterans Affairs, and Labor, and to make recommendations to Congress on how these programs can be improved. My amendment required GAO to focus on two issues: how to achieve the uniform provision of appropriate transition services to all military personnel, and the role of post-deployment and predischarge health assessments as part of the larger transition program. GAO released its study ''Military and Veterans' Benefits: Enhanced Services Could Improve Transition Assistance for Reserves and National Guard'' in May 2005, and it plans to release its study on health assessments in the near future.

In July of this year, GAO provided testimony on its transition services report to the House Committee on Veterans Affairs Subcommittee on Economic Opportunity. That hearing could not have been more timely. We owe it to our men and women in uniform to improve transition programs now as we continue to welcome home thousands of military personnel who are serving our country in Iraq, Afghanistan, and elsewhere. I commend the Departments of Defense, Veterans Affairs, and Labor for the steps they have taken thus far to improve these important programs. We should not miss an opportunity to help the men and women who are currently serving our country, and I am pleased that the chairman and the ranking member agreed to accept a number of provisions from my legislation as an amendment to the fiscal year 2006 Defense authorization bill.

Under current law, the Department of Defense, together with the Departments of Veterans Affairs, VA, and Labor, provide preseparation counseling for military personnel who are preparing to leave the Armed Forces through the Transition Assistance Program/Disabled Transition Assistance Program, TAP/DTAP. This counseling provides servicemembers with valuable information about benefits that they have earned through their service to our country such as education benefits through the GI Bill and health care and other benefits through the VA. Personnel also learn about programs such as Troops to Teachers and have access to employment assistance for themselves and, where appropriate, their spouses.

My amendment would ensure that National Guard and Reserve personnel who are on active duty for at least 180 days are able to participate in this important counseling prior to being demobilized. In its recent report on transition services, GAO found that ''[d]uring their rapid demobilization, the Reserve and National Guard members may not receive all the information on possible benefits to which they are entitled. Notably, certain education benefits and medical coverage require servicemembers to apply while they are still on active duty. However, even after being briefed, some Reserve and National Guard members were not aware of the timeframes within which the needed to act to secure certain benefits before returning home. In addition, most members of the Reserves and National Guard did not have the opportunity to attend an employment workshop during demobilization.''

In response to these findings, GAO recommended that ''DoD, in conjunction with DoL and the VA, determine

what demobilizing Reserve and National Guard members need to make a smooth transition and explore options to enhance their participation in TAP.'' GAO also recommended that ''VA take steps to determine the level of participation in DTAP to ensure those who may have especially complex needs are being served.''

In addition to ensuring that all discharging and demobilizing military personnel are able to participate in TAP/DTAP, we should take steps to improve the uniformity of services provided to personnel by ensuring that consistent transition briefings occur across the services and at all demobilization/discharge locations. In its report, GAO noted that ''[t]he delivery of TAP may vary in terms of the amount of personal attention participants receive, the length of the components, and the instructional methods used.'' We should make every effort to ensure that those who have put themselves in harm's way on our behalf have access to the same transition services no matter their discharge/demobilization location or the branch of the Armed Forces in which they serve. I look forward to reviewing the Department's progress on GAO's recommendations in this area.

In order to improve the breadth of information provided to Members during TAP/DTAP, my amendment would require preseparation counseling programs to include the provision of information regarding certification and licensing requirements in civilian occupations and information on identifying military occupations that have civilian counterparts, information concerning veterans small business ownership and entrepreneurship programs offered by the Federal Government, information concerning employment and reemployment rights and veterans preference in Federal employment and Federal procurement opportunities, information concerning housing counseling assistance, and a description of the health care and other benefits to which the member may be entitled through the Department of Veterans Affairs.

In addition to the uneven provision of transition services, I have long been concerned about the immediate and long-term health effects that military deployments have on our men and women in uniform. I regret that, too often, the burden of responsibility for proving that a condition is related to military service falls on the personnel themselves. Our men and women in uniform deserve the benefit of the doubt, and should not have to fight the Department of Defense or the VA for benefits that they have earned through their service to our Nation.

Since coming to the Senate in 1993, I have worked to focus attention on the health effects that are being experienced by military personnel who served in the Persian Gulf war. More than 10 years after the end of the gulf war, we still don't know why so many veterans of that conflict are experiencing medical problems that have become known as gulf war illness. Military personnel who are currently deployed to the Persian Gulf region face many of the same conditions that existed in the early 1990s. I have repeatedly pressed the Departments of Defense and Veterans Affairs to work to unlock the mystery of this illness and to study the role that exposure to depleted uranium may play in this condition. We owe it to these personnel to find these answers, and to ensure that those who are currently serving in the Persian Gulf region are adequately protected from the many possible causes of gulf war illness.

Part of the process of protecting the health of our men and women in uniform is to ensure that the Department of Defense carries out its responsibility to provide post-deployment physicals for military personnel. I am deeply concerned about stories of personnel who are experiencing long delays as they wait for their post-deployment physicals and who end up choosing not to have these important physicals in order to get home to their families that much sooner. I am equally concerned about reports that some personnel who did not receive such a physical—either by their own choice or because such a physical was not available—are now having trouble as they apply for benefits for a service-connected condition.

I firmly believe, as do the military and veterans groups that support my bill, that our men and women in uniform are entitled to a prompt, high quality physical examination as part of the demobilization process. These individuals have voluntarily put themselves into harm's way for our benefit. We should ensure that the Department of Defense makes every effort to determine whether they have experienced, or could experience, any health effects as a result of their service. Thus I am pleased that the fiscal year 2005 defense authorization bill included a provision to tighten the requirement for a predischarge/post-demobilization health assessment.

It is vitally important that these assessments include a mental health component. Our men and women in uniform serve in difficult circumstances far from home, and too many of them witness or experience violence and horrific situations that most of us cannot even begin to imagine. I have heard concerns that these brave men and women, many of whom are just out of high school or college when they sign up, may suffer long-term physical and mental fallout from their experiences and may feel reluctant to seek counseling or other assistance to deal with their experiences.

Some Wisconsinites have told me that they are concerned that the multiple deployments of our National Guard and Reserve could lead to chronic post-traumatic stress disorder, PTSD, which could have its roots in an experience from a previous deployment and which could come to the surface by a triggering event that is experienced on a current deployment. The same is true for full-time military personnel who have served in a variety of places over their careers. I am pleased that the Senate has already accepted an amendment offered by the Senator from Louisiana, Ms. LANDRIEU, that will require that personnel receive mental health screenings prior to deployment into a combat zone, not later than 30 days after return from such a deployment, and not later than 120 days after return from such a deployment.

We can and should do more to ensure that the mental health of our men and women in uniform is a top priority, and that the stigma that is too often attached to seeking assistance is ended. One step in this process is to ensure that personnel who have symptoms of PTSD and related illnesses have access to appropriate clinical services, through DoD, the VA, or a private sector health care provider. To that end, my amendment would require that the health care professionals who are assessing demobilizing military personnel provide all personnel who may need followup care for a physical or psychological condition with information on appropriate resources through DoD or the VA and in the private sector that these personnel may use to access additional followup care if they so choose.

I commend the Assistant Secretary of Defense for Health Affairs for issuing in March 2005 a memorandum to the Assistant Secretaries for the Army, Navy, and Air Force directing them to extend the Pentagon's current post-deployment health assessment process to include a reassessment of ''global health with a specific emphasis on mental health'' to occur 3 to 6 months post-deployment. At a hearing of the Senate Armed Services Committee's Personnel Subcommittee earlier this year, the Assistant Secretary stated that the services were in the process of implementing a program that would include a ''screening procedure with a questionnaire and a face-to-face interaction at about three months'' post-deployment. He also noted that the idea for this program came from ''front line people'' and that he ''asked them . . . 'do you think we should make it mandatory?' and the answer was: yes.'' This sentiment makes it even more important that the initial post-deployment mental health assessment be strengthened and that it be mandatory as well so that health care professionals have a benchmark against which to measure the results of the followup screening process. I am pleased that the Pentagon has undertaken this effort, and I believe that the provisions in Senator LANDRIEU's amendment and in my amendment will further enhance this process and help to ensure that we are properly caring for the mental health of our men and women in uniform.

In addition, in order to ensure that all military personnel who are eligible

for medical benefits from the VA learn about and receive these benefits, my amendment would require that, as part of the demobilization process, assistance be provided to eligible members to enroll in the VA health care system.

Finally, my amendment will require the Secretary of Defense, in consultation with the Secretaries of Labor and Veterans Affairs, to report to Congress on the actions taken by those Departments to ensure that the Transition Assistance Program is functioning effectively to provide members with timely and comprehensive transition assistance. As part of the report, the Secretary will be required to include a review of transition assistance that has been/is being provided to members deployed as part of Operation Iraqi Freedom, Operation Enduring Freedom, in support of other contingency operations, and members of the National Guard who were activated in support of relief efforts following Hurricanes Katrina and Rita. I look forward to reviewing this report.

Again, I thank the chairman and the ranking member for their assistance on this important issue.

Mr. LIEBERMAN. Mr. President, I rise to bring my colleagues' attention to a provision in sections 231–235 in the Defense authorization bill titled ''High Performance Defense Manufacturing Technology Research and Development.''

I introduced this legislation with my colleague Senator COLLINS to address erosion in our defense manufacturing base that threatens our national security and ultimately our economy overall. We are running major deficits with China in defense critical manufacturing areas, such as computer hardware—$25 billion—and electronics machinery and parts—$23 billion—as U.S. production drifts offshore. We are transferring major portions of our circuit board, semiconductor, machine tool, and weapon system metal casting manufacturing to China and other nations because of lower wage and lower production costs. Without productivity breakthroughs, the U.S. defense manufacturing base will continue to erode.

In the high-tech sector, manufacturing needs and research and development needs are highly correlated. As a result, research and development, R&D, centers are often located near manufacturing facilities. If we continue to lose the manufacturing base, we may well lose over time critical research and development capabilities and damage our ability to innovate. And if we hurt both of those we may also lose our military technical leadership. This ultimately puts our warfighters in harms way. Clearly, the Department of Defense (DOD) has a huge stake in rebuilding the defense manufacturing base.

The DOD needs advanced manufacturing technologies and processes to achieve productivity breakthroughs to drive down costs in mature defense supply sectors. But it also needs advanced manufacturing techniques to spark the next generation of advances in defense related technologies; technologies that our warfighters deserve. This legislation proposes four basic things.

One, it calls, in section 231, for a R&D effort focused on developing new advanced manufacturing technology and information technology, IT, operating models. The Under Secretary of Defense for Acquisition, Technology, and Logistics, acting through the Director of Defense Research and Engineering and with other appropriate defense programs and agencies such as the Manufacturing Technology Program, the Defense Advanced Research Projects Agency, DARPA, and other defense research activities, is to undertake research and development to develop critical manufacturing productivity breakthrough approaches and the technologies and systems to support them—section 231(b)(1). These could include such breakthrough opportunity areas as distributed and desktop manufacturing, quality inspection that is built into the production process, small lot manufacturing that is as cost-efficient as mass production, use of revolutionary materials and methods of fabrication, and the ability to manufacture devices and machines at the nanoscale. Productivity breakthroughs will ultimately help reduce weapon systems costs and support surge capacity.

The legislation also directs the Under Secretary of the Defense for Acquisition, Technology, and Logistics to undertake R&D to develop a new model, an extended production enterprise—section 231(b)(2)—using IT and new business models, that integrates services, design, and manufacturing stages, to achieve major new efficiencies and cost savings. Included as part of this research effort, the development of the interoperable software for the extended production enterprise, and the corresponding interoperability standards behind it should also be a focus working with the defense industries to develop the organizational model required.

Two, the legislation directs DOD's Manufacturing Technology Program, ManTech, to undertake technology transition including prototyping and test beds—section 232(a) and (b)—for new manufacturing processes and technologies that emerge from this R&D effort. Collaboration established through a memorandum of agreement—section 232(a)(2)—between DDRE, ManTech, and other appropriate DOD organizations is needed to ensure an efficient transition of manufacturing technologies from the research stage described above to ManTech, which will undertake the development of prototypes and testbeds—section 232(b). ManTech currently is funded at $237 million for fiscal year 2005, all of which is directly tied to the near term needs of the Services. The Joint Defense Manufacturing Technology Panel, which has coordination responsibility for manufacturing research in DOD, does not have funding independent of the Services to initiate new efforts focusing on longer term, higher risk, higher payoff technologies and processes. Thus, the programs currently underway at ManTech are short-term focused projects addressing immediate needs. ManTech needs to balance the current shorter term portfolio by including a focus on longer term, higher risk manufacturing processes and technology development that are industry game changers and yield big efficiencies and cost savings to DOD.

Additionally, the Under Secretary of Defense for Acquisition, Technology, and Logistics should coordinate activities within ManTech—section 232(b)(2)—with activities under the Small Business Innovation Research Program, SBIR, and the Small Business Technology Transfer Program, STTR. Executive Order 13329, entitled ''Encouraging Innovation in Manufacturing,'' requires all SBIR/STTR Programs to give priority to research programs that help to advance innovation in manufacturing. ManTech could benefit significantly from this work currently underway.

Working with industry, ManTech should develop a new program to utilize these new manufacturing improvements and processes in the defense manufacturing base—section 232(c). A key way for ManTech to achieve this would be by collaboratively developing and issuing a new performance threshold—a new benchmark system—to ensure ongoing quality and continuous focus on improved and innovative manufacturing procedures developed through the R&D and prototyping described above. Results from the R&D on manufacturing technologies and processes and on the extended production enterprise would be incorporated into the new performance threshold which could become a new DOD acquisition standard—section 232(c)—for procurement. Similar to the quality focused initiative, 6 Sigma, a program aimed to improve process reproducibility and reliability by eliminating defects and process output variation, this new standard would be disseminated into industry where similar efficiencies and productivity gains could be realized. In order to encourage full adoption of the new manufacturing improvements and processes, including a new performance standard, incentives for contractors in the defense manufacturing base to incorporate and utilize the manufacturing enhancements should subsequently be developed by ManTech—section 232(d)(4).

Third, it establishes mechanisms to efficiently disseminate technological developments to the broader defense manufacturing base—section 232(d)—including outreach through the Department of Commerce's Manufacturing Partnership program, section 232(d)(2), an established program proven to be effective in assisting small and mid-sized

American manufacturers, including numerous defense manufacturers and suppliers. It has traditionally focused on providing technical assistance in manufacturing operational efficiency and quality and is now evaluating additional roles in providing tools and assistance to promote innovation. DOD could use this existing mechanism to help it reach its defense manufacturing base with these advances.

The Under Secretary of Defense for Acquisition, Technology, and Logistics should also consider outreach through public-private partnerships—section 232(d)(1). Because the prototyping and engineering development stages are extremely expensive, collaborative facilities and testbeds—section 232(b)(1)—should be established to severely reduce the risk, cost, and time of development for new technologies important for national defense. These centers should also educate and train researchers and employees to help assure smooth production process implementation. Such shared facilities, cost shared with both large and small participating firms that are world-class centers for production development, could potentially solve a key DOD problem in technology transition.

Specifically, in implementing the prototype and testbed provisions, section 232(b), the Under Secretary of Defense for Acquisition, Technology, and Logistics can consider establishing one or more pilot manufacturing centers in manufacturing fields important to the production of advanced defense technologies. These centers can be shared production facilities of the Federal Government and the private sector that focus on production development including the invention prototyping and engineering development stages. For example, the Under Secretary of Defense for Acquisition, Technology, and Logistics could permit the participation of State and local governments and could carry out a competition to determine the optimal private sector participants in any manufacturing center.

Fourth, the legislation—section 233—directs the Under Secretary of Defense for Acquisition, Technology, and Logistics to identify and develop a strategy working with industry in a technology area beneficial to the military where a technology development roadmap and strategy is needed to ensure the manufacturing technologies and processes are available to support this breakthrough technology. Consideration should be given to next generation technologies such as advanced micromanufacturing and nanomanufacturing, other emerging process technologies, model based enterprise, intelligent systems, enterprise integration and knowledge applications. A task force should be established, in cooperation with the private sector, to map a cross-service strategy for fabrication processes and technologies needed to support the roadmaps identified.

Importantly, this legislation not only would fund the needed research in manufacturing technologies and processes but provides the structure to bring the technology to utilization, to avoid the problem of leaving valuable technology ''on the shelf.'' Additionally, it initiates the development of a long-term vision for the Department around manufacturing technologies and processes needed for our military.

I would like to point out that this legislation is based on the manufacturing recommendations from the National Innovation Initiative report released by the Council on Competitiveness in December, a report supported by prominent business, academic, and government leaders.

Additionally, I received letters from two key manufacturing organizations supporting this proposal, the Association for Manufacturing Technology, AMT, and National Coalition for Advanced Manufacturing, NACFAM, which stress the critical importance of passing this legislation.

And lastly, I would like to reiterate that this legislation is in line with the Executive order issued by President Bush to encourage innovation in manufacturing in Federal agencies, including through SBIR and STTR to assist the private sector, especially small businesses in manufacturing innovation efforts.

This legislation will help move the U.S. defense manufacturing base ahead of global competition as well as provide support for new technologies that we are at risk of losing. The aim of this legislation is a first step in an overall effort needed to preserve our military excellence and national security.

Mr. MCCAIN. Mr. President, I want to speak briefly in favor of a provision in the Department of Defense authorization bill that would require the Department to study the feasibility of procuring satellite capacity through multiyear contracts. I worked with Chairman WARNER and Ranking Member LEVIN to address this issue in the underlying bill, and while I am pleased that the committee's leadership has accepted the provision, I am disappointed that Congress must once again request the Department to study this issue.

Last year, Congress included a provision in the Department of Defense authorization bill to require the Department to scrutinize its commercial satellite capacity procurement practices and report to Congress its findings and recommendations. That study was completed, albeit after the statutory deadline and too late for many of the recommendations to be implemented in this year's authorization bill. The study also failed to specifically review the issue of multiyear contracting. Therefore, Congress will be more explicit this year in its request and will once again await the Department's findings.

The study on multiyear contracting is necessary because many in the satellite industry and the Government question whether the Department of Defense's general policy of procuring leased satellite capacity on a year-to-year basis is resulting in the best price for the Government and the taxpayers. In contrast to the Government, other entities purchasing leased satellite capacity for communications services, such as CNN and FOX, negotiate multiyear contracts and are receiving lower prices for the same services. The Federal Government, with the Department of Defense as the main buyer, is the world's largest consumer of leased satellite capacity and, as such, the Government should be able to negotiate the lowest price and the most flexible terms for leased satellite capacity.

Last year, the Government Accountability Office studied the Department's procurement process for leased satellite capacity and found that the Department's procedures were uncoordinated, frustrating for military commanders, and overly expensive to U.S. taxpayers. Using the results of the GAO study, along with the Department's study completed this year and the findings on the multiyear contract issue, I hope Congress will finally have the necessary information to consider wholesale satellite procurement reforms during next year's authorization process.

Mr. SESSIONS. Mr. President, when the Senate was considering S. 1042, the National Defense Authorization Act for fiscal year 2006, earlier this year, there was rather extensive debate over a $4 million funding item called the Robust Nuclear Earth Penetrator, RNEP. This item was a feasibility study to be conducted by the Department of Energy to determine whether an existing nuclear weapon could be modified so that it could destroy hardened and deeply buried targets.

Since the time of our earlier debate on this matter, our colleagues on the Appropriations Committee have completed work on the conference report for Energy and Water appropriations. The conferees have reached agreement on appropriations for the Department of Energy and have agreed to eliminate funding for continued research on the Robust Nuclear Earth Penetrator at the request of the National Nuclear Security Administration.

In light of this outcome and the elimination of funding, an amendment to S. 1042 has been cleared on both sides which will remove the authorization for the Department of Energy to continue the feasibility study.

I note for my colleagues, however, that the Senate Armed Services Committee received a letter from Gen. James Cartwright, the Commander of U.S. Strategic Command, dated November 1,2005, which emphasizes the need for continued work on earth penetrating weapons which can be either nuclear or conventional. General Cartwright states his support for research to validate computer models of the impact physics of penetrating warheads into hard surface geologies. What the general is essentially saying is: Just

because the funds have gone away doesn't mean that the problem has gone away.

I think the general's statement is very reasonable. I would hope that with the tremendous investment that this Congress directs into defense research and development, at some point and in some fashion, we could work together to address the military need the general has identified.

Mr. KOHL. Mr. President, the decisions made by the Base Realignment and Closure Commission are final. All around the country communities are now forced to deal with the difficult reality of how to approach the redevelopment and transfer of a local military facility that is being closed. In my State of Wisconsin, the city of Milwaukee is faced with the difficult prospect of what to do after the 440th Airlift Wing leaves Mitchell Field. The community, the State, and our congressional delegation fought long and hard to protect the proud men and women of the 440th, but we were not able to convince the Commission that closing the 440th would be a mistake.

Senator SNOWE offered an amendment that I believe will make the process of transferring and redeveloping base properties easier and faster. Senator SNOWE proposed to allow the property to go directly to a local redevelopment agent and avoid the current complicated and time consuming process. A faster process means a quicker return to economic vitality, and I support that.

Senator SNOWE also proposed that the local community not have to pay for the land the Federal Government is giving up. It is only fitting that in these communities that have given so much to our military men and women that we give something back. Pulling up stakes and removing an important economic engine is bad enough, but to then expect the redevelopers to pay for the land as well just adds insult to injury. It is unfortunate that this amendment that will make the transition process easier for Milwaukee and communities around the country was not accepted.

Mr. LIEBERMAN. Mr. President, U.S. competitiveness in the high-tech sector of semiconductors, an important enabler in today's world providing the basis for nearly all electronic products and systems used in both consumer and military applications, is at risk. As we all are aware, global competition is on the rise, U.S. basic research investment is on the decline, and there is serious concern regarding the U.S. science and technology talent base. These issues have long been a concern of mine not only for the health of our economy but also for maintaining and preserving our national security. I released a whitepaper back in June of 2003 titled ''National Security Aspects of the Global Migration of the U.S. Semiconductor Industry'' that discusses and highlights the importance of addressing the accelerating shift in manufacturing overseas. Historically, shifts in manufacturing result over time in migration of research and development which, unfortunately, means we will be essentially offshoring our innovation capacity itself. In the March 21, 2005, edition of Business Week, the cover story article titled ''Outsourcing Innovation'' exactly addresses this issue. The article discusses how Western corporations began offshoring manufacturing in the 1980s and 1990s to increase efficiency and to focus on research and development and proceeds to say how ''that pledge has now passed.'' Companies such as Dell, Motorola, and Phillips are buying designs of digital devices from abroad, slightly altering the device, and then branding the product with their name.

In addition, there is another aspect of the semiconductor industry that cannot be overlooked, the limitation of Moore's Law. There will soon be physical barriers blocking the continued diminution of transistor size, and the financial barriers will become even more extraordinary. This situation would inevitably lead to the slowing or stopping of chip manufacturer's progress unless we bring nanotechnology to fruition in the semiconductor world.

I think it is pretty clear that it is more important than ever to create an environment in the United States which promotes research and development and fosters innovation. The Defense Science Board Task Force released to the Congress in April 2005 the final report titled ''High Performance Microchip Supply'' which was in part a response to the issues I raised in my 2003 report. The report outlines a series of recommendations to help ensure the long-term health of the U.S. microchip design, development, and manufacturing industries. The report emphasizes the importance of maintaining technical superiority in the semiconductor industry in order to lead in the application of electronics to support the warfighter. This lead is critical to the foundation of the next generation of U.S. security strategy network centric warfare superiority. The report specifically stresses the need for trusted and assured suppliers of integrated circuit components and emphasizes that ''trust cannot be added to integrated circuits after fabrication; electrical testing and reverse engineering cannot be relied upon to detect undesired alterations in military integrated circuits.'' Beyond highlighting the threat of IC device compromise, the report also highlights the risk associated with reliance on foreign suppliers to access high-performance microelectronics in time of war when quick response or surge capacity is needed and additionally, the report stresses the longer term risk of losing leading edge R&D in a technology area central to our economy. This latter point was a particular emphasis of my 2003 report referenced previously and this new report agrees.

The DSB report calls for the Department of Defense's senior officials to advocate that a strongly competitive U.S. semiconductor base is not only a Department of Defense goal but should also be a national priority. Because DSB finds that research and development is closely coupled with a solid manufacturing base, and the U.S. semiconductor manufacturing base is going abroad, the United States will soon start to lose its R&D skill base which is essential for not only U.S. defense systems but general economic competitiveness.

Given the low production volume of Department of Defense microelectronics parts, the report also recommends that the Department of Defense, working with the semiconductor industry and fabrication equipment suppliers, develops a cost-effective technology for the design and fabrication of low production volume, leading edge technology given the low volume demands of the Department of Defense.

It states that an overall vision is needed that develops an approach to meet Department of Defense needs before a supply source becomes an emergency. This requires funding research that will sustain our technical superiority; the trusted foundry agreements assist in solving the immediate problems, not the longer term. Included in the overall vision, a plan is needed specifically for a Department of Defense acquisition strategy that encompasses both short- and long-term technology, acquisition and manufacturing capabilities to assure an ongoing supply of trusted microelectronic components.

Although U.S. leadership in chip design does not in and of itself assure the trustworthiness of the microelectronic parts, it does put the Department of Defense in a superior position to potential adversaries whose systems rely on U.S. based suppliers. The Department of Defense needs to sustain this U.S. leadership by investing in research programs and ensuring a domestic supply of scientists and engineers who are skilled in this area. New programmable chip technology, which has intricate designs and therefore is more difficult to validate, is needed and efforts to develop next generation technologies in this area should be pursued.

This DSB report clearly stresses the need for immediate action and lists key recommendations to help the Department of Defense develop not only a short-term plan to address the immediate needs but, importantly, a longer term vision as well. By the end of 2005, there will be 59 300 mm fabrication plants worldwide with only 16 of these located in the United States. The United States cannot wait much longer; we need to address the global competitiveness issue today.

The Department of Defense has been telling us for a year or more to wait for the Defense Science Board report. It has now finally arrived and an actual Department of Defense ''action plan'' to implement these recommendations

is needed. This is why I along with Senator CORNYN proposed an amendment, No. 2446, to the Defense Authorization Act, S. 1042, asking the Department of Defense to develop this action plan. I am pleased to see this amendment has been adopted unanimously by the Senate.

The United States historically has lost manufacturing sectors as product cycles matured but our innovation system always filled that void by creating new sectors, opportunities, jobs and higher standards of living. I want to see that trend continue, and this amendment asks the Department of Defense to form a sound plan in this technology area.

MORNING BUSINESS

Mr. WARNER. 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.

ENERGY PRICES

Mr. DORGAN. Madam President, we have come from a Commerce-Energy Committee joint hearing with the CEOs of the major energy companies. They came to talk to us about the price of energy.

I made the point this morning—I know the Presiding Officer was also there and made the points she wished to make—as we go into the winter season, those who are trying to figure out how they afford home heating fuel, natural gas, propane, and so on, take a look at the newspapers and see the highest profits in history for the oil companies. They are the ones, the consumers, who will have to bear the pain. Heat your home in the winter or try to figure out how you are going to pay the fuel bill in the spring if you are a farmer or a rancher. These prices are going to eat away all the profit that existed, and then some, with respect to family farmers in my State. That is according to estimates that come from the farm organization and from economists who have looked at it.

The question for family farmers who are being ripped by these energy prices or people who drive to the gas pumps or people who are figuring out how to heat their homes is, Is anybody going to do anything about it? You have all the gain on this side and all the pain on this side. All the gain with the big energy companies, the big oil companies, the major integrated oil companies, bigger, stronger, with more raw muscle power in the marketplace because of block buster mergers, and all the pain on the other side, the consumers.

Especially in a State that is an agricultural State where we rely on family farmers as a significant part of our economic base, knowing that those family farmers operate on a thin margin, knowing that they are trying to figure out how to pay energy costs going into spring planting and fertilizer costs and so on, knowing that it is going to wipe away any net profit they would have, any opportunity for a net profit next year, they are saying to this Congress: Talk is cheap. What are you going to do? Will Congress take some action? Will Congress take action to ease the pain and provide some fairness and restore fairness? I hope so.

I won't go into great detail about the action I think we should take. I have done that many times on the floor with respect to a Windfall Profits Rebate Act, to rebate to consumers a portion of these profits.

My hope is that in the shadow of the hearings we held today, Congress will be ready to take some action with respect to energy price issues.

FIRING OF DAVID GUNN

Mr. DORGAN. Madam President, I have received a press statement, issued moments ago, from the Amtrak National Rail Passenger Corporation board of directors. Four members on the board of directors represent membership appointed by the President. Two of them are recess appointments not given the stamp of approval by the Senate. The four members of the board of directors at Amtrak this morning decided to fire David Gunn, president of Amtrak.

David Gunn is not anybody's crony. He happens to be an appointment that is smart, tough, with experience in the area. He has run Amtrak like a true champion. He ran afoul of the White House when the White House decided they wanted to shut down Amtrak, shut down long-distance trains and effectively get rid of Amtrak.

David Gunn was the president of Amtrak. He and others fought to maintain rail passenger service and fought to persuade this Congress to fund Amtrak. The administration recommended zero funding for Amtrak. The Congress didn't agree. So the Congress funded Amtrak in a manner that would allow it to continue to be a national rail passenger system. Apparently, David Gunn doesn't measure up to the White House, and so they got the board of directors this morning to fire him. Incidentally, two of the recess appointments on the board of directors, one from New Jersey, one from Florida, will have some kind of rail passenger service no matter what happens to Amtrak. All those folks who live on the east coast, from Boston to Florida, they probably are always going to have a train running down that little strip on the eastern seaboard. I can understand these two members of the board, neither of whom were confirmed by the Senate, both of whom were given recess appointments by the President and cannot continue beyond this Congress, I can understand if the President or somebody in the White House said: Let's get rid of this David Gunn. They say: That's all right because even if we get rid of Amtrak, we will have rail passenger service on the east coast.

I wish to say what a horrible mistake it was for the board of directors of Amtrak to do this. I understand where it came from. It came from the White House. It came from the Secretary of Transportation. I understand meetings were held in recent days, and the decision was made. That decision was carried out by the President's board of directors.

I am saying this: A national rail passenger system, Amtrak, is beneficial to this country. In my State, 100,000 people used Amtrak last year. Many of those people don't have alternative transportation opportunities. Yet when Amtrak, the Empire Builder, in this case, runs from Chicago to Seattle, 100,000 North Dakotans have used it. It is an important part of our Nation's transportation system. But there is a disagreement about Amtrak. The President wants to shut it down. He doesn't want it. That is why he proposed no funding for it. The Congress, the majority from his own party, said: No, we want to fund it. We believe Amtrak advances this country's transportation system. We believe it is worthy, something we should do.

The president of Amtrak, David Gunn, is a first-rate executive. He has experience. He has done a great job. I say that as a member of the committee that authorizes Amtrak, so I have watched this enterprise. I have spent time with Mr. Gunn. I have spent time with Amtrak officials. I know what is happening there. This guy is nobody's crony. As a result, he gets fired.

The ''you are doing a great job, Brownie stuff,'' I am sick of that. I would like to see people who are qualified to run things running things in this Government. They had one running Amtrak. Today he gets fired because somebody got their nose out of joint and decided, apparently, the Congress won't allow us to shut down Amtrak so we will fire the president of Amtrak.

It is a big mistake for the country. I don't know how others in Congress will react, but for me, this is a setback and a setback for those who care about rail passenger service. It was a travesty to treat David Gunn, an executive who came out of retirement to run Amtrak and who did a first-rate job, this way. Shame on those who made that decision. This is all about politics. It has nothing to do with performance. I thought, especially in the wake of what happened with Hurricane Katrina, maybe we would get back to performance and decide that when people know how to do things and organize well, they are appreciated. That is not the case with respect to the decision by the board of directors at Amtrak this morning.

Those of us who feel that way probably won't have a chance to overturn this because the board of directors made the decision coming from the

Secretary of Transportation, coming from the White House, I guess. But I still think it is a setback for the country. I hope others know it as well.

NATALEE HOLLOWAY

Mr. SHELBY. Mr. President, I rise today to discuss an issue that has troubled me for many months, and that is the disappearance of an Alabama teenager, Natalee Holloway, from the island of Aruba. Most people have heard about this. It has been in the news for months.

More than 5 months ago, on the early morning of May 30, Natalee Holloway disappeared from the island of Aruba. Since the start of the investigation into Natalee's disappearance, I, along with others, have been deeply troubled by the process that has taken place in Aruba. From the outset, there has been miscommunication and misinformation from the Aruban Government. The investigation has been plagued by inconsistencies and conflicting information, calling the integrity of the investigation itself into question. Since Natalee's disappearance, a number of suspects have been arrested, detained, and released without the benefit of any substantive information regarding her disappearance.

I have made no secret of my concern regarding the handling of this case and the careless and inappropriate manner in which it appears the evidence has been handled. Nevertheless, I continue to believe that without the will of Natalee Holloway's mother, Beth Twitty, Natalee's disappearance would not have received the level of scrutiny in Aruba and around the world we have witnessed.

It is disturbing that so many months have passed with no clear answers regarding the circumstances surrounding Natalee's disappearance. To that end, I joined Alabama GOV Bob Riley and others yesterday to call for a boycott of Aruba. Today, I call upon my colleagues to join me in that call.

I understand this is a drastic measure, but I believe that we as Americans, along with others around the world, should carefully weigh our travel options until the Government of Aruba exhibits a good-faith effort to solve this case.

For the safety, security, and well-being of our citizens, I do not believe we can trust that we will be protected while in Aruba. Quite frankly, if this can happen to Natalee Holloway, a teenager from my home State of Alabama, it could happen to any of us. That is why I believe a boycott is the answer. I hope the American people, when they think of traveling to the Caribbean this winter, will look at other options.

HONORING OUR ARMED FORCES

STAFF SERGEANT JASON A. FEGLER

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of U.S. Army SSG Jason A. Fegler. Staff Sergeant Fegler died November 4 in Baghdad, Iraq. He was 24 years old.

Staff Sergeant Fegler grew up in rural Banner County, NE, and graduated from Banner County High School in 1999. He served more than 4 years in the U.S. Marine Corps before recently transferring to the U.S. Army. He had hopes of joining the Army's Special Forces. Staff Sergeant Fegler was a member of Company C, 1st Battalion, 502nd Infantry Regiment, 101st Airborne Division, Fort Campbell, KY. Staff Sergeant Fegler will be remembered as a loyal soldier who had a strong sense of duty, honor, and love of country. Thousands of brave Americans like Staff Sergeant Jason Fegler are currently serving in Iraq.

Staff Sergeant Fegler is survived by his wife, Shianne, who is in the U.S. Navy, and their son, Aiden, 2, of Virginia Beach, VA. He is also survived by his mother and stepfather, Rita and Eugene Snyder of Harrisburg, NE; and father, Jim Fegler of Sierra Vista, AZ. Our thoughts and prayers are with them at this difficult time. America is proud of Staff Sergeant Fegler's heroic service and mourns his loss.

I ask my colleagues to join me and all Americans in honoring SSG Jason A. Fegler.

CAPTAIN JOEL CAHILL

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of U.S. Army CPT Joel Cahill. Captain Cahill died of wounds suffered on November 6, while on patrol in Ad Dawr, Iraq. He was 34 years old.

Captain Cahill graduated in 1989 from Papillion-La Vista High School in Nebraska. Captain Cahill graduated magna cum laude in 1999 from the University of Nebraska-Omaha, where he was a member of the ROTC program. He was a 15-year military veteran and in the midst of his fourth tour of combat duty, having served one tour in Iraq and two tours in Afghanistan. In 1998, he was awarded the Soldier's Medal for selfless action in a noncombat situation. A live grenade accidentally landed next to Captain Cahill's men during training at Fort A.P. Hill, VA. Captain Cahill grabbed the grenade and hurled it out of harm's way, saving the lives of his fellow soldiers. Captain Cahill was a member of Company B, 1st Battalion, 15th Infantry Regiment, 3rd Infantry Division, Fort Benning, GA. Captain Cahill will be remembered as a loyal soldier who had a strong sense of duty, honor, and love of country. Thousands of brave Americans like CPT Joel Cahill are currently serving in Iraq.

Captain Cahill is survived by his wife, Mary, a U.S. Army nurse, and their two children, Faith, 4, and Brenna, 3, of Columbus, GA. He is also survived by his mother and father, Barbara and Larry Cahill of Gretna, NE; sister, Erin Christensen; and brothers Larry Jr., Randy and Jason. Our thoughts and prayers are with them at this difficult time. America is proud of Captain Cahill's heroic service and mourns his loss.

I ask my colleagues to join me and all Americans in honoring CPT Joel Cahill.

FOREIGN RELATIONS COMMITTEE BUSINESS MEETING

Mr. BIDEN. Mr. President, on November 1, the Committee on Foreign Relations conducted a business meeting to consider several matters.

The motion to report the nomination of Roland Arnall to be U.S. Ambassador to the Netherlands failed on a 9-to-9 tie. The chairman then ruled that the nomination was ordered reported by an 8-to-2 vote, which reflected the vote of those physically present.

With all respect to my friend and chairman, Senator LUGAR, I disagree with his ruling, which negated the proxy votes cast by me and several of my colleagues; I believe it to be inconsistent with the rules of the Committee on Foreign Relations. So that the record of the proceedings at the meeting will be available to all members, I ask unanimous consent that the relevant portion of the transcript of that meeting be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUSINESS MEETING OF THE COMMITTEE ON FOREIGN RELATIONS, U.S. SENATE NOVEMBER 1, 2005

The committee met, pursuant to notice, at 2:32 p.m. in Room S–116, The Capitol, Hon. RICHARD G. LUGAR [chairman] presiding.

Present: Senators LUGAR [presiding], HAGEL, CHAFEE, ALLEN, COLEMAN, VOINOVICH, ALEXANDER, SUNUNU, MURKOWSKI, and SARBANES.

Senator SARBANES. First of all, on the point about filing lawsuits to delay the nomination, there are a number of individual suits that have been brought regarding some of these matters. I don't premise the position I'm taking on that.

I think in effect a screening process has been done by the State attorneys general, and therefore I think it raises the issue to a much higher level, that these State attorney generals are considering bringing charges in this instance.

Mr. Arnall asserts that his motto is to do the right thing. That's what we're trying to get him to do in this instance. He owns this company. It's privately held. We had testimony from people that were at the company telling about how intimately he was in its activities, how much he's essential to the sort of direction and the drive, the vitality of the company.

He does have an impressive life story and I alluded to that in the course of the hearing and said as much.

But you've got a real problem here in terms of these practices, and Mr. Arnall ought to resolve this matter in my opinion before he goes off to the Netherlands in order to assume this ambassadorship.

The CHAIRMAN. Well, the committee will now vote on the nomination. I will ask the Clerk to call the roll.

Ms. OURSLER. Mr. Hagel.

Senator HAGEL. No.

Ms. OURSLER. Mr. Chafee.

Senator CHAFEE. Aye.

Ms. OURSLER. Mr. Allen.

Senator CHAFEE. Aye.

Ms. OURSLER. Mr. Coleman.
Senator COLEMAN. Aye.
Ms. OURSLER. Mr. Voinovich.
Senator VOINOVICH. Aye.
Ms. OURSLER. Mr. Alexander.
Senator ALEXANDER. Aye
Ms. OURSLER. Mr. Sununu.
Senator SUNUNU. Aye.
Ms. OURSLER. Ms. Murkowski.
Senator MURKOWSKI. Aye.
Ms. OURSLER. Mr. Martinez.
The CHAIRMAN. Votes aye by proxy.
Ms. OURSLER. Mr. Biden.
Senator SARBANES. No by proxy.
Ms. OURSLER. Mr. Sarbanes.
Senator SARBANES. No.
Ms. OURSLER. Mr. Dodd.
Senator SARBANES. No by proxy.
Ms. OURSLER. Mr. Kerry.
Senator SARBANES. No by proxy.
Ms. OURSLER. Mr. Feingold.
Senator SARBANES. No by proxy.
Ms. OURSLER. Mrs. Boxer.
Senator SARBANES. No by—I'll pass for the moment.
Ms. OURSLER. Mr. Nelson.
Senator SARBANES. No by proxy.
Ms. OURSLER. Mr. Obama.
Senator SARBANES. No by proxy.
Ms. OURSLER. Mr. Chairman.
The CHAIRMAN. Aye.
Senator SARBANES. Boxer, no by proxy.
The CHAIRMAN. The Clerk will please report the vote.
Ms. OURSLER. The vote is nine to nine.
The CHAIRMAN. Now let me make certain that the committee knows what the reporting requirement is, because I'll ask the Clerk then to give the report on members physically present. Our rule says ''No nomination can be reported unless a majority of the committee members are physically present. The vote of the committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.''
Now, what is the vote among those who are physically present?
Ms. OURSLER. Of those physically present, eight voted in favor of the nomination and two voted against.
The CHAIRMAN. Now, the chair believes that Rule 4[c] on reporting would indicate that in this particular instance the nomination be forwarded to the full Senate. But that is—I ask those who may have question about that to refer to Rule 4 on quorums and [c] on reporting.
Senator SARBANES. Mr. Chairman, as I read this rule, in order to report it out you will need a majority physically present, but that doesn't vitiate the proxies voted against. The rule makes no reference to that and those proxies are valid, and therefore we wouldn't—the vote is not carried. This applies of you to try to use proxies to constitute the majority for reporting it out, but it doesn't apply to the use of proxies to negate reporting it out, I respectfully submit to you, and I think that's a fair reading of the rule. And that's the way we've done it here in the past.
The CHAIRMAN. Well, that is an important reading, but the chair believes that the reading at least gives credence at least to my interpretation, which is that a majority of those voting and physically present, given the fact a majority was here to create the quorum, would lead to a favorable decision.
Senator SARBANES. Well, I think we need to sort this out. I make the point of order a quorum is not present.
The CHAIRMAN. Well, a quorum is not present, but the quorum was present at the time of the vote and that is what is required, and the chair declared that the vote was in favor of reporting this nomination to the Senate floor.
Senator SARBANES. On what basis is the chairman reaching that conclusion?
The CHAIRMAN. On the basis that we had a quorum and that a majority of those physically present voted in favor of the nominee.
Senator SARBANES. But the majority of the committee didn't do that. In fact the vote here was a tie vote.
The CHAIRMAN. Counting in the proxies.
Senator SARBANES. It was a tie vote. Yes, it was a tie vote.
You can't bring it out with proxies. The chairman—what this rule is designed to do is the chairman can't come in with a bunch of proxies in his hands and then on the basis of that bring a measure out of the committee. You can be called on that in terms of having a majority.
The CHAIRMAN. I appreciate the point the chair is making—rather, the Senator is making. I believe that my interpretation is correct and I would just indicate that that at least is what is going to occur. Now, the member may think of a means for appealing that in some fashion.
Senator SARBANES. Think what?
The CHAIRMAN. Of a means of appealing my decision. But for the time being, my decision is that we had a vote and we have reported the nominee.
Senator SARBANES. Well, I think it's an abuse of the rules and I want to state that to the chairman.
The CHAIRMAN. I understand.
Senator SARBANES. Absolutely.
The CHAIRMAN. I thank the members of the committee.
[Whereupon, at 3.07 p.m., the committee was adjourned.]

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 January, 2, 2004, in Madison, WI, Matt Collins and Shawn Wiese went to the Dry Bean Restaurant to meet a friend. After the restaurant closed, an altercation between two men and Collins and Wiese occurred. A woman later testified that one of the men told her that night that he should beat up Collins and Wiese for being gay.
Mr. Collins, who had no health insurance, was hospitalized for 2 days with multiple broken bones in his right wrist that required a plate and seven screws.
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.

THE INTELLIGENCE AUTHORIZATION BILL

Mr. WYDEN. Mr. President, This year's intelligence authorization bill is a key piece of legislation for all Americans and one that I hope to be able to support. But, as written, the bill is marred by the presence of provisions that pose serious concerns for Americans' privacy rights. Among them is one provision that would permit military intelligence officials to conduct covert interviews of U.S. persons on U.S. soil to assess them as potential intelligence sources without disclosing their government affiliation. With this provision in the legislation, I am compelled to announce my intention to object to any unanimous consent request to bring S. 1803, the intelligence reauthorization bill, to the Senate floor for approval without the opportunity for debate and consideration of amendments.
This legislation has been considered by three different Committees: The Senate Intelligence committee, the Senate Committee on Armed Services, and the Senate Committee on Homeland Security and Governmental Affairs. Three different committees have reviewed the legislation, but there has not been a single hearing on the expanded power the administration is seeking to enable DOD personnel to demand information of law-abiding U.S. citizens without having to disclose to them who they are, on whose behalf they are seeking personal and other information or what they intend to do with this information.
The CIA already possesses the statutory authority to engage in such surreptitious interrogations of U.S. citizens, and the Department of Defense has not in my mind made the case for gaining this new authority as well. In fact, the DOD has not provided any evidence that the failure to have this authority has resulted in damage to U.S. national security.
According to recent press reports, the FBI has gained access to tens of thousands of pieces of information about U.S. citizens through national security letters. This information reportedly ranges from where a person makes and spends money and who they live with to where they travel and who they email. All of this information has been deposited in government data banks, and according to press reports, this personal information is shared widely, without restriction. The same press reports say that tomorrow not only will such information be shared within the Federal bureaucracy but it will be made available to State, local and tribal entities, and ''appropriate private sector entities.''
I remain steadfast in my belief that you can protect national security without gutting civil liberties; and this legislation, as it currently is written, is out of balance. A debate on something as important as protecting the rights of our constituents to their privacy and shielding against the surreptitious shakedown of law-abiding citizens is one instance when Americans can and must be invited into the process.
Shining sunlight on intelligence information for the benefit of Americans

and policymakers alike is critical to our security. Congress must work to improve information sharing, and we owe it to the American people to make sure that safeguards remain in place to ensure that sensitive personal information is not tossed around inappropriately.

MAYORS SUPPORT THE TERRORIST APPREHENSION AND RECORD RETENTION ACT

Mr. LEVIN. Mr. President, our Nation's gun safety laws do not go far enough to protect our families and communities and may leave us vulnerable to an attack by terrorists using military style firearms legally purchased within our own borders. Current law not only allows a known or suspected terrorist to buy firearms in the U.S., it also requires that records pertaining to the sale be destroyed within a day of the purchase. Congress should take proactive steps to address these shortfalls in our gun safety laws.

Federal law requires that anyone seeking to purchase or obtain a permit to possess, acquire, or carry firearms undergo a background check through the National Instant Criminal Background Check System, or NICS. This process requires the applicant to provide a variety of personal information including name, date of birth, current residence, and country of citizenship which is then compared with data in the NICS system to determine whether or not the person is prohibited by law from receiving or possessing firearms. Disqualifying criteria includes such things as felony convictions and fugitive or illegal alien status.

As part of the background check, applicants are also checked against known terrorist watch lists. However, under current law, membership in a known terrorist organization does not automatically disqualify an applicant from receiving or possessing a firearm. In cases where a positive match is made, federal authorities search for other disqualifying information. If no disqualifying information can be found within three business days, the transaction is permitted to continue. In addition, all records pertaining to a positive match of an applicant to a terrorist watch list must, under current law, be destroyed within 24 hours if no disqualifying information is found.

I have cosponsored the Terrorist Apprehension Record Retention Act introduced by Senator LAUTENBERG. This bill would require that in cases where an NICS background check turns up a valid match to a terrorist watch list, all records pertaining to the transaction be retained for ten years. In addition, the bill requires that all NICS information be shared with appropriate federal and state counterterrorism officials anytime an individual on a terrorist watch list attempts to buy a firearm. This is only common sense.

The U.S. Conference of Mayors, which represents some 1,183 cities around the country, adopted a resolution strongly supporting the Terrorist Apprehension and Record Retention Act at their 2005 annual meeting. The resolution cites a report by the General Accountability Office which found that from February 3, 2004 through June 30, 2004, a total of 44 firearm purchase attempts were made by individuals designated as known or suspected terrorists by the federal government. This is an alarming statistic. I ask unanimous consent that a copy of the resolution adopted by the U.S. Conference of Mayors be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE TERRORIST APPREHENSION AND RECORD RETENTION (TARR) ACT

Whereas, neither suspected nor actual membership in a terrorist organization by itself prohibits a person from owning a gun under current law; and

lWhereas, beginning in November of 2003, the U.S. Department of Justice directed the FBI to revise its procedures to better ensure that suspected members of terrorist organizations who have disqualifying factors do not receive firearms in violation of the law by automatically delaying responses to provide more time to check data; and

Whereas, in January of 2005, the U.S. Government Accounting Office (GAO) released a report entitled, ''Gun Control and Terrorism: FBI Could Better Manage Firearm-Related Background Checks Involving Terrorist Watch List Records''; and

Whereas, that report found that from February 3 through June 30, 2004, a total of 44 firearm related background checks handled by the FBI and state agencies resulted in valid matches with terrorist watch records, and of this total 35 transactions were allowed to proceed because the checks found no prohibiting information, such as felony convictions, illegal immigrant status, or other disqualifying factors; and

Whereas, the report states, ''GAO recommends that the Attorney General (1) clarify procedures to ensure that the maximum amount of allowable information from these background checks is consistently shared with counterterrorism officials and (2) either strengthen the FBI's oversight of state agencies or have the FBI centrally manage all valid match background checks. The Department of Justice agreed.''; and

Whereas, legislation has been introduced in the U.S. Senate and House of Representatives entitled the ''Terrorist Apprehension and Record Retention (TARR) Act''; and

Whereas, the TARR Act amends the Federal criminal code to provide that if the national criminal background check system indicates that a person attempting to purchase a firearm or applying for a State permit to possess, acquire, or carry a firearm is identified as a known or suspected member of a terrorist organization in records maintained by the Department of Justice or the Department of Homeland Security, including the violent Gang and Terrorist Organization File or records maintained by the Intelligence Community: (1) all information related to the prospective transaction shall be automatically and immediately transmitted to the appropriate Federal and State counterterrorism officials, including the Federal Bureau of Investigation (FBI); (2) the FBI shall coordinate the response; and (3) all records generated in the course of the check that are obtained by Federal and State officials shall be retained for at least ten years, Now, therefore, be it

Resolved, That the U.S. Conference of Mayors strongly supports the Terrorist Apprehension and Record Retention Act (TARR), and urges that it be passed by Congress and signed into law by the President.

Mr. LEVIN. Mr. President, the U.S. Conference of Mayors recognizes the importance of preserving records of gun purchases by known terrorists and the important role they could potentially play in uncovering a terrorist attack before it is carried out. We owe it to all Americans in this era of heightened risk of terrorist attack to do all we can to protect their safety.

INTEGRITY IN PROFESSIONAL SPORTS ACT

Mr. DOMENICI. Mr. President, I rise to express my support for the Integrity in Professional Sports Act, S. 1960. I am deeply troubled by the accounts of children and professional athletes who use anabolic steroids and other performance-enhancement drugs. The effects of taking steroids are not only physiological, but psychological. Experts have testified before Congress that steroid use creates an increased propensity for aggressive and sometimes criminal behavior. It is clear to me that the use of performance enhancing drugs reveals a number of problems, one of which is a problem of character.

As many of my colleagues may know, for the past 12 years, I have been involved in a grassroots program to promote character education for our country's children. The Character Counts program is an important grassroots effort that I am proud to have supported. Most recently, on October 7, 2005, 28 Senators joined Senator Christopher Dodd and I in sponsoring a resolution to designate ''National Character Counts Week.'' The program promotes six fundamental and universal pillars of good character. Those are trustworthiness, respect, responsibility, fairness, caring, and citizenship. A central premise of the Character Counts program has held that children across the country depend on social institutions and leaders for the development of good character. For children, these leaders and role models are often found on the rosters of professional sports teams. When our children see professional athletes engaging in the use of steroids, they begin to question the importance of pillars such as trustworthiness, responsibility, and fairness.

Speaking as a former baseball pitcher for the University of New Mexico and the Albuquerque Dukes, I cannot emphasize enough the importance of trustworthiness and fairness in sportsmanship. As athletes, my teammates and I understood that the integrity of the game depended on knowledge that your competitors brought no advantage other than talent and hard work to the playing field. To think that your competitors used steroids to enhance their athletic performance would mean that the game itself was compromised.

S. 1960 is important legislation because it makes clear that all athletes participating in professional sports will be held to the same standards of fair play. By instituting minimum standards for the testing of steroids, professional sports teams and professional athletes can regain the respect and trust of the American people. It is important that we hold adults to the same standards of character as we do our children. Young people look up to professional athletes as role models. We owe it to them to make sure that adults behave according to the same standards of trustworthiness, fairness, and respect.

VETERANS DAY 2005

Mr. DOMENICI. Mr. President, today, we as Americans gather to honor all those who served, fought and sacrificed to defend our Nation throughout its history.

During the 229 year history of our Nation, brave Americans have answered the call to defend their country's freedom and the freedom of people around the globe. Today, as in the past, our servicemen and women continue to embrace these twin goals.

I encourage my fellow New Mexicans and all Americans to take a few moments to remember and honor the gallant men and women of our Armed Forces past and present.

New Mexicans have a long distinguished history of military service. During the Spanish American War New Mexico guardsmen formed the bulk of the 2nd Squadron of the 1st Calvary Regiment which served with Teddy Roosevelt and his Rough Riders at the battle of San Juan Hill. When the United States entered the First World War, New Mexicans of the 1st Infantry Regiment served with the 40th Infantry Division in France. While participating in the Italian campaign of the Second World War, New Mexicans of the 104th Tank Destroyer battalion were awarded 8 Silver Stars, 60 Bronze Stars, and 135 Purple Hearts. Of course no one will forget the contribution to final victory the Navajos from our State made as ''code talkers'' or the bravery of the ''New Mexico Brigade'' in the Philippines. In the history of our Nation New Mexicans have served with great distinction from the swamps of Cuba, to the jungles of Vietnam and the deserts of Iraq.

It is important that we never forget the sacrifice and dedication of these Americans. They left behind the comfort of home, family and friends to defend our country and its countless blessings. For this, many have paid an immense price, emotionally and physically, some enduring years of captivity and suffering, some never to return home. We Americans owe all that we have to these men and women. No praise or honor will ever be too great for these individuals.

The service of veterans to our country has never ended with their departure from the Armed Forces. They have enriched every community in which they reside with their strength of character, hard work and devotion to family. For this we must also be grateful.

Since 9/11, the men and women of our Armed Forces have been called away from home, and are today furthering the cause of freedom in Iraq, Afghanistan and all over the globe. Many of these individuals are National Guardsmen like the members of the 515th Corps Support Battalion that recently returned from Iraq and the servicemen and women from Holloman, Kirtland, and Cannon Air Force bases. They serve with the same courage and commitment shown by Americans of generations past and they, too, deserve our thoughts and prayers. May our United States continue to be blessed and may America forever remain the land of the free and the home of the brave.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO IRAN WHICH WAS DECLARED IN EXECUTIVE ORDER NO. 12170 ON NOVEMBER 14, 1979—PM 30

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. Consistent with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the Iran emergency declared by Executive Order 12170 on November 14, 1979, is to continue in effect beyond November 14, 2005. The most recent notice continuing this emergency was published in the *Federal Register* on November 12, 2004 (69 FR 65513).

Our relations with Iran have not yet returned to normal, and the process of implementing the January 19, 1981, agreements with Iran is still underway. For these reasons, I have determined that it is necessary to continue the national emergency declared on November 14, 1979, with respect to Iran, beyond November 14, 2005.

GEORGE W. BUSH.

THE WHITE HOUSE, *November 9, 2005*.

MESSAGE FROM THE HOUSE

At 12:28 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3770. An act to designate the facility of the United States Postal Service located at 205 West Washington Street in Knox, Indiana, as the ''Grant W. Green Post Office Building''.

H.R. 3825. An act to designate the facility of the United States Postal Service located at 770 Trumbull Drive in Pittsburgh, Pennsylvania, as the ''Clayton J. Smith Memorial Post Office Building''.

H.R. 4053. An act to designate the facility of the United States Postal Service located at 545 North Rimsdale Avenue in Covina, California, as the ''Lillian Kinkella Keil Post Office''.

At 3:10 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H.R. 2419 making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes.

The message also announced that the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H.R. 2862 making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

At 5:29 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House disagree to the amendment of the Senate to the bill H.R. 3199 to extend and modify authorities needed to combat terrorism, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House:

From the Committee on the Judiciary, for consideration of the House bill (except section 132) and the Senate amendment, and modifications committed to conference: Mr. SENSENBRENNER, Mr. COBLE, Mr. SMITH of Texas, Mr. GALLEGLY, Mr. CHABOT, Mr. JENKINS, Mr. CONYERS, Mr. BERMAN,

Mr. BOUCHER, and Mr. NADLER: Provided, That Mr. SCOTT of Virginia is appointed in lieu of Mr. NADLER for consideration of sections 105, 109, 111–114, 120, 121, 124, 131, and title II of the House bill, and modifications committed to conference.

From the Permanent Select Committee on Intelligence, for consideration of sections 102, 103, 106, 107, 109, and 132 of the House bill, and sections 2, 3, 6, 7, 9, and 10 of the Senate amendment, and modifications committed to conference: Mr. HOEKSTRA, Mrs. WILSON of New Mexico, and Ms. HARMAN.

From the Committee on Energy and Commerce, for consideration of sections 124 and 231 of the House bill, and modifications committed to conference: Mr. NORWOOD, Mr. SHADEGG, and Mr. DINGELL.

From the Committee on Financial Services, for consideration of section 117 of the House bill, and modifications committed to conference: Mr. OXLEY, Mr. BACHUS, and Mr. FRANK of Massachusetts.

From the Committee on Homeland Security, for consideration of sections 127–129 of the House bill, and modifications committed to conference: Mr. KING of New York, Mr. WELDON of Pennsylvania, and Ms. ZOE LOFGREN of California.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3770. An act to designate the facility of the United States Postal Service located at 205 West Washington Street in Knox, Indiana, as the ''Grant W. Green Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3825. An act to designate the facility of the United States Postal Service located at 770 Trumbull Drive in Pittsburgh, Pennsylvania, as the ''Clayton J. Smith Memorial Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4053. An act to designate the facility of the United States Postal Service located at 545 North Rimsdale Avenue in Covina, California, as the ''Lillian Kinkella Keil Post Office''; to the Committee on Homeland Security and Governmental Affairs.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, November 9, 2005, she had presented to the President of the United States the following enrolled bill:

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

EXECUTIVE AND OTHER COMMUNICATIONS

The following communication was laid before the Senate, together with accompanying papers, reports, and documents, and was referred as indicated:

EC–4603. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period from April 1, 2005 through September 30, 2005; ordered to lie on the table.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. LUGAR, from the Committee on Foreign Relations:

[Council of Europe Convention on Cybercrime (Treaty Doc. 108–11) with 6 reservations and 5 declarations (Ex. Rept. 109–6).]

TEXT OF THE RESOLUTION OF RATIFICATION AS REPORTED BY THE COMMITTEE ON FOREIGN RELATIONS:

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to Reservations and Declarations

The Senate advises and consents to the ratification of the Council of Europe Convention on Cybercrime (''the Convention''), signed by the United States on November 23, 2001 (T. Doc. 108 11), subject to the reservations of section 2, and the declarations of section 3.

Section 2. Reservations

The advice and consent of the Senate under section 1 is subject to the following reservations, which shall be included in the United States instrument of ratification:

(1) The United States of America, pursuant to Articles 4 and 42, reserves the right to require that the conduct result in serious harm, which shall be determined in accordance with applicable United States federal law.

(2) The United States of America, pursuant to Articles 6 and 42, reserves the right not to apply paragraphs (1)(a)(i) and (1)(b) of Article 6 (''Misuse of devices'') with respect to devices designed or adapted primarily for the purpose of committing the offenses established in Article 4 (''Data interference'') and Article 5 (''System interference'').

(3) The United States of America, pursuant to Articles 9 and 42, reserves the right to apply paragraphs (2)(b) and (c) of Article 9 only to the extent consistent with the Constitution of the United States as interpreted by the United States and as provided for under its federal law, which includes, for example, crimes of distribution of material considered to be obscene under applicable United States standards.

(4) The United States of America, pursuant to Articles 10 and 42, reserves the right to impose other effective remedies in lieu of criminal liability under paragraphs 1 and 2 of Article 10 (''Offenses related to infringement of copyright and related rights'') with respect to infringements of certain rental rights to the extent the criminalization of such infringements is not required pursuant to the obligations the United States has undertaken under the agreements referenced in paragraphs 1 and 2.

(5) The United States of America, pursuant to Articles 22 and 42, reserves the right not to apply in part paragraphs (1)(b), (c) and (d) of Article 22 (''Jurisdiction''). The United States does not provide for plenary jurisdiction over offenses that are committed outside its territory by its citizens or on board ships flying its flag or aircraft registered under its laws. However, United States law does provide for jurisdiction over a number of offenses to be established under the Convention that are committed abroad by United States nationals in circumstances implicating particular federal interests, as well as over a number of such offenses committed on board United States-flagged ships or aircraft registered under United States law. Accordingly, the United States will implement paragraphs (1)(b), (c) and (d) to the extent provided for under its federal law.

(6) The United States of America, pursuant to Articles 41 and 42,reserves the right to assume obligations under Chapter II of the Convention in a manner consistent with its fundamental principles of federalism.

Section 3. Declarations

(1) The advice and consent of the Senate under section 1 is subject to the following declarations, which shall be included in the United States instrument of ratification:

(a) The United States of America declares, pursuant to Articles 2 and 40, that under United States law, the offense set forth in Article 2 (''Illegal access'') includes an additional requirement of intent to obtain computer data.

(b) The United States of America declares, pursuant to Articles 6 and 40, that under United States law, the offense set forth in paragraph (1)(b) of Article 6 (''Misuse of devices'') includes a requirement that a minimum number of items be possessed. The minimum number shall be the same as that provided for by applicable United States federal law.

(c) The United States of America declares, pursuant to Articles 7 and 40, that under United States law, the offense set forth in Article 7 (''Computer-related forgery'') includes a requirement of intent to defraud.

(d) The United States of America declares, pursuant to Articles 27 and 40, that requests made to the United States of America under paragraph 9(e) of Article 27 (''Procedures pertaining to mutual assistance requests in the absence of applicable international agreements'') are to be addressed to its central authority for mutual assistance.

(2) The advice and consent of the Senate under section 1 is also subject to the following declaration: The United States of America declares that, in view of its reservation pursuant to Article 41 of the Convention, current United States federal law fulfills the obligations of Chapter II of the Convention for the United States. Accordingly, the United States does not intend to enact new legislation to fulfill its obligations under Chapter II.

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. SCHUMER:

S. 1978. A bill to amend the Federal Food, Drug, and Cosmetic Act to increase criminal penalties for the sale or trade of prescription drugs knowingly caused to be adulterated or misbranded, to modify requirements for maintaining records of the chain-of-custody of prescription drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KOHL:

S. 1979. A bill to provide for the establishment of a strategic refinery reserve, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI:

S. 1980. A bill to provide habitable living quarters for teachers, administrators, and other school staff, and their households, in rural areas of Alaska located in or near Alaska Native villages; to the Committee on Indian Affairs.

By Mr. DURBIN:

S. 1981. A bill to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil, to rebate a portion of the tax collected back to American consumers, to fund programs under the Low-Income Home Energy Assistance Act of 1981 and tax incentives for the manufacture of energy efficient motor vehicles by using a portion of the proceeds of such tax, and to deposit the balance of the tax collected into the Highway Trust Fund to support the funding of highway projects and to aid highway users, and for other purposes; to the Committee on Finance.

By Ms. SNOWE:

S. 1982. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit against residential heating costs; to the Committee on Finance.

By Mr. SANTORUM (for himself, Mr. NELSON of Nebraska, Mr. INHOFE, Mr. DEMINT, Mr. DEWINE, Mr. HAGEL, Mr. COBURN, Mr. GREGG, Mr. BROWNBACK, Mr. ENSIGN, Mr. MARTINEZ, Mr. KYL, Mr. VITTER, and Mr. BURR):

S. 1983. A bill to prohibit certain abortion-related discrimination in governmental activities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAYH (for himself and Mr. VOINOVICH):

S. 1984. A bill to safeguard the national security and economic health of the United States by improving the management, coordination, and effectiveness of domestic and international intellectual property rights enforcement, and for other purposes; to the Committee on the Judiciary.

By Ms. COLLINS (for herself and Mr. LIEBERMAN):

S. 1985. A bill to extend the predisaster hazard mitigation program under the Stafford Act; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ALLARD:

S. 1986. A bill to provide for the coordination and use of the National Domestic Preparedness Consortium by the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. REED:

S. 1987. A bill to amend the Internal Revenue Code of 1986 to provide a refundable tax credit for residential energy cost assistance and for other purposes; to the Committee on Finance.

By Mr. LUGAR:

S. 1988. A bill to authorize the transfer of items in the War Reserves Stockpile for Allies, Korea; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. VITTER:

S. Con. Res. 63. A concurrent resolution supporting the goals and ideals of National High School Seniors Voter Registration Day; to the Committee on Rules and Administration.

By Mr. BURNS (for himself, Mr. LEAHY, Mr. INOUYE, Mr. SMITH, Mr. STEVENS, Mr. SUNUNU, Mr. NELSON of Florida, and Mrs. HUTCHISON):

S. Con. Res. 64. A concurrent resolution expressing the sense of the Congress regarding oversight of the Internet Corporation for Assigned Names and Numbers; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 558

At the request of Mr. REID, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 558, a bill to amend title 10, United States Code, to permit certain additional retired members of the Armed Forces who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special compensation and to eliminate the phase-in period under current law with respect to such concurrent receipt.

S. 632

At the request of Mr. LUGAR, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor 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 name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor 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. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1191

At the request of Mr. SALAZAR, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1191, a bill to establish a grant program to provide innovative transportation options to veterans in remote rural areas.

S. 1462

At the request of Mr. BROWNBACK, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1462, a bill to promote peace and accountability in Sudan, and for other purposes.

S. 1488

At the request of Mr. VITTER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1488, a bill to withhold funding from the United Nations if the United Nations abridges the rights provided by the Second Amendment to the Constitution, and for other purposes.

S. 1508

At the request of Mr. FEINGOLD, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1508, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 1520

At the request of Mrs. FEINSTEIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1520, a bill to prohibit human cloning.

S. 1740

At the request of Mr. CRAPO, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 1740, a bill to amend the Internal Revenue Code of 1986 to allow individuals to defer recognition of reinvested capital gains distributions from regulated investment companies.

S. 1800

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. ISAKSON) 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. 1865

At the request of Mrs. DOLE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1865, a bill to establish the South-East Crescent Authority, and for other purposes.

S. 1926

At the request of Mr. INHOFE, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1926, a bill to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror.

S. 1930

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of 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.

S. 1947

At the request of Mr. SUNUNU, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1947, a bill to amend chapter 21 of title 38, United States Code, to enhance adaptive housing assistance for disabled veterans.

S. 1959

At the request of Mr. KERRY, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1959, a bill to direct the Architect of the Capitol to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall.

S. RES. 232

At the request of Mr. KENNEDY, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. Res. 232, a resolution celebrating the 40th anniversary of the enactment of the Voting Rights Act of 1965 and reaffirming the commitment

of the Senate to ensuring the continued effectiveness of the Act in protecting the voting rights of all citizens of the United States.

S. RES. 273

At the request of Mr. COLEMAN, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. Res. 273, a resolution expressing the sense of the Senate that the United Nations and other international organizations shall not be allowed to exercise control over the Internet.

AMENDMENT NO. 2433

At the request of Mr. CHAMBLISS, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of amendment No. 2433 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. WARNER, his name was added as a cosponsor of amendment No. 2433 proposed to S. 1042, supra.

At the request of Mr. NELSON of Nebraska, his name was added as a cosponsor of amendment No. 2433 proposed to S. 1042, supra.

AMENDMENT NO. 2437

At the request of Mr. WARNER, his name was added as a cosponsor of amendment No. 2437 intended to be proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. TALENT, his name was added as a cosponsor of amendment No. 2437 intended to be proposed to S. 1042, supra.

AMENDMENT NO. 2440

At the request of Mr. INHOFE, the names of the Senator from Tennessee (Mr. FRIST), the Senator from Colorado (Mr. ALLARD), the Senator from Texas (Mr. CORNYN), the Senator from Georgia (Mr. ISAKSON), the Senator from Wyoming (Mr. ENZI), the Senator from North Carolina (Mrs. DOLE) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of amendment No. 2440 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. WARNER, his name was added as a cosponsor of amendment No. 2440 proposed to S. 1042, supra.

AMENDMENT NO. 2443

At the request of Mr. ENSIGN, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of amendment No. 2443 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2445

At the request of Mr. MARTINEZ, his name was added as a cosponsor of amendment No. 2445 intended to be proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2448

At the request of Mr. CONRAD, the names of the Senator from Montana (Mr. BURNS), the Senator from Wyoming (Mr. THOMAS), the Senator from Wyoming (Mr. ENZI), the Senator from North Dakota (Mr. DORGAN) and the Senator from Utah (Mr. HATCH) were added as cosponsors of amendment No. 2448 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL:

S. 1979. A bill to provide for the establishment of a strategic refinery reserve, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. KOHL. Madam President, I rise today to speak briefly about an amendment Senator JEFFORDS and I had hoped to offer to the Defense authorization bill. I understand it is not considered relevant, so we won't get a vote. That is unfortunate. I cannot imagine what is more relevant to the defense of our Nation than an amendment that would do something concrete about high energy prices, about national security, and about economic security—all with one vote.

Our amendment, which we are introducing today as a freestanding bill along with Senator FEINSTEIN, would authorize the Department of Energy to build enough refining capacity to meet the energy needs of the Federal Government—primarily the Department of Defense—and also to supply the private market in times of shortages and price spikes.

There is bipartisan agreement that increasing refining capacity in the United States would help avoid the kinds of energy price spikes we have seen in the last few months. There also seems to be clear evidence that, despite generous incentives from the Government and soaring profits, the oil companies are not interested in building the new refineries we need. And in a free market, of course, that is their choice.

But in a democracy, we in Congress are charged with making a different choice. We need to do what is best for our national and economic security. And, in this case, that would be to stop begging and bribing the oil companies. By building our own refining capacity, we would be able to supply the fuel needs of the Federal Government at what it actually costs to make that fuel. And we would also be able to hold in reserve refining capacity that we could access to bring down the cost of gas in times when shortages raise prices.

Today, the Senate is holding important hearings on energy. I am concerned, however, that instead of offering answers and solutions, the oil companies will blame OPEC for the high price of gasoline, diesel fuel, and home heating oil. We should not let them get away with that because OPEC is only part of the story.

While the price of gasoline rose to record levels in recent months, the oil companies were earning increasingly high profits on each gallon of gasoline. One measure is the ''domestic spread,'' the retail gasoline pump price minus the cost of crude oil and taxes. During the 1900s, the domestic spread was about 40 cents per gallon for regular gas. This number has grown sharply since 2000. The domestic spread averaged above 50 cents per gallon between 2000 and 2004, and has reached as high as over 70 cents per gallon in recent months. In other words, the oil companies are earning much more today for a gallon of gas, even factoring in the higher price of crude oil.

Growing oil company profits also demonstrate this point: Oil industry profits, after tax, increased by $100 billion in the 5 years from 2000 to 2004, as compared to the previous 5-year period. ExxonMobil's earnings for the first 9 months of 2005—over $25 billion—already exceeded its full-year earnings for all of 2004. So obviously, these companies are doing much more than just passing along higher crude oil prices to customers.

One major reason for these soaring prices and profits is the oil industry's failure to increase refining capacity in the face of rising demand for refined petroleum products. A new refinery has not been built in the United States since the 1970s, and many oil refineries have been closed. In 1985, refining capacity equaled daily consumption of petroleum products. By 2002, daily consumption exceeded refining capacity by almost 20 percent.

As domestic supply falls short of domestic demand, three very dangerous

things happen: 1, we are forced to rely on more imports. 2, we pay higher and higher prices for our fuel. And, 3, our economy is increasingly vulnerable to disasters and disruptions—like those we saw in the wake of Hurricanes Katrina and Rita.

The bill we are introducing would authorize the Department of Energy to create a refining capacity equal to 5 percent of current domestic consumption. These refineries would supply the Federal Government's need for petroleum products, estimated to be roughly 2 percent of U.S. consumption. The extra 3 percent of capacity would be available for emergencies and market disruptions.

This ''Strategic Refining Reserve'' would have a direct effect on energy prices to the consumer. It would get the Federal Government out of the private market where its huge demand for energy drives up prices. And it would increase the amount of oil that can be refined in this country in times when the oil companies' refining capacity is tapped out.

We have a duty to protect consumers, our economy, and our national security from an industry that often seems focused only on the short-term bottom line. We have a duty to respond with concrete help for the families and businesses that tell us daily of the enormous financial threat posed by soaring energy prices. And we have a duty to make sure our military has access to a steady, affordable supply of domestically refined fuel.

Though we will not be able to offer this proposal as an amendment to the DOD authorization bill, we have introduced it as a bill, and we plan to continue to look for opportunities for a vote. We need to take sole control of fuel prices away from the oil companies. We need to take charge and bring the price of fuel down by building this ''Strategic Refinery Reserve.''

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1979

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

SECTION 1. STRATEGIC REFINERY RESERVE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Energy shall establish and operate a Strategic Refinery Reserve (referred to in this section as the ''Reserve'') in the United States.

(2) AUTHORITIES.—To carry out this subsection, the Secretary of Energy may contract for—

(A) the construction or operation of new refineries; or

(B) the acquisition or reopening of closed refineries.

(b) OPERATION.—The Secretary of Energy shall operate the Reserve—

(1) to provide petroleum products to—

(A) the Federal Government (including the Department of Defense); and

(B) any State governments and political subdivisions of States that opt to purchase refined petroleum products from the Reserve; and

(2) to provide petroleum products to the general public during any period described in subsection (c).

(c) EMERGENCY PERIODS.—The Secretary of Energy shall make petroleum products from the Reserve available under subsection (b)(2) only if the President determines that—

(1) there is a severe energy supply interruption within the meaning of the term under section 3 of the Energy Policy and Conservation Act (42 U.S.C. 6202); or

(2)(A) there is a regional petroleum product supply shortage of significant scope and duration; and

(B) action taken under subsection (b)(2) would directly and significantly assist in reducing the adverse impact of the shortage.

(d) LOCATIONS.—In determining the location of a refinery for inclusion in the Reserve, the Secretary of Energy shall take into account—

(1) the impact of the refinery on the local community, as determined after requesting and reviewing any comments from State and local governments and the public;

(2) regional vulnerability to—

(A) natural disasters; and

(B) terrorist attacks;

(3) the proximity of the refinery to the Strategic Petroleum Reserve;

(4) the accessibility of the refinery to energy infrastructure and Federal facilities (including facilities under the jurisdiction of the Department of Defense);

(5) the need to minimize adverse public health and environmental impacts; and

(6) the energy needs of the Federal Government (including the Department of Defense).

(e) INCREASED CAPACITY.—The Secretary of Energy shall ensure that refineries in the Reserve are designed to provide a rapid increase in production capacity during periods described in subsection (c).

(f) IMPLEMENTATION PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Energy shall submit to Congress a plan for the establishment and operation of the Reserve under this section.

(2) REQUIREMENTS.—The plan required under paragraph (1) shall—

(A)(i)(I) provide for, within 2 years after the date of enactment of this Act, a capacity within the Reserve equal to 5 percent of the total United States daily demand for gasoline, diesel, and aviation fuel; and

(II) provide for a capacity within the Reserve such that not less than 75 percent of the gasoline and diesel fuel produced by the Reserve contain an average of 10 percent renewable fuel (as that term is defined in 211(o)(1)(C) of the Clean Air Act (42 U.S.C. 7545(o)(1)(C)); or

(ii) if the Secretary of Energy finds that achieving the capacity described in either subclause (I) or (II) of clause (i) is not feasible within 2 years, include—

(I) an explanation from the Secretary of Energy of the reasons why achieving the capacity within the timeframe is not feasible; and

(II) provisions for achieving the required capacity as soon as practicable; and

(B) provide for adequate delivery systems capable of providing Reserve product to the entities described in subsection (b)(1).

(g) COORDINATION.—The Secretary of Energy shall carry out this section in coordination with the Secretary of Defense.

(h) COMPLIANCE WITH FEDERAL ENVIRONMENTAL REQUIREMENTS.—Nothing in this section affects any requirement to comply with Federal or State environmental or other laws.

SEC. 2. REPORTS ON REFINERY CLOSURES.

(a) REPORTS TO SECRETARY OF ENERGY.—

(1) IN GENERAL.—Not later than 180 days before permanently closing a refinery in the United States, the owner or operator of the refinery shall provide to the Secretary of Energy notice of the closing.

(2) REQUIREMENTS.—The notice required under paragraph (1) with respect to a refinery to be closed shall include an explanation of the reasons for the closing of the refinery.

(b) REPORTS TO CONGRESS.—The Secretary of Energy shall, in consultation with the Secretary of Defense, the Administrator of the Environmental Protection Agency, and the Federal Trade Commission and as soon as practicable after receipt of a report under subsection (a), submit to Congress—

(1) the report; and

(2) an analysis of the effects of the proposed closing covered by the report on—

(A) in accordance with the Clean Air Act (42 U.S.C. 7401 et seq.), supplies of clean fuel;

(B) petroleum product prices;

(C) competition in the refining industry;

(D) the national economy;

(E) regional economies;

(F) regional supplies of refined petroleum products;

(G) the supply of fuel to the Department of Defense; and

(H) energy security.

By Ms. MURKOWSKI:

S. 1980. A bill to provide habitable living quarters for teachers, administrators, and other school staff, and their households, in rural areas of Alaska located in or near Alaska Native villages; to the Committee on Indian Affairs.

Ms. MURKOWSKI. Mr. President, I rise to introduce a bill that will have a profound effect on the retention of teachers, administrators, and other school staff in remote and rural areas of Alaska.

In rural areas of Alaska, school districts face the challenge of recruiting and retaining teachers, administrators and other school staff due to the lack of housing. In one particular year in the Lower Kuskokwim School District in western Alaska, they hired one teacher for every six who decided not to accept job offers. Half of the applicants who did not accept a teaching position in that district indicated that their decision was related to the lack of housing.

In 2003, I traveled through rural Alaska with then-Education Secretary Rod Paige. I wanted him to see the challenges of educating children in such a remote and rural environment. At the village school in Savoonga, the principal slept in a broom closet in the school due to the lack of housing in that village. The special education teacher slept in her classroom, bringing a mattress out each evening to sleep on the floor. The other teachers shared housing in a single home. Needless to say, there is not enough room for the teachers' spouses. Unfortunately, Savoonga is not an isolated example of the teacher housing situation in rural Alaska.

Rural Alaskan school districts experience a high rate of teacher turnover due to the lack of housing. Turnover is as high as 30 percent each year in some rural areas with housing issues being a major factor. How can we expect our

children to receive a quality education when the good teachers don't stay? How can we meet the mandates of No Child Left Behind in such an educational environment? Clearly, the lack of teacher housing in rural Alaska is an issue that must be addressed in order to ensure that children in rural Alaska receive the same level of education as their peers in more urban settings.

My bill authorizes the Department of Housing and Urban Development to provide teacher housing funds to the Alaska Housing Finance Corporation, which is a State agency. In turn, the corporation is authorized to provide grant and loan funds to rural school districts in Alaska for teacher housing projects.

This legislation will allow school districts in rural Alaska to address the housing shortage in the following ways: construct housing units; purchase housing units; lease housing units; rehabilitate housing units; purchase or lease property on which housing units will be constructed, purchased or rehabilitated; repay loans secured for teacher housing projects; and conduct any other activities normally related to the construction, purchase, or rehabilitation of teacher housing projects.

Eligible school districts that accept funds under this legislation will be required to provide the housing to teachers, administrators, other school staff, and members of their households.

It is imperative that we address this important issue and allow the disbursement of funds to be handled at the State level. The quality of education of our rural students is at stake.

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. 1980

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 ''Rural Teacher Housing Act of 2005''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) housing for teachers, administrators, other school staff, and the households of such staff in remote and rural areas of the State of Alaska is often substandard, if available at all;

(2) teachers, administrators, other school staff, and the households of such staff are often forced to find alternate shelter, sometimes even in school buildings; and

(3) rural school districts in the State of Alaska face increased challenges, including meeting the requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), in recruiting employees due to the lack of affordable, quality housing.

(b) PURPOSE.—The purpose of this Act is to provide habitable living quarters for teachers, administrators, other school staff, and the households of such staff in rural areas of the State of Alaska located in or near Alaska Native villages.

SEC. 3. DEFINITIONS.

In this Act:

(1) ALASKA HOUSING FINANCE CORPORATION.—The term ''Alaska Housing Finance Corporation'' means the State housing authority for the State of Alaska created under the laws of the State of Alaska (or a successor authority).

(2) ELEMENTARY SCHOOL.—The term ''elementary school'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) ELIGIBLE SCHOOL DISTRICT.—The term ''eligible school district'' means a public school district (as defined under the laws of the State of Alaska) located in the State of Alaska that operates 1 or more schools in a qualified community.

(4) NATIVE VILLAGE.—

(A) IN GENERAL.—The term ''Native village'' has the meaning given the term in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(B) INCLUSION.—The term ''Native village'' includes the Metlakatla Indian Community of the Annette Islands Reserve.

(5) OTHER SCHOOL STAFF.—The term ''other school staff'' means—

(A) pupil services personnel;

(B) librarians;

(C) career guidance and counseling personnel;

(D) education aides; and

(E) other instructional and administrative school personnel.

(6) QUALIFIED COMMUNITY.—The term ''qualified community'' means a home rule city or a general law city incorporated under the laws of the State of Alaska, or an unincorporated community (as defined under the laws of the State of Alaska) in the State of Alaska located outside the boundaries of such a city, that, as determined by the Alaska Housing Finance Corporation—

(A) has a population of not greater than 6,500 individuals;

(B) is located in or near a Native village; and

(C) is not connected by road or railroad to the municipality of Anchorage, Alaska, excluding any connection—

(i) by the Alaska Marine Highway System created under the laws of the State of Alaska; or

(ii) that requires travel by road through Canada.

(7) SECONDARY SCHOOL.—The term ''secondary school'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(9) TEACHER.—The term ''teacher'' means an individual who—

(A) is employed as a teacher in a public elementary school or secondary school; and

(B) meets the teaching certification or licensure requirements of the State of Alaska.

(10) TRIBALLY DESIGNATED HOUSING ENTITY.—The term ''tribally designated housing entity'' has the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

(11) VILLAGE CORPORATION.—

(A) IN GENERAL.—The term ''Village Corporation'' has the meaning given the term in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(B) INCLUSIONS.—The term ''Village Corporation'' includes, as defined in section 3 of that Act (43 U.S.C. 1602)—

(i) Urban Corporations; and

(ii) Group Corporations.

SEC. 4. RURAL TEACHER HOUSING PROGRAM.

(a) IN GENERAL.—The Secretary shall provide funds to the Alaska Housing Finance Corporation in accordance with regulations promulgated under section 5 for use in accordance with subsection (b).

(b) USE OF FUNDS.—

(1) IN GENERAL.—The Alaska Housing Finance Corporation shall use funds provided under subsection (a) to provide grants and loans to eligible school districts for use in accordance with paragraph (2).

(2) USE OF FUNDS BY ELIGIBLE SCHOOL DISTRICTS.—An eligible school district shall use a grant or loan under paragraph (1) for—

(A) the construction of new housing units in a qualified community;

(B) the purchase and rehabilitation of existing structures to be used as housing units in a qualified community;

(C) the rehabilitation of housing units in a qualified community;

(D) the leasing of housing units in a qualified community;

(E) purchasing or leasing real property on which housing units will be constructed, purchased, or rehabilitated in a qualified community;

(F) the repayment of a loan to—

(i) construct, purchase, or rehabilitate housing units;

(ii) purchase real property on which housing units will be constructed, purchased, or rehabilitated in a qualified community; or

(iii) carry out an activity described in subparagraph (G); and

(G) any other activity normally associated with the construction, purchase, or rehabilitation of housing units, or the purchase or lease of real property on which housing units will be constructed, purchased, or rehabilitated, in a qualified community, including—

(i) connecting housing units to a utility;

(ii) preparing construction sites;

(iii) transporting any equipment or material necessary for the construction or rehabilitation of housing units to and from the site on which the housing units are or will be constructed; and

(iv) carrying out an environmental assessment and remediation of a construction site or a site on which housing units are located.

(c) OWNERSHIP OF HOUSING AND LAND.—

(1) IN GENERAL.—Any housing unit constructed, purchased, or rehabilitated, and any real property purchased, using a grant or loan provided under this section shall be considered to be owned, as the Secretary determines to be appropriate, by—

(A) the affected eligible school district;

(B) the affected municipality, as defined under the laws of the State of Alaska;

(C) the affected Village Corporation;

(D) the Metlakatla Indian Community of the Annette Islands Reserve; or

(E) a tribally designated housing entity.

(2) TRANSFER OF OWNERSHIP.—Ownership of a housing unit or real property under paragraph (1) may be transferred between the entities described in that paragraph.

(d) OCCUPANCY OF HOUSING UNITS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), each housing unit constructed, purchased, rehabilitated, or leased using a grant or loan under this section shall be occupied by—

(A)(i) a teacher;

(ii) an administrator; or

(iii) other school staff; and

(B) the household of an individual described in subparagraph (A), if any.

(2) NONSESSION MONTHS.—A housing unit constructed, purchased, rehabilitated, or leased using a grant or loan under this section may be occupied by an individual other an individual described in paragraph (1) only during a period in which school is not in session.

(3) TEMPORARY OCCUPANTS.—A vacant housing unit constructed, purchased, rehabilitated, or leased using a grant or loan under this section may be occupied by a contractor or guest of an eligible school district for a period to be determined by the Alaska Housing Finance Corporation, by regulation.

(e) COMPLIANCE WITH LAW.—An eligible school district that receives a grant or loan under this section shall ensure that each housing unit constructed, purchased, rehabilitated, or leased using the grant or loan complies with applicable laws (including regulations and ordinances).

(f) PROGRAM POLICIES.—

(1) IN GENERAL.—The Alaska Housing Finance Corporation, in consultation with any appropriate eligible school district, shall establish policies governing the administration of grants and loans under this section, including a method of ensuring that funds are made available on an equitable basis to eligible school districts.

(2) REVISIONS.—Not less frequently than once every 3 years, the Alaska Housing Finance Corporation, in consultation with any appropriate eligible school district, shall take into consideration revisions to the policies established under paragraph (1).

SEC. 5. REGULATIONS.

Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to carry out this Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this Act for each of fiscal years 2007 through 2016.

(b) ADMINISTRATIVE EXPENSES.—Each of the Secretary and the Alaska Housing Finance Corporation shall use not more than 5 percent of funds appropriated during a fiscal year to pay administrative expenses incurred in carrying out this Act.

By Mr. DURBIN:

S. 1981. A bill to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil, to rebate a portion of the tax collected back to American consumers, to fund programs under the Low-Income Home Energy Assistance Act of 1981 and tax incentives for the manufacture of energy efficient motor vehicles by using a portion of the proceeds of such tax, and to deposit the balance of the tax collected into the Highway Trust Fund to support the funding of highway projects and to aid highway users, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, 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. 1981

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 ''Windfall Profits Tax Act of 2005''.

SEC. 2. WINDFALL PROFITS TAX.

(a) IN GENERAL.—Subtitle E of the Internal Revenue Code of 1986 (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end thereof the following new chapter:

''CHAPTER 56—WINDFALL PROFITS ON CRUDE OIL

''Sec. 5896. Imposition of tax.
''Sec. 5897. Windfall profit; removal price; adjusted base price; qualified investment.
''Sec. 5898. Special rules and definitions.

''SEC. 5896. IMPOSITION OF TAX.

''(a) IN GENERAL.—In addition to any other tax imposed under this title, there is hereby imposed on any integrated oil company (as defined in section 291(b)(4)) an excise tax equal to the amount equal to 50 percent of the windfall profit from all barrels of taxable crude oil removed from the property during each taxable year.

''(b) FRACTIONAL PART OF BARREL.—In the case of a fraction of a barrel, the tax imposed by subsection (a) shall be the same fraction of the amount of such tax imposed on the whole barrel.

''(c) TAX PAID BY PRODUCER.—The tax imposed by this section shall be paid by the producer of the taxable crude oil.

''SEC. 5897. WINDFALL PROFIT; REMOVAL PRICE; ADJUSTED BASE PRICE.

''(a) GENERAL RULE.—For purposes of this chapter, the term 'windfall profit' means the excess of the removal price of the barrel of taxable crude oil over the adjusted base price of such barrel.

''(b) REMOVAL PRICE.—For purposes of this chapter—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'removal price' means the amount for which the barrel of taxable crude oil is sold.

''(2) SALES BETWEEN RELATED PERSONS.—In the case of a sale between related persons, the removal price shall not be less than the constructive sales price for purposes of determining gross income from the property under section 613.

''(3) OIL REMOVED FROM PROPERTY BEFORE SALE.—If crude oil is removed from the property before it is sold, the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

''(4) REFINING BEGUN ON PROPERTY.—If the manufacture or conversion of crude oil into refined products begins before such oil is removed from the property—

''(A) such oil shall be treated as removed on the day such manufacture or conversion begins, and

''(B) the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

''(5) PROPERTY.—The term 'property' has the meaning given such term by section 614.

''(c) ADJUSTED BASE PRICE DEFINED.—

''(1) IN GENERAL.—For purposes of this chapter, the term 'adjusted base price' means $40 for each barrel of taxable crude oil plus an amount equal to—

''(A) such base price, multiplied by

''(B) the inflation adjustment for the calendar year in which the taxable crude oil is removed from the property.

The amount determined under the preceding sentence shall be rounded to the nearest cent.

''(2) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—For purposes of paragraph (1), the inflation adjustment for any calendar year after 2006 is the percentage by which—

''(i) the implicit price deflator for the gross national product for the preceding calendar year, exceeds

''(ii) such deflator for the calendar year ending December 31, 2005.

''(B) FIRST REVISION OF PRICE DEFLATOR USED.—For purposes of subparagraph (A), the first revision of the price deflator shall be used.

''SEC. 5898. SPECIAL RULES AND DEFINITIONS .

''(a) WITHHOLDING AND DEPOSIT OF TAX.—The Secretary shall provide such rules as are necessary for the withholding and deposit of the tax imposed under section 5896 on any taxable crude oil.

''(b) RECORDS AND INFORMATION.—Each taxpayer liable for tax under section 5896 shall keep such records, make such returns, and furnish such information (to the Secretary and to other persons having an interest in the taxable crude oil) with respect to such oil as the Secretary may by regulations prescribe.

''(c) RETURN OF WINDFALL PROFIT TAX.—The Secretary shall provide for the filing and the time of such filing of the return of the tax imposed under section 5896.

''(d) DEFINITIONS.—For purposes of this chapter—

''(1) PRODUCER.—The term 'producer' means the holder of the economic interest with respect to the crude oil.

''(2) CRUDE OIL.—

''(A) IN GENERAL.—The term 'crude oil' includes crude oil condensates and natural gasoline.

''(B) EXCLUSION OF NEWLY DISCOVERED OIL.—Such term shall not include any oil produced from a well drilled after the date of the enactment of the Windfall Profits Tax Act of 2005, except with respect to any oil produced from a well drilled after such date on any proven oil or gas property (within the meaning of section 613A(c)(9)(A)).

''(3) BARREL.—The term 'barrel' means 42 United States gallons.

''(e) ADJUSTMENT OF REMOVAL PRICE.—In determining the removal price of oil from a property in the case of any transaction, the Secretary may adjust the removal price to reflect clearly the fair market value of oil removed.

''(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this chapter.

''(g) TERMINATION.—This section shall not apply to taxable crude oil removed after the date which is 10 years after the date of the enactment of this section.''.

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle E of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''CHAPTER 56. Windfall Profit on Crude Oil.''.

(c) DEDUCTIBILITY OF WINDFALL PROFIT TAX.—The first sentence of section 164(a) of the Internal Revenue Code of 1986 (relating to deduction for taxes) is amended by inserting after paragraph (5) the following new paragraph:

''(6) The windfall profit tax imposed by section 5896.''.

(d) AMERICAN CONSUMER REBATE.—

(1) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to rules of special application in the case of abatements, credits, and refunds) is amended by adding at the end the following new section:

''SEC. 6430. AMERICAN CONSUMER REBATE.

''(a) GENERAL RULE.—Except as otherwise provided in this section, each individual shall be treated as having made a payment against the tax imposed by chapter 1 in an amount equal to__

''(1) in the case of any taxable year beginning in 2006, $150, and

''(2) in the case of any taxable year beginning after 2006, the applicable amount.

''(b) APPLICABLE AMOUNT.—For purposes of this section, the applicable amount for any taxpayer for any taxable year shall be determined by the Secretary not later than December 31 (beginning in 2007) taking into account the number of such taxpayers and 75 percent of the amount of revenues in the Treasury resulting from the tax imposed by section 5896 for such taxable year.

''(c) CREDITS AND REFUNDS.—Under regulations prescribed by the Secretary, any amount treated as a payment under subsection (a) for the taxable year shall be credited against the tax liability of the taxpayer under section 1 for such taxable year or, in the absence of such tax liability of the taxpayer for such taxable year, refunded to the taxpayer.

''(d) CERTAIN PERSONS NOT ELIGIBLE.—This section shall not apply to—

''(1) 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,

''(2) any estate or trust, or

''(3) any nonresident alien individual.''.

(2) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting before the period '', or enacted by the Windfall Profits Tax Act of 2005''.

(3) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 6430. American consumer rebate.''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(e) LOW INCOME HOME ENERGY ASSISTANCE TRUST FUND.—

(1) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end the following new section:

''SEC. 9511. LOW-INCOME HOME ENERGY ASSISTANCE TRUST FUND.

''(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Low-Income Home Energy Assistance Trust Fund', consisting of any amount appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

''(b) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the Low-Income Home Energy Assistance Trust Fund for each fiscal year beginning after September 30, 2005, amounts equivalent to 7.5 percent of the taxes received in the Treasury under section 5896 (relating to windfall profit tax on crude oil) for such fiscal year.

''(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Low Income Home Energy Assistance Trust Fund shall be available, without further appropriation, for each fiscal year to carry out the program under the Low-Income Home Energy Assistance Act of 1981 for which funds are authorized under section 2602(b) of such Act for such fiscal year, but only if not less than $1,800,000,000 has been appropriated for such program for such fiscal year (determined without regard to any amount appropriated to the Low Income Home Energy Assistance Trust Fund).''.

(2) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

''Sec. 9511. Low-Income Home Energy Assistance Trust Fund.''.

(f) ENERGY EFFICIENT MOTOR VEHICLES MANUFACTURING CREDIT.—

(1) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

''SEC. 30D. ENERGY EFFICIENT MOTOR VEHICLES MANUFACTURING CREDIT.

''(a) CREDIT ALLOWED.—In the case of an eligible taxpayer, subject to a credit allocation under subsection (e) to such eligible taxpayer, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year to an amount equal to the sum of—

''(1) the initial investment credit determined under subsection (b) for the taxable year,

''(2) the fuel economy achievement credit determined under subsection (c) for such taxable year, and

''(3) the eligible components R&D credit determined under subsection (d) for such taxable year.

''(b) INITIAL INVESTMENT CREDIT.—For purposes of this section, the initial investment credit is equal to 20 percent of the qualified investment of an eligible taxpayer with respect to energy efficient motor vehicles during the taxable year beginning in 2006.

''(c) FUEL ECONOMY ACHIEVEMENT CREDIT.—For purposes of this section—

''(1) IN GENERAL.—In the case of an eligible taxpayer who meets the requirements of paragraph (2) for a model year ending in a taxable year specified in the table contained in paragraph (3), the fuel economy achievement credit for such taxable year is equal to 30 percent of the sum of—

''(A) at the election of the eligible taxpayer, such qualified investment for any preceding taxable year beginning after 2005 if such taxable year has not previously been taken into account under this subsection by such taxpayer, plus

''(B) at the election of the eligible taxpayer, the qualified investment with respect to energy efficient motor vehicles of the eligible taxpayer for the taxable year beginning in 2015.

''(2) DEMONSTRATED COMBINED FLEET ECONOMY IMPROVEMENTS.—The requirements of this paragraph are met for any model year ending in a taxable year if the eligible taxpayer can demonstrate to the satisfaction of the Secretary that the percentage by which the taxpayer's overall combined fuel economy standard for the taxpayer's vehicle fleet for such model year exceeds such standard for such taxpayer's 2005 model year as reported to the National Highway Traffic Safety Administration under section 32907 of title 49, United States Code, is not less than the percentage determined for such model year under paragraph (3).

''(3) PERCENTAGE INCREASE.—The percentage determined under this paragraph for any taxable year is equal to—

''Model year ending	Percentage increase in taxable year
2008	5
2009	10
2010	15
2011	20
2012	27.5
2013	35
2014	42.5
2015	50

''(d) ELIGIBLE COMPONENTS R&D CREDIT.—For purposes of this section, the eligible R&D credit for any taxable year is equal to 30 percent of the research and development costs paid or incurred by an eligible taxpayer for such taxable year with respect to eligible components used or to be used in the manufacture of energy efficient motor vehicles.

''(e) LIMITATION.—

''(1) INITIAL INVESTMENT CREDIT AND FUEL ECONOMY ACHIEVEMENT CREDIT.—Subject to paragraph (2), the aggregate amount of initial investment credits and fuel economy achievement credits allowed under subsection (a) for any taxable year beginning in a calendar year after 2005 shall be allocated by the Secretary among all eligible taxpayers—

''(A) based on each eligible taxpayer's percentage of the total qualified investment of all such taxpayers, and

''(B) such that such aggregate amount does not exceed—

''(i) $1,000,000,000, plus

''(ii) any amount of credit unallocated during any preceding calendar year.

''(2) ELIGIBLE COMPONENTS R&D CREDIT.—Of the dollar amount available for allocation under paragraph (1) for any taxable year, 10 percent of such amount shall be allocated in the same manner by the Secretary among all eligible taxpayers with respect to the eligible components R&D credit.

''(f) QUALIFIED INVESTMENT.—For purposes of this section—

''(1) IN GENERAL.—The qualified investment for any taxable year is equal to the incremental costs incurred during such taxable year—

''(A) to re-equip or expand any manufacturing facility of the eligible taxpayer to produce energy efficient motor vehicles or to produce eligible components, and

''(B) for engineering integration of such vehicles and components as described in subsection (h).

''(2) ATTRIBUTION RULES.—In the event a facility of the eligible taxpayer produces both energy efficient motor vehicles and conventional motor vehicles, or eligible and non-eligible components, only the qualified investment attributable to production of energy efficient motor vehicles and the research and development costs attributable to eligible components shall be taken into account.

''(g) ENERGY EFFICIENT MOTOR VEHICLES AND ELIGIBLE COMPONENTS.—For purposes of this section—

''(1) ENERGY EFFICIENT MOTOR VEHICLE.—The term 'energy efficient motor vehicle' means—

''(A) any new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3) determined without regard to subparagraph (A)(iv)(II) thereof or the weight limitation under subparagraph (A)(iv)(I) thereof),

''(B) any new qualified hybrid motor vehicle (as defined in section 30B(d)(3)(A) determined without regard to subparagraph (A)(ii)(II) thereof, the weight limitation under subparagraph (A)(ii)(I) thereof, and subparagraph (A)(iv) thereof), or

''(C) any other new technology motor vehicle identified by the Secretary as offering a substantial increase in fuel economy.

''(2) ELIGIBLE COMPONENTS.—The term 'eligible component' means any component inherent to any energy efficient motor vehicle, including—

''(A) with respect to any gasoline-electric new qualified hybrid motor vehicle—

''(i) electric motor or generator,

''(ii) power split device,

''(iii) power control unit,

''(iv) power controls,

''(v) integrated starter generator, or

''(vi) battery,

''(B) with respect to any new advanced lean burn technology motor vehicle—

''(i) diesel engine,

''(ii) turbocharger,

''(iii) fuel injection system, or

''(iv) after-treatment system, such as a particle filter or NOx absorber, and

''(C) with respect to any energy efficient motor vehicle, any other component approved by the Secretary.

''(h) ENGINEERING INTEGRATION COSTS.—For purposes of subsection (f)(1)(B), costs for engineering integration are costs incurred prior to the market introduction of energy efficient vehicles for engineering tasks related to—

''(1) incorporating eligible components into the design of energy efficient motor vehicles, and

''(2) designing new tooling and equipment for production facilities which produce eligible components or energy efficient motor vehicles.

''(i) ELIGIBLE TAXPAYER.—For purposes of this section, the term 'eligible taxpayer' means, with respect to any taxable year, any taxpayer if more than 25 percent of the taxpayer's gross receipts for the taxable year is derived from the manufacture of motor vehicles or any component parts of such vehicles.

''(j) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(1) the sum of—

''(A) the regular tax liability (as defined in section 26(b)) for such taxable year, plus

''(B) the tax imposed by section 55 for such taxable year, over

''(2) the sum of the credits allowable under subpart A and sections 27, 30, 30B, and 30C for the taxable year.

''(k) REDUCTION IN BASIS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(l) NO DOUBLE BENEFIT.—

''(1) COORDINATION WITH OTHER DEDUCTIONS AND CREDITS.—The amount of any deduction or other credit allowable under this chapter for any cost taken into account in determining the amount of the credit under subsection (a) shall be reduced by the amount of such credit attributable to such cost.

''(2) RESEARCH AND DEVELOPMENT COSTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), any amount described in subsection (d) taken into account in determining the amount of the credit under subsection (a) for any taxable year shall not be taken into account for purposes of determining the credit under section 41 for such taxable year.

''(B) COSTS TAKEN INTO ACCOUNT IN DETERMINING BASE PERIOD RESEARCH EXPENSES.—Any amounts described in subsection (d) taken into account in determining the amount of the credit under subsection (a) for any taxable year which are qualified research expenses (within the meaning of section 41(b)) shall be taken into account in determining base period research expenses for purposes of applying section 41 to subsequent taxable years.

''(m) BUSINESS CARRYOVERS ALLOWED.—If the credit allowable under subsection (a) for a taxable year exceeds the limitation under subsection (j) for such taxable year, such excess (to the extent of the credit allowable with respect to property subject to the allowance for depreciation) shall be allowed as a credit carryback and carryforward under rules similar to the rules of section 39.

''(n) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) DEFINITIONS.—Any term which is used in this section and in chapter 329 of title 49, United States Code, shall have the meaning given such term by such chapter.

''(2) SPECIAL RULES.—Rules similar to the rules of paragraphs (4) and (5) of section 179A(e) and paragraphs (1) and (2) of section 41(f) shall apply.

''(o) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

''(p) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

''(q) TERMINATION.—This section shall not apply to any qualified investment made after December 31, 2015.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1016(a) of such Code is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 30D(k).''.

(B) Section 6501(m) of such Code is amended by inserting ''30D(o),'' after ''30C(e)(5),''.

(C) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 30C the following new item:

''Sec. 30D. Energy efficient motor vehicles manufacturing credit.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts incurred in taxable years beginning after December 31, 2005.

(g) TRANSFER TO HIGHWAY TRUST FUND TO FUND HIGHWAY PROJECTS AND AID HIGHWAY USERS.—

(1) IN GENERAL.—Section 9503(b)(1) of the Internal Revenue Code of 1986 (relating to certain taxes) is amended—

(A) by inserting ''(before January 1, 2016, in the case of taxes under section 5896)'' after ''2011''

(B) by striking ''and'' at the end of subparagraph (D),

(C) by striking the period at the end of subparagraph (E) and inserting '', and'',

(D) by inserting after subparagraph (E) the following new subparagraph:

''(F) section 5896 (relating to windfall profit tax).'', and

(E) by adding at the end the following new sentence: ''For purposes of this paragraph, the aggregate amount which is appropriated to the Highway Trust Fund as determined by reference to taxes received under section 5896 shall be reduced by the aggregate amount of the American consumer rebate determined under section 6430, the amount appropriated for each fiscal year to the Low-Income Home Energy Assistance Trust Fund under section 9511(b), and an amount of $1,000,000,000 for each of fiscal years 2006 through 2015.''

(2) PORTION TO MASS TRANSIT ACCOUNT.—Section 9503(e)(2) of such Code (relating to transfers to Mass Transit Account) is amended by inserting ''and 18.5 percent of the amounts appropriated to the Highway Trust Fund under subsection (b) which are attributable to the tax under section 5896'' after ''1983''.

(3) SPECIAL RULE REGARDING HIGHWAY PROJECTS FUNDED BY WINDFALL PROFIT TAX REVENUES.—Notwithstanding section 120 of title 23, United States Code, the Federal share of the cost of any project or activity carried out using funds deposited in the Highway Trust Fund under section 9503(b)(1)(F) of the Internal Revenue Code of 1986 shall be 100 percent to the extent such funds are available under such section.

(h) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this section shall apply to crude oil removed after the date of the enactment of this Act, in taxable years ending after such date.

By Ms. SNOWE:

S. 1982. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit against residential heating costs; to the Committee on Finance.

Ms. SNOWE. Mr. President, today I rise to introduce legislation that would provide a tax credit for home energy costs to low- and middle-income taxpayers. This legislation will help those who are struggling to simply heat their homes as winter approaches and while fuel prices remain so high.

Home heating oil in Maine is $2.52 per gallon, up 59 cents from a year ago. 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 I am told that rolling blackouts on cold days this winter may be a possibility because of a high demand for electricity.

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. Should colder weather prevail, these costs will surely increase, especially for States like Maine.

So understandably, my constituents are asking how they will be able to afford to pay home heating oil bills that are 30 percent more expensive than last year. This is a crisis that has arrived.

Heating one's home 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 deeply concerned, and the leaves have barely fallen from the trees.

In order to help low- and middle-income families heat their homes this winter, I am proposing a tax credit for home energy costs up to $500. The credit would be available to married couples earning less than $100,000 and single taxpayers making less than $50,000.

My legislation also directs the Treasury Department to assist individuals to adjust their withholding amounts for 2006, which will immediately increase take home pay. Without adjusting their withholding, taxpayers would not benefit from the credit until they file their taxes sometime in 2007, possibly long after energy prices have returned to a normal level. As a result, this is a crucial provision to ensure that these individuals and families get a helping hand exactly when they need it most. Finally, any unused credit amount could be carried back to the prior two taxable years or carried forward to future taxable years.

It is critical that those who would benefit from the home energy credit are not at the same time required to shoulder the burden of the cost of the credit through an increase in the national debt. This credit should be paid for, and it makes sense to me that costs of the credit should be financed by those who profit the most by high energy prices, namely large oil companies. I am concerned that while many individuals are forced to make the choice of heating one's home or meeting the other basic necessities of life, large oil companies are showing record profits. Therefore, the Home Energy Cost Tax Assistance Act includes an offset provision to disallow the tax benefit that large oil companies with

revenues in excess of $1 billion in 2005 receive by use of the Last-In, First-Out (LIFO) tax accounting method. Instead, these companies would be required to use the First-In, First-Out (FIFO) method of accounting for 2005. Put another way, the proposal would scale back a tax provision that allows oil companies to take an enormous tax deduction when prices are sky high and allows them to boost after-tax profits even further. As big oil companies show record profits on the backs of ordinary Americans, they have less of a need for such a tax break, and I believe it is fair to scale back this tax break in order to lend a helping hand to low- and middle-income workers.

It is critical that Congress act to help low and middle income Americans absorb the increased home energy costs associated with the drastic increase in price of fuel. Temperatures are falling, prices are rising and we must move swiftly.

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. 1982

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 ''Home Energy Assistance Act of 2005''.

SEC. 2. TAX CREDIT AGAINST RESIDENTIAL HEATING COSTS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25D the following new section:

''SEC. 25E. CREDIT AGAINST RESIDENTIAL HEATING COSTS.

''(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the amount paid or incurred during such taxable year for residential heating costs.

''(b) LIMITATIONS.—

''(1) DOLLAR LIMITATION.—The amount of the credit allowed to under subsection (a) to any taxpayer shall not exceed $500 for any taxable year.

''(2) LIMITATION BASED ON ADJUSTED GROSS INCOME.—

''(A) IN GENERAL.—The amount of the credit which would (but for this paragraph) be taken into account under subsection (a) for the taxable year shall be reduced (but not below zero) by the amount determined under subparagraph (B).

''(B) AMOUNT OF REDUCTION.—The amount determined under this subparagraph is the amount which bears the same ratio to the amount which would be so taken into account as—

''(i) the excess of—

''(I) the taxpayers adjusted gross income for such taxable year, over

''(II) the threshold amount, bears to

''(ii) the phaseout amount.

''(C) THRESHOLD AMOUNT.—For purposes of this paragraph, the term 'threshold amount' means—

''(i) $80,000 in the case of a joint return,

''(ii) $65,000 in the case of a head of a household, and

''(iii) $40,000 in any other case.

''(D) PHASEOUT AMOUNT.—For purposes of this paragraph, the term 'phaseout amount' means—

''(i) $20,000 in the case of a joint return or a head of a household, and

''(ii) $10,000 in any other case.

''(3) MAXIMUM CREDIT PER HOUSEHOLD.—

''(A) IN GENERAL.—In the case of any household, the credit under subsection (a) shall be allowed only to the individual residing in such household who furnishes the largest portion (whether or not more than one-half) of the cost of maintaining such household.

''(B) DETERMINATION OF AMOUNT.—In the case of an individual described in subparagraph (A), such individual shall, for purposes of determining the amount of the credit allowed under subsection (a), be treated as having paid or incurred during such taxable year for increased residential heating costs an amount equal to the sum of the amounts paid or incurred for such heating costs by all individuals residing in such household (including any amount allocable to any such individual under subsection (d) or (e)).

''(c) CARRYBACK OF CREDIT.—

''(1) IN GENERAL.—If the credit allowable under subsection (a) for a taxable year exceeds the limitation under subsection (b)(1) for such taxable year, such excess shall be allowed—

''(A) as a credit carryback to each of the 2 taxable years preceding such taxable year, and

''(B) as a credit carryforward to each of the 20 taxable years following such taxable year.

''(2) AMOUNT CARRIED TO EACH YEAR.—Rules similar to the rules of section 39(b)(2) shall apply for purposes of this section.

''(3) LIMITATION.—The amount of unused credit which may be taken into account under paragraph (1) for any taxable year shall not exceed the limitation under subsection (b)(1).

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) RESIDENTIAL HEATING COSTS.—The term 'residential heating costs' means costs incurred in connection with an energy source used to heat a principal residence of the taxpayer located in the United States.

''(2) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as in section 121, except that—

''(A) no ownership requirement shall be imposed, and

''(B) the principal residence must be used by the taxpayer as the taxpayer's residence during the taxable year.

''(3) 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.

''(4) TREATMENT OF EXPENSES PAID BY DEPENDENT.—If a deduction under section 151 with respect to an individual is allowed to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins—

''(A) no credit shall be allowed under subsection (a) to such individual for such individual's taxable year, and

''(B) residential heating costs paid by such individual during such individual's taxable year shall be treated for purposes of this section as paid by such other taxpayer.

''(e) HOMEOWNERS ASSOCIATIONS.—The application of this section to homeowners associations (as defined in section 528(c)(1)) or members of such associations, and tenant-stockholders in cooperative housing corporations (as defined in section 216), shall be allowed by allocation, apportionment, or otherwise, to the individuals paying, directly or indirectly, for the increased residential heating cost so incurred.

''(f) APPLICABILITY OF SECTION.—This section shall apply to taxable years beginning after December 31, 2005, and before January 1, 2007.''.

(b) REDUCTION IN WITHHOLDING.—The Secretary of the Treasury—

(1) shall educate taxpayers on adjusting withholding of taxes to reflect any anticipated tax credit under section 25E of the Internal Revenue Code of 1986, and

(2) may adjust the wage withholding tables prescribed under section 3402(a)(1) of such Code to take into account the credit allowed under section 25E of such Code.

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 35 and by adding at the end the following new items:

''Sec. 25E. Credit against residential heating costs.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 3. DISALLOWANCE OF USE OF LIFO METHOD OF ACCOUNTING BY LARGE INTEGRATED OIL COMPANIES FOR LAST TAXABLE YEAR ENDING BEFORE OCTOBER 1, 2005.

(a) GENERAL RULE.—Notwithstanding any other provision of law, an applicable integrated oil company shall, in determining the amount of Federal income tax imposed on such company for its most recent taxable year ending on or before September 30, 2005, use the first-in, first-out (FIFO) method of accounting rather than the last-in, last-out (LIFO) method of accounting with respect to its crude oil inventories.

(b) APPLICATION OF REQUIREMENT.—The requirement to use the first-in, first-out (FIFO) method of accounting under subsection (a)—

(1) shall not be treated as a change in method of accounting, and

(2) shall be disregarded in determining the method of accounting required to be used in any succeeding taxable year.

(c) APPLICABLE INTEGRATED OIL COMPANY.—For purposes of this section, the term ''applicable integrated oil company'' means an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which—

(1) had gross receipts in excess of $1,000,000,000 for its most recent taxable year ending on or before September 30, 2005, and

(2) would, without regard to this section, use the last-in, first-out (LIFO) method of accounting with respect to its crude oil inventories for such taxable year.

For purposes of paragraph (1), all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person.

By Mr. SANTORUM (for himself, Mr. NELSON of Nebraska, Mr. INHOFE, Mr. DEMINT, Mr. DEWINE, Mr. HAGEL, Mr. COBURN, Mr. GREGG, Mr. BROWNBACK, Mr. ENSIGN, Mr. MARTINEZ, Mr. KYL, Mr. VITTER, and Mr. BURR):

S. 1983. A bill to prohibit certain abortion-related discrimination in governmental activities; to the Committee on Health, Education, Labor, and Pensions.

Mr. SANTORUM. Mr. President, I rise today to introduce the Abortion

Non-Discrimination Act of 2005. I am pleased to be joined in this effort by Senators BEN NELSON, INHOFE, DEMINT, DEWINE, HAGEL, COBURN, GREGG, BROWNBACK, ENSIGN, MARTINEZ, KYL, VITTER, and BURR.

Abortion has been, and continues to be, one of the most divisive social issues in our Nation. I realize that there are people of good will on both sides of this issue, people who working for the best interests of women, children and families. Despite the great disagreements, there are points of this debate where the vast majority of Americans agree, for example the Partial-Birth Abortion Ban Act, the Unborn Victims of Violence Act, and the Born-Alive Infants Protection Act. The bill I introduce today is one of these areas of common ground. However one may feel about abortion, surely we can agree on the principle that no one should be forced to participate in an abortion in violation of one's conscience.

We should all agree that no person or entity should be forced, against their will or conscience, to provide, refer for, or pay for an abortion. No entity should be forced to choose between being involved in an abortion or losing its funding, its certification, or its ability to exist as a hospital. Healthcare entities including physicians, other health professionals, hospitals, provider-sponsored organizations, health maintenance organizations, and health insurance plans should not be coerced into providing abortion services, and they certainly should not be discriminated against because of their objections to providing or paying for abortions.

Current law, as has been interpreted by some courts, only provides protection for individual physicians, postgraduate physician training programs, and participants in health professions training. This narrow interpretation excludes from protection those who deserve it. The Abortion Non-Discrimination Act of 2005 directly addresses these concerns by clarifying and strengthening existing law. This legislation makes clear that other health professionals, hospitals, health insurance plans, and any other kind of health care facility, organization, or plan cannot be forced to perform, provide coverage of, or pay for an abortion when it conflicts with their conscience. These individuals and organizations deserve the freedom to follow their conscience in protecting innocent life. They should not be forced to suffer financial consequences for their choice not to participate in an abortion.

I am thankful for the Hyde-Weldon conscience protection language that was included in the Consolidated Appropriations Act of 2005, but I believe it is appropriate to codify such conscience protection in Federal law. I am hopeful the Senate will act to pass the Abortion Non-Discrimination Act during this Congress.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1983

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 ''Abortion Non-Discrimination Act of 2005''.

SEC. 2. ABORTION NON-DISCRIMINATION.

Section 245 of the Public Health Service Act (42 U.S.C. 238n) is amended—

(1) in the section heading by striking ''**AND LICENSING OF PHYSICIANS**'' and inserting ''**, LICENSING, AND PRACTICE OF PHYSICIANS AND OTHER HEALTH CARE ENTITIES**'';

(2) in subsection (a)(1), by striking ''to perform such abortions'' and inserting ''to perform, provide coverage of, or pay for induced abortions''; and

(3) in subsection (c)—

(A) in paragraph (1), by striking ''includes'' and inserting ''means''; and

(B) in paragraph (2)—

(i) by inserting ''or other health professional,'' after ''an individual physician'';

(ii) by striking ''and a participant'' and inserting ''a participant''; and

(iii) by inserting before the period the following: '', a hospital, a provider sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization or plan''.

By Mr. ALLARD:

S. 1986. A bill to provide for the coordination and use of the National Domestic Preparedness Consortium by the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. ALLARD. Mr. President, the events of the past few months remind us of the vital role of first responders in responding to natural disasters and terrorists attacks. First responders are just that: the first to respond. When they arrive on the scene, they often face fluid and volatile situations whereupon they are required to make split-second decisions, each of which has the potential to affect thousands of lives. For this reason, it is important that our first responders receive the training and experience needed to make critical life saving decisions under emergency circumstances. I believe that an essential element of preparing our first responders is to provide them with hands-on experience in simulated, real-world training environments.

The importance of real world training was called to my attention by a visit to the Technology Training Center (TTC) in Pueblo, CO. There, I witnessed first hand the tools at our disposal to equip our first responders with the training they need, specifically in the context of rail and mass transit. Already aware of the training facilities at the disposal of our first responders through the Department of Homeland Security's National Domestic Preparedness Consortium (NDPC), TTC's potential to fill a gap in the rail and mass transit environment became apparent.

Congress recognized the need to train first responders in the 1998 Appropriations Act, Public Law 105–119, and accompanying report. There, Congress stated that, while the Federal Government plays an important role in preventing and responding to these types of threats, state and local public safety personnel are typically first to respond to the scene when such incidents occur. As a result, Congress authorized the Attorney General to assist state and local public safety personnel in acquiring the specialized training and equipment necessary to safely respond to and manage terrorist incidents involving weapons of mass destruction.

On April 30, 1998, the Attorney General delegated authority to the Justice Department's Office of Justice Programs (OJP) to develop and administer training and equipment assistance programs for state and local emergency response agencies to better prepare them against this threat. To execute this mission, the Office of Justice Programs established the Office for Domestic Preparedness (ODP) to develop and administer a national Domestic Preparedness Program.

Upon passage of the Homeland Security Act of 2002, Pub. L. 107–296, the ODP was transferred to the Department of Homeland Security from OJP. In 2003, a number of grant programs and functions from other DHS components were consolidated with ODP, including the NDPC, under a new DHS agency, the Office of State and Local Government Coordination and Preparedness (SLGCP).

Today, SLGCP is the Federal Government's lead agency responsible for preparing the nation against terrorism by assisting states, local and tribal jurisdictions, and regional authorities as they prevent, deter, and respond to terrorist acts. SLGCP's ODP provides tailored training to enhance the capacity of States and local jurisdictions to prevent, deter, and respond safely and effectively to emergency situations.

ODP draws upon a coalition of ''training partners'' in the development and delivery of state-of-the-art training programs. This coalition is composed of government facilities, academic institutions, and private organizations, all of which are committed to providing a variety of specialized training for emergency responders across the country.

ODP's major training partner is the NDPC, through which ODP identifies, develops, tests, and delivers training to state and local emergency responders. The NDPC includes: ODP's Center for Domestic Preparedness (CDP): CDP provides advanced, hands-on training to members of the emergency response community in the areas of command, advanced hazmat, and tactical operations. CDP is the only WMD training facility that provides hands-on training to civilian emergency responders in

a toxic chemical agent environment. New Mexico Institute of Mining and Technology (NMIMT): NMIMT, a world leader in explosives research, serves as the lead NDPC partner for explosives, firearms, and incendiary devices training. New Mexico Tech also delivers a program on suicide bombing prevention. Louisiana State University (LSU): LSU provides training and expertise in the areas of law enforcement, bioterrorism, agricultural terrorism, weapons of mass destruction, and mass casualty incidents. Texas A&M University System, Texas Engineering Extension Service (TEEX): TEEX develops and conducts national WMD preparedness training for all emergency response disciplines, as well as courses in incident management/unified command, threat and risk assessments, operations for public works, and WMD operations for emergency medical services. TEEX also conducts a structural collapse technician course to build state capabilities for urban search and rescue operations. Department of Energy's Nevada Test Site (NTS): NTS conducts radiological and nuclear training at NTS and via mobile training teams. It also develops and delivers radiological/nuclear mobile training at the awareness and operations levels and conducts train-the-trainer courses for first responders across the country.

Although it consists of an impressive array of training facilities, the National Domestic Preparedness Consortium is not statutorily authorized and does not include a facility that is uniquely focused on emergency preparedness within the railroad and mass transit environment. Therefore, in addition to specifically authorizing the NDPC, this bill incorporates the Transportation Technology Center into the Department of Homeland Security's National Domestic Preparedness Consortium, filling a critical gap in its current training agenda.

TTC is a federally-owned, 52 square mile multi-modal testing and training facility in Pueblo, Colorado, operated by the Association of American Railroads (AAR). In 1985, TTC established an on site Emergency Response Training Center (ERTC) to train railroad officials to safely handle accidents involving tank cars carrying hazardous materials. The training proved to be so successful that attendance was opened up to other emergency responders. TTC now serves not only the transportation service industry, but also the public sector emergency response community, the chemical industry, government agencies, and emergency response contractors from all over the world.

Each year, an average of 1,700 first responders—from Portland, ME to Portland, OR—travel to Pueblo, CO, to participate in TTC's training program. Former participants include over 600 fire departments and entities from 45 states; 16 state police agencies from Arkansas, Colorado, Idaho, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Michigan, Missouri, New Jersey, Nebraska, New Mexico, Oregon, Texas, and Washington; and numerous government agencies, including the U.S. Air Force, Army, Coast Guard, Customs Service, Federal Bureau of Investigations, Environmental Protection Agency, Drug Enforcement Agency, National Oceanic and Atmospheric Administration, and the National Transportation Safety Board. In its 20 year history, the facility has trained more than 20,000 students worldwide.

The ERTC is regarded as the ''graduate school'' of hazmat training because of its focus on hands-on, true to life, training exercises on actual rail vehicles, including tank cars and passenger rail cars. The ERTC is uniquely positioned to teach emergency response for railway-related emergencies with 69 railway freight cars, 15 railroad passenger cars, 25 highway cargo tanks, van trailers, and intermodal containers, and computer work stations equipped with the latest emergency response software. The Passenger Railcar Security and Integrity Training Facility is currently being developed to test various inspection, response, and remediation techniques' effectiveness for mitigation to incidents involving passenger railcars. This facility focuses on chemical, biological, radiological, nuclear, or explosive incidents and other activities associated with potential terrorist events.

The distinctive environment of TTC allows testing and training activities to be carried out at a remote Colorado location without disruption to the flow of passenger and rail traffic in and around urban areas. Its inclusion in the NDPC presents a unique opportunity to enhance technology and training that will improve our Nation's ability to prevent, minimize, and respond to potential terrorist attacks similar to those recently seen in London and Madrid.

It is for these reasons, among others, that I rise today to introduce a bill statutorily authorizing the National Domestic Preparedness Consortium, as expanded to include the Transportation Technology Center in Pueblo, CO, and providing for its coordination and use by the Department of Homeland Security in training the Nation's first responders.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 63—SUPPORTING THE GOALS AND IDEALS OF NATIONAL HIGH SCHOOL SENIORS VOTER REGISTRATION DAY

Mr. VITTER submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 63

Whereas in order for the Government of the United States to remain of the people, by the people, and for the people, individuals must take advantage of their right to vote;

Whereas the right to vote is one of the most important rights of a citizen, and every effort should be made to promote voter registration at school so that students may begin participating in the foundation of the Nation's representative democracy;

Whereas the Legislature of Louisiana voted in 2002 to recognize annually the first Tuesday in May as National High School Seniors Voter Registration Day; and

Whereas the purpose of National High School Seniors Voter Registration Day is to allow students to register to vote at school to encourage their participation in making democracy work: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress supports the goals and ideals of National High School Seniors Voter Registration Day, and encourages all eligible students to register to vote.

SENATE CURRENT RESOLUTION 64—EXPRESSING THE SENSE OF THE CONGRESS REGARDING OVERSIGHT OF THE INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS

Mr. BURNS (for himself, Mr. LEAHY, Mr. INOUYE, Mr. SMITH, Mr. STEVENS, Mr. SUNUNU, Mr. NELSON of Florida, and Mrs. HUTCHISON) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 64

Whereas the origins of the Internet can be found in United States Government funding of research to develop packet-switching technology and communications networks, starting with the ''ARPANET'' network established by the Department of Defense's Advanced Research Projects Agency in the 1960s and carried forward by the National Science Foundation's ''NSFNET''.

Whereas in subsequent years the Internet evolved from a United States Government research initiative to a global tool for information exchange as in the 1990s it was commercialized by private sector investment, technical management and coordination;

Whereas since its inception the authoritative root zone server-the file server system that contains the master list of all top level domain names made available for routers serving the Internet-has been physically located in the United States;

Whereas today the Internet is a global communications network of inestimable value;

Whercas the continued success and dynamism of the Internet is dependent upon continued private sector leadership and the ability for all users to participate in its continued evolution;

Whereas in allowing people all around the world freely to exchange information, communicate with one another, and facilitate economic growth and democracy, the Internet has enormous potential to enrich and transform human society;

Whereas existing structures have worked effectively to make the Internet the highly robust medium that it is today;

Whereas the security and stability of the Internet's underlying infrastructure, the domain name and addressing system, must be maintained;

Whereas the United States has been committed to the principles of freedom of expression and the free flow of information, as expressed in Article 19 of the Universal Declaration of Human Rights, and reaffirmed in the Geneva Declaration of Principles adopted at the first phase of the World Summit on the Information Society;

Whereas the U.S. Principles on the Internet's Domain Name and Addressing System, issued on June 30, 2005, represent an appropriate framework for the coordination of the system at the present time;

Whereas the Internet Corporation for Assigned Names and Numbers popularly known as ICANN, is the proper organization to coordinate the technical day-to-day operation of the Internet's domain name and addressing system;

Whereas all stakeholders from around the world, including governments, are encouraged to advise ICANN in its decision-making;

Whereas ICANN makes significant efforts to ensure that the views of governments and all Internet stakeholders are reflected in its activities;

Whereas governments have legitimate concerns with respect to the management of their country code top level domains;

Whereas the United States Government is committed to working successfully with the international community to address those concerns, bearing in mind the need for stability and security of the Internet's domain name and addressing system;

Whereas the topic of Internet governance, a as currently being discussed in the United Nations World Summit on the Information Society is a broad and complex topic;

Whereas it is appropriate for governments and other stakeholders to discuss Internet governance, given that the Internet will likely be an increasingly important part of the world economy and society in the 21st Century;

Whereas Internet governance discussions in the World Summit should focus on the real threats to the Internet's growth and stability, and not recommend changes to the current regime of domain name and addressing system management and coordination on political grounds unrelated to any technical need; and

Whereas market-based policies and private sector leadership have allowed this medium the flexibility to innovate and evolve: Now, therefore, be it

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

(1) it is incumbent upon the United States and other responsible governments to send clear signals to the marketplace that the current structure of oversight and management of the Internet's domain name and addressing service works, and will continue to deliver tangible benefits to Internet users worldwide in the future; and

(2) therefore the authoritative root zone server should remain physically located in the United States and the Secretary of Commerce should maintain oversight of ICANN so that ICANN can continue to manage the day-to-day operation of the Internet's domain name and addressing system well, remain responsive to all Internet stakeholders world-wide, and otherwise fulfill its core technical mission.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2474. Mr. MARTINEZ (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 2475. Mr. BROWNBACK (for himself, Mr. COBURN, Mr. DEMINT, Mr. INHOFE, Mr. SESSIONS, and Mr. TALENT) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 2476. Mr. DORGAN (for himself, Mr. DURBIN, Mrs. BOXER, and Mr. LAUTENBERG) proposed an amendment to the bill S. 1042, supra.

SA 2477. Mr. TALENT (for himself, Mr. WARNER, Mr. STEVENS, Mr. CHAMBLISS, Mr. CORNYN, Mr. LIEBERMAN, Mrs. BOXER, Mrs. FEINSTEIN, Ms. COLLINS, Mr. DEWINE, Mr. DODD, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1042, supra.

SA 2478. Mr. LAUTENBERG proposed an amendment to the bill S. 1042, supra.

SA 2479. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2445 submitted by Mr. BROWNBACK (for himself, Mr. INHOFE, and Mr. DEMINT) and intended to be proposed to the bill S. 1042, supra; which was ordered to lie on the table

SA 2480. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2475 submitted by Mr. BROWNBACK (for himself, Mr. COBURN, Mr. DEMINT, Mr. INHOFE, Mr. SESSIONS, and Mr. TALENT) and intended to be proposed to the bill S. 1042, supra; which was ordered to lie on the table.

SA 2481. Mr. SALAZAR (for himself, Mr. LAUTENBERG, Mr REED, Mr. DURBIN, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 2482. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 2483. Mr. DURBIN (for Mr. BAYH (for himself, Mr. DURBIN, and Ms. LANDRIEU)) proposed an amendment to the bill S. 1042, supra.

SA 2484. Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill S. 1042, supra.

SA 2485. Mr. WARNER (for Mr. AKAKA) proposed an amendment to the bill S. 1042, supra.

SA 2486. Mr. WARNER (for Mr. ENSIGN) proposed an amendment to the bill S. 1042, supra.

SA 2487. Mr. WARNER (for Mr. ENSIGN) proposed an amendment to the bill S. 1042, supra.

SA 2488. Mr. WARNER (for Mr. COLEMAN) proposed an amendment to the bill S. 1042, supra.

SA 2489. Mr. WARNER (for Mr. BINGAMAN (for himself and Mr. DOMENICI)) proposed an amendment to the bill S. 1042, supra.

SA 2490. Mr. WARNER (for Mr. SALAZAR) proposed an amendment to the bill S. 1042, supra.

SA 2491. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 2492. Mr. WARNER (for Mr. KENNEDY (for himself, Ms. COLLINS, Mr. ROBERTS, Mr. SANTORUM, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. ALEXANDER, Mrs. CLINTON, Mrs. DOLE, Ms. SNOWE, Mr. BINGAMAN, Mr. REED, and Mr. SESSIONS)) proposed an amendment to the bill S. 1042, supra.

SA 2493. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 2494. Mr. WARNER (for Mr. BYRD) proposed an amendment to the bill S. 1042, supra.

SA 2495. Mr. WARNER (for Mr. DODD (for himself and Mr. KENNEDY)) submitted an amendment intended to be proposed by Mr. Warner to the bill S. 1042, supra.

SA 2496. Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill S. 1042, supra.

SA 2497. Mr. WARNER (for Mr. KERRY) proposed an amendment to the bill S. 1042, supra.

SA 2498. Mr. WARNER (for Mr. LEVIN) proposed an amendment to the bill S. 1042, supra.

SA 2499. Mr. WARNER proposed an amendment to amendment SA 1396 proposed by Mr. WARNER (for Mr. STEVENS!) TO THE BILL S. 1042 SUPRA.

SA 2500. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 2501. Mr. WARNER (for Mr. NELSON, OF FLORIDA) proposed an amendment to the bill S. 1042, supra.

SA 2502. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1042, supra.

SA 2503. Mr. WARNER (for Mr. ALLARD (for himself and Mr. SALAZAR)) proposed an amendment to the bill S. 1042, supra.

SA 2504. Mr. WARNER (for Mr. ROBERTS) proposed an amendment to the bill S. 1042, supra.

SA 2505. Mr. WARNER (for Mr. INOUYE) proposed an amendment to the bill S. 1042, supra.

SA 2506. Mr. WARNER (for Mrs. HUTCHISON (for herself, Mr. VOINOVICH, and Mr. NELSON, of Florida)) proposed an amendment to the bill S. 1042, supra.

TEXT OF AMENDMENTS

SA 2474. Mr. MARTINEZ (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

SEC. ___. IMPROVEMENT OF AUTHORITIES ON GENERAL GIFT FUNDS OF THE DEPARTMENT OF DEFENSE.

(a) RESTATEMENT AND EXPANSION OF CURRENT AUTHORITY.—Subsection (a) of section 2601 of title 10, United States Code, is amended to read as follows:

''(a)(1) Subject to subsection (b), the Secretary concerned may accept, hold, administer, and spend any gift, devise, or bequest of real or personal property made on the condition that it be used for the benefit, or in connection with, the establishment, operation, or maintenance of a school, hospital, library, museum, cemetery, or other institution or organization under the jurisdiction of such Secretary.

''(2)(A) Subject to subsection (b), the Secretary concerned may accept, hold, administer, and spend any gift, devise, or bequest of real or personal property made on the condition that it be used for the benefit of members of the armed forces or civilian employees of United States Government, or the dependents or survivors of such members or employees, who are wounded or killed while serving in Operation Iraqi Freedom, Operation Enduring Freedom, or any other military operation or activity, or geographic area, designated by the Secretary of Defense for purposes of this section.

''(B) The Secretary of Defense shall prescribe regulations specifying the conditions that may be attached to a gift, devise, or bequest accepted under this paragraph.

''(C) The authority to accept gifts, devises, or bequests under this paragraph shall expire on December 31, 2007.

''(3) The Secretary concerned may pay all necessary expenses in connection with the

conveyance or transfer of a gift, devise, or bequest made under this subsection.''.

(b) SCOPE OF AUTHORITY TO USE ACCEPTED PROPERTY.—Such section is further amended—

(1) by redesignating subsections (b), (c) and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

''(b)(1) Except as provided in paragraph (2), property accepted under subsection (a) may be used by the Secretary concerned without further specific authorization in law.

''(2) Property accepted under subsection (a) may not be used—

''(A) if the use of such property in connection with any program, project, or activity would result in the violation of any prohibition or limitation otherwise applicable to such program, project, or activity;

''(B) if the conditions attached to such property are inconsistent with applicable law or regulations;

''(C) if the use of such property would reflect unfavorably on ability of the Department of Defense, any employee of the Department, or any member of the armed forces to carry out any responsibility or duty of the Department in a fair and objective manner; or

''(D) if the use of such property would compromise the integrity or appearance of integrity of any program of the Department of Defense, or any individual involved in such a program.''.

(c) CONFORMING AMENDMENT.—Subsection (c) of such section, as redesignated by subsection (b)(1) of this section, is further amended in the flush matter following paragraph (4) by striking ''benefit or use of the designated institution or organization'' and inserting ''purposes specified in subsection (a)''.

(d) GAO AUDITS.—Such section is further amended by adding at the end the following new subsection:

''(f) The Comptroller General of the United States shall make periodic audits of real or personal property accepted under subsection (a) at such intervals as the Comptroller General determines to be warranted. The Comptroller General shall submit to Congress a report on the results of each such audit.''.

SA 2475. Mr. BROWNBACK (for himself, Mr. COBURN, Mr. DEMINT, Mr. INHOFE, Mr. SESSIONS, and Mr. TALENT) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PROTECTION OF CHILDREN AND PARENTAL INVOLVEMENT IN THE PERFORMANCE OF ABORTIONS FOR DEPENDENT CHILDREN OF MEMBERS OF THE ARMED FORCES.

Section 1093 of title 10, United States Code, is amended by adding at the end the following new subsections:

''(c) PARENTAL NOTICE.—(1) A physician may not use facilities of the Department of Defense to perform an abortion on a pregnant unemancipated minor who is a child of a member of the armed forces unless—

''(A) the physician gives at least 48 hours actual notice, in person or by telephone, of the physician's intent to perform the abortion to—

''(i) the member of the armed forces, or another parent of the minor, if the minor has no managing conservator or guardian; or

''(ii) a court-appointed managing conservator or guardian;

''(B) the judge of an appropriate district court of the United States issues an order authorizing the minor to consent to the abortion as provided by subsection (d) or (e);

''(C) the appropriate district court of the United States by its inaction constructively authorizes the minor to consent to the abortion as provided by subsection (d) or (e); or

''(D) the physician performing the abortion—

''(i) concludes that on the basis of the physician's good faith clinical judgment, a condition exists that complicates the medical condition of the minor and necessitates the immediate abortion of her pregnancy to avert her death or to avoid a serious risk of substantial and irreversible impairment of a major bodily function; and

''(ii) certifies in writing to the appropriate medical official of the Department of Defense, and in the patient's medical record, the medical indications supporting the physician's judgment that the circumstances described by clause (i) exist.

''(2) If a person to whom notice may be given under paragraph (1)(A) cannot be notified after a reasonable effort, a physician may perform an abortion if the physician gives 48 hours constructive notice, by certified mail, restricted delivery, sent to the last known address, to the person to whom notice may be given under that paragraph. The period under this paragraph begins when the notice is mailed. If the person required to be notified is not notified within the 48-hour period, the abortion may proceed even if the notice by mail is not received.

''(3) The requirement that 48 hours actual notice be provided under this subsection may be waived by an affidavit of—

''(A) the member of the armed forces concerned, or another parent of the minor, if the minor has no managing conservator or guardian; or

''(B) a court-appointed managing conservator or guardian.

''(4) A physician may execute for inclusion in the minor's medical record an affidavit stating that, according to the best information and belief of the physician, notice or constructive notice has been provided as required by this subsection. Execution of an affidavit under this paragraph creates a presumption that the requirements of this subsection have been satisfied.

''(5) A certification required by paragraph (1)(D) is confidential and privileged and is not subject to disclosure, discovery, subpoena, or other legal process. Personal or identifying information about the minor, including her name, address, or social security number, may not be included in a certification under paragraph (1)(D). The physician must keep the medical records on the minor in compliance with regulations prescribed by the Secretary of Defense.

''(6) A physician who intentionally performs an abortion on a pregnant unemancipated minor in violation of this subsection commits an offense punishable by a fine not to exceed $10,000.

''(7) It is a defense to prosecution under this subsection that the minor falsely represented her age or identity to the physician to be at least 18 years of age by displaying an apparently valid governmental record of identification such that a reasonable person under similar circumstances would have relied on the representation. The defense does not apply if the physician is shown to have had independent knowledge of the minor's actual age or identity or failed to use due diligence in determining the minor's age or identity.

''(d) JUDICIAL APPROVAL.—(1) A pregnant unemancipated minor who is a child of a member of the armed forces and who wishes to have an abortion using facilities of the Department of Defense without notification to the member of the armed forces, another parent, her managing conservator, or her guardian may file an application for a court order authorizing the minor to consent to the performance of an abortion without notification to either of her parents or a managing conservator or guardian.

''(2) Any application under this subsection may be filed in any appropriate district court of the United States. In the case of a minor who elects not to travel to the United States in pursuit of an order authorizing the abortion, the court may conduct the proceedings in the case of such application by telephone.

''(3) An application under this subsection shall be made under oath and include—

''(A) a statement that the minor is pregnant;

''(B) a statement that the minor is unmarried, is under 18 years of age, and has not had her disabilities removed;

''(C) a statement that the minor wishes to have an abortion without the notification of either of her parents or a managing conservator or guardian; and

''(D) a statement as to whether the minor has retained an attorney and, if she has retained an attorney, the name, address, and telephone number of her attorney.

''(4) The court shall appoint a guardian ad litem for the minor. If the minor has not retained an attorney, the court shall appoint an attorney to represent the minor. If the guardian ad litem is an attorney, the court may appoint the guardian ad litem to serve as the minor's attorney.

''(5) The court may appoint to serve as guardian ad litem for a minor—

''(A) a psychiatrist or an individual licensed or certified as a psychologist;

''(B) a member of the clergy;

''(C) a grandparent or an adult brother, sister, aunt, or uncle of the minor; or

''(D) another appropriate person selected by the court.

''(6) The court shall determine within 48 hours after the application is filed whether the minor is mature and sufficiently well-informed to make the decision to have an abortion performed without notification to either of her parents or a managing conservator or guardian, whether notification would not be in the best interest of the minor, or whether notification may lead to physical, sexual, or emotional abuse of the minor. If the court finds that the minor is mature and sufficiently well informed, that notification would not be in the minor's best interest, or that notification may lead to physical, sexual, or emotional abuse of the minor, the court shall enter an order authorizing the minor to consent to the performance of the abortion without notification to either of her parents or a managing conservator or guardian and shall execute the required forms.

''(7) If the court fails to rule on the application within the period specified in paragraph (6), the application shall be deemed to be granted and the physician may perform the abortion as if the court had issued an order authorizing the minor to consent to the performance of the abortion without notification under subsection (c).

''(8) If the court finds that the minor does not meet the requirements of paragraph (6), the court may not authorize the minor to consent to an abortion without the notification authorized under subsection (c)(1).

''(9) The court may not notify a parent, managing conservator, or guardian that the minor is pregnant or that the minor wants to have an abortion. The court proceedings shall be conducted in a manner that protects the anonymity of the minor. The application and all other court documents pertaining to the proceedings are confidential and privileged and are not subject to disclosure, discovery, subpoena, or other legal process. The minor may file the application using a pseudonym or using only her initials.

''(10) An order of the court issued under this subsection is confidential and privileged and is not subject to disclosure, discovery, subpoena, or other legal process. The order may not be released to any person but the pregnant minor, the pregnant minor's guardian ad litem, the pregnant minor's attorney, another person designated to receive the order by the minor, or a governmental agency or attorney in a criminal or administrative action seeking to assert or protect the interest of the minor.

''(11) A filing fee is not required of and court costs may not be assessed against a minor filing an application under this subsection.

''(e) APPEAL.—(1) A minor whose application under subsection (d) is denied may appeal to the court of appeals of the United States having jurisdiction of the district court of the United States that denied the application. If the court of appeals fails to rule on the appeal within 48 hours after the appeal is filed, the appeal shall be deemed to be granted and the physician may perform the abortion using facilities of the Department of Defense as if the court had issued an order authorizing the minor to consent to the performance of the abortion using facilities of the Department of Defense without notification under subsection (c). Proceedings under this subsection shall be given precedence over other pending matters to the extent necessary to assure that the court reaches a decision promptly.

''(2) A ruling of the court of appeals under this subsection is confidential and privileged and is not subject to disclosure, discovery, subpoena, or other legal process. The ruling may not be released to any person but the pregnant minor, the pregnant minor's guardian ad litem, the pregnant minor's attorney, another person designated to receive the ruling by the minor, or a governmental agency or attorney in a criminal or administrative action seeking to assert or protect the interest of the minor.

''(3) A filing fee is not required of and court costs may not be assessed against a minor filing an appeal under this subsection.

''(f) RULE OF CONSTRUCTION.—Nothing in subsections (c), (d), or (e) shall be construed to create any exemption to the restrictions contained in subsections (a) and (b).

''(g) DEFINITIONS.—In this section:

''(1) The term 'abortion' means the use of any means at a medical facility of the Department of Defense to terminate the pregnancy of a female known by an attending physician to be pregnant, with the intention that the termination of the pregnancy by those means will with reasonable likelihood cause the death of the fetus. The term applies only to an unemancipated minor known by an attending physician to be pregnant and may not be construed to limit a minor's access to contraceptives.

''(2) The term 'appropriate district court of the United States' means—

''(A) with respect to a proposed abortion at a particular Department of Defense medical facility in the United States or its territories, the district court of the United States having proper venue in relation to that facility; or

''(B) if the minor is seeking an abortion at a particular Department of Defense facility outside the United States or its territories—

''(i) if the minor elects to travel to the United States in pursuit of an order authorizing the abortion, the district court of the United States having proper venue in the district in which the minor first arrives from outside the United States; or

''(ii) if the minor elects not to travel to the United States in pursuit of an order authorizing the abortion, the district court of the United States for the district in which the minor last resided.

''(3) The term 'fetus' means an individual human organism from fertilization until birth.

''(4) The term 'guardian' means a court-appointed guardian of the person of the minor.

''(5) The term 'physician' means an individual licensed to practice medicine.

''(6) The term 'unemancipated minor' includes a minor who is not a member of the armed forces and who—

''(A) is unmarried; and

''(B) has not had any disabilities of minority removed.''.

SA 2476. Mr. DORGAN (for himself, Mr. DURBIN, Mrs. BOXER, and Mr. LAUTENBERG) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE—SPECIAL COMMITTEE OF SENATE ON WAR AND RECONSTRUCTION CONTRACTING

SEC.___01. FINDINGS.

Congress makes the following findings:

(1) The wars in Iraq and Afghanistan have exerted very Large demands on the Treasury of the United States and required tremendous sacrifice by the members of the Armed Forces of the United States.

(2) Congress has a constitutional responsibility to ensure comprehensive oversight of the expenditure of United States Government funds.

(3) Waste and corporate abuse of United States Government resources are particularly unacceptable and reprehensible during times of war.

(4) The magnitude of the funds involved in the reconstruction of Afghanistan and Iraq and the war on terrorism, together with the speed with which these funds have been committed, presents a challenge to the effective performance of the traditional oversight function of Congress and the auditing functions of the executive branch.

(5) The Senate Special Committee to Investigate the National Defense Program, popularly know as the Truman Committee, which was established during World War II, offers a constructive precedent for bipartisan oversight of wartime contracting that can also be extended to wartime and postwar reconstruction activities.

(6) The Truman Committee is credited with an extremely successful investigative effort, performance of a significant public education role, and achievement of fiscal savings measured in the billions of dollar.

(7) The public has a right to expect that taxpayer resources will be carefully disbursed and honestly spent.

SEC.___02. SPECIAL COMMITTEE ON WAR AND RECONSTRUCTION CONTRACTING.

There is established a special committee of the Senate to be known as the Special Committee on War and Reconstruction Contracting hereafter in this title referred to as the ''Special Committee'').

SEC.___03. PURPOSE AND DUTIES.

(a) PURPOSE.—The purpose of the Special Committee is to investigate the awarding and performance of contracts military, security, and reconstruction activities in Afghanistan and Iraq and to support the prosecution of the war on terrorism.

(B) DUTIES.—The Special Committee shall examine the contracting actions described in subsection (a) and report on such actions, in accordance with this section, regarding—

(1) bidding, contracting, accounting, and auditing standards for Federal Government contracts;

(2) methods of contracting, including sole-source contracts and limited competition or non-competitive contracts;

(3) subcontracting under large, comprehensive contracts;

(4) oversight procedures;

(5) consequences of cost-plus and fixed price contracting;

(6) allegations of wasteful and fraudulent practices;

(7) accountability of contractors and Government officials involved in procurement and contracting;

(8) penalties for violations of law and abuses in the awarding and performance of Government contracts; and

(9) lessons learned from the contracting process used in Iraq and Afghanistan and in connection with the war on terrorism with respect to the structure, coordination, management policies, and procedures of the Federal Government.

(c) INVESTIGATION OF WASTEFUL AND FRAUDULENT PRACTICES.—The investigation by the Special Committee of allegations of wasteful and fraudulent practices under subsection (b)(6) shall include investigation of allegations regarding any contract or spending entered into, supervised by, or otherwise involving the Coalition Provisional Authority, regardless of whether or not such contract or spending involved appropriated funds of the United States.

(d) EVIDENCE CONSIDERED.—In carrying out its duties, the Special Committee shall ascertain and evaluate the evidence developed by all relevant governmental agencies regarding the facts and circumstances relevant to contracts described in subsection (a) and any contract or spending covered by subsection (c).

SEC.___04. COMPOSITION OF SPECIAL COMMITTEE.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The Special Committee shall consist of 7 members of the Senate of whom—

(A) 4 members shall be appointed by the President pro tempore of the Senate, in consultation with the majority leader of the Senate; and

(B) 3 members shall be appointed by the minority leader of the Senate.

(2) DATE.—The appointments of the members of the Special Committee shall be made not later than 90 days after the date of the enactment of this Act.

(b) VACANCIES.—Any vacancy in the Special Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) SERVICE.—Service of a Senator as a member, chairman, or ranking member of the Special Committee shall not be taken into account for the purposes of paragraph (4) of rule XXV of the Standing Rules of the Senate.

(d) CHAIRMAN AND RANKING MEMBER.—The chairman of the Special Committee shall be designated by the majority leader of the Senate, and the ranking member of the Special Committee shall be designated by the minority leader of the Senate.

(e) QUORUM.—

(1) REPORTS AND RECOMMENDATIONS.—A majority of the members of the Special Committee shall constitute a quorum for the purpose of reporting a matter or recommendation to the Senate.

(2) TESTIMONY.—One member of the Special Committee shall constitute a quorum for the purpose of taking testimony.

(3) OTHER BUSINESS.—A majority of the members of the Special Committee, or ⅓ of the members of the Special Committee if at least one member of the minority party is present, shall constitute a quorum for the purpose of conducting any other business of the Special Committee.

SEC. ___05. RULES AND PROCEDURES.

(a) GOVERNANCE UNDER STANDING RULES OF SENATE.—Except as otherwise specifically provided in this resolution, the investigation, study, and hearings conducted by the Special Committee shall be governed by the Standing Rules of the Senate.

(b) ADDITIONAL RULES AND PROCEDURES.—The Special Committee may adopt additional rules or procedures of the chairman and ranking member agree that such additional rules or procedures are necessary to enable the Special Committee to conduct the investigation, study, and hearings authorized by this resolution. Any such additional rules and procedures—

(1) shall not be inconsistent with this resolution or the Standing Rules of the Senate; and

(2) shall become effective upon publication in the Congressional Record.

SEC. ___06. AUTHORITY OF SPECIAL COMMITTEE.

(a) IN GENERAL.—The Special Committee may exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate.

(b) HEARINGS.—The Special Committee or, at its direction, any subcommittee or member of the Special Committee, may, for the purpose of carrying out this resolution—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Special Committee or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Special Committee considers advisable.

(c) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued under subsection (b) shall bear the signature of the Chairman of the Special Committee and shall be served by any person or class of persons designated by the Chairman for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(d) MEETINGS.—The Special Committee may sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate.

SEC. ___07. REPORTS.

(a) INITIAL REPORT.—The Special Committee shall submit to the Senate a report on the investigation conducted pursuant to section ___03 not later than 270 days after the appointment of the Special Committee members.

(b) UPDATED REPORT.—The Special Committee shall submit an updated report on such investigation not later than 180 days after the submission of the report under subsection (a).

(c) ADDITIONAL REPORTS.—The Special Committee may submit any additional report or reports that the Special Committee considers appropriate.

(d) FINDINGS AND RECOMMENDATIONS.—The reports under this section shall include findings and recommendations of the Special Committee regarding the matters considered under section ___03.

(e) DISPOSITION OF REPORTS.—Any report made by the Special Committee when the Senate is not in session shall be submitted to the Clerk of the Senate. Any report made by the Special Committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

SEC. ___08. ADMINISTRATIVE PROVISIONS.

(A) STAFF.—

(1)(1) IN GENERAL.—The Special Committee may employ in accordance with paragraph (2) a staff composed of such clerical, investigatory, legal, technical, and other personnel as the Special Committee, or the chairman or the ranking member, considers necessary or appropriate.

(2) APPOINTMENT OF STAFF.—

(A) IN GENERAL.—The Special Committee shall appoint a staff for the majority, a staff for the minority, and a nondesignated staff.

(B) MAJORITY STAFF.—The minority staff shall be appointed, and may be removed, by the chairman and shall work under the general supervision and direction of the chairman.

(C) MINORITY STAFF.—The minority staff shall be appointed, and may be removed, by the ranking member of the Special Committee, and shall work under the general supervision and direction of such member.

(D) NONDESIGNATED STAFF.—Nondesignated staff shall be appointed, and may be removed, jointly by the chairman and the ranking member, and shall work under the joint general supervision and direction of the chairman and ranking member.

(b) COMPENSATION.

(1) MAJORITY STAFF.—The chairman shall fix the compensation of all personnel of the majority staff of the Special Committee.

(2) MINORITY STAFF.—The ranking member shall fix the compensation of all personnel of the minority staff of the Special Committee.

(3) NONDESIGNATED STAFF.—The chairman and ranking member shall jointly fix the compensation of all nondesignated staff of the Special Committee, within the budget approved for such purposes for the Special Committee.

(c) REIMBURSEMENT OF EXPENSES.—The Special Committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by such staff members in the performance of their functions for the Special Committee.

(d) PAYMENT OF EXPENSES.—There shall be paid out of the applicable accounts of the Senate such sums as may be necessary for the expenses of the Special Committee. Such payments shall be made on vouchers signed by the chairman of the Special Committee and approved in the manner directed by the Committee on Rules and Administration of the Senate. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate.

SEC. ___09. TERMINATION.

The Special Committee shall terminate on February 28, 2007.

SEC. ___10. SENSE OF SENATE ON CERTAIN CLAIMS REGARDING THE COALITION PROVISIONAL AUTHORITY.

It is the sense of the Senate that any claim of fraud, waste, or abuse under the False Claims Act that involves any contract or spending by the Coalition Provisional Authority should be considered a claim against the United States Government.

SA 2477. Mr. TALENT (for himself, Mr. WARNER, Mr. STEVENS, Mr. CHAMBLISS, Mr. CORNYN, Mr. LIEBERMAN, Mrs. BOXER, Mrs. FEINSTEIN, Ms. COLLINS, Mr. DEWINE, Mr. DODD, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Strike section 131 and insert the following:

SEC. 131. C–17 AIRCRAFT PROGRAM AND INTER-THEATER AIRLIFT REQUIREMENTS.

(a) MULTIYEAR PROCUREMENT AUTHORIZED.—The Secretary of the Air Force may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract, beginning with the fiscal year 2006 program year, for the procurement of up to 42 additional C–17 aircraft.

(b) CERTIFICATION REQUIRED.—Before the exercise of the authority in subsection (a), the Secretary of Defense shall submit to the congressional defense committees a certification that the additional airlift capacity to be provided by the C–17 aircraft to be procured under the authority is consistent with the quadrennial defense review under section 118 of title 10, United States Code, to be submitted to Congress with the budget of the President for fiscal year 2007 (as submitted under section 1105(a) of title 31, United States Code), as qualified by subsection (c).

(c) ADDITIONAL EXPLANATION OF INTER-THEATER AIRLIFT REQUIREMENTS.—

(1) INCLUSION IN QUADRENNIAL DEFENSE REVIEW.—The Secretary of Defense shall, as part of the quadrennial defense review in 2005 and in accordance with the provisions of section 118(d)(9) of title 10, United States Code, carry out an assessment of the inter-theater airlift capabilities required to support the national defense strategy.

(2) ADDITIONAL INFORMATION.—In including the assessment required by paragraph (1) in the quadrennial defense review as required by that paragraph, the Secretary shall explain how the recommendations for future airlift force structure requirements in that quadrennial defense review take into account the following:

(A) The increased airlift demands associated with the Army modular brigade combat teams.

(B) The objective to deliver a brigade combat team anywhere in the world within four to seven days, a division within 10 days, and multiple divisions within 20 days.

(C) The increased airlift demands associated with the expanded scope of operational activities of the Special Operations forces.

(D) The realignment of the overseas basing structure in accordance with the Integrated Presence and Basing Strategy.

(E) Adjustments in the force structure to meet homeland defense requirements.

(F) The potential for simultaneous homeland defense activities and major combat operations.

(G) Potential changes in requirements for intra-theater airlift or sealift capabilities.

(d) MAINTENANCE OF C–17 AIRCRAFT PRODUCTION LINE.—In the event the Secretary of Defense is unable to make the certification specified in subsection (b), the Secretary of the Air Force should procure sufficient C–17 aircraft to maintain the C–17 aircraft production line at not less than the minimum sustaining rate until sufficient flight test data regarding improved C–5 aircraft mission capability rates as a result of the Reliability Enhancement and Re-engining Program and Avionics Modernization Program have been obtained to determine the validity of assumptions concerning the C–5 aircraft used in the Mobility Capabilities Study.

SA 2478. Mr. LAUTENBERG proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 286, strike lines 1 through 3, and insert the following:

SEC. 1072. IMPROVEMENTS OF INTERNAL SECURITY ACT OF 1950.

(a) PROHIBITION ON HOLDING OF SECURITY CLEARANCE AFTER CERTAIN VIOLATIONS ON HANDLING OF CLASSIFIED INFORMATION.—

(1) PROHIBITION.—Section 4 of the Internal Security Act of 1950 (50 U.S.C. 783) is amended by adding at the end the following new subsection:

''(f) No person who knowingly violates a law or regulation regarding the handling of classified information in a manner that could have a significant adverse impact on the national security of the United States, including the knowing disclosure of the identity of a covert agent of the Central Intelligence Agency to a person not authorized to receive such information, shall be permitted to hold a security clearance for access to classified information.''.

(2) APPLICABILITY.—Subsection (f) of section 4 of the Internal Security Act of 1950, as added by paragraph (1), shall apply to any individual holding a security clearance on or after the date of the enactment of this Act with respect to any knowing violation of law or regulation described in such subsection, regardless of whether such violation occurs before, on, or after that date.

(b) CLARIFICATION OF AUTHORITY TO ISSUE SECURITY REGULATIONS AND ORDERS.—

SA 2479. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2445 submitted by Mr. BROWNBACK (for himself, Mr. INHOFE, and Mr. DEMINT) and intended to be proposed to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 3 of the amendment, strike lines 3 through 17, and insert the following:

''(D) it is necessary to preserve the life or health of the minor.''.

SA 2480. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2475 submitted by Mr. BROWNBACK (for himself, Mr. COBURN, Mr. DEMINT, Mr. INHOFE, Mr. SESSIONS, and Mr. TALENT) and intended to be proposed to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 3 of the amendment, strike lines 3 through 17, and insert the following:

''(D) it is necessary to preserve the life or health of the minor.''.

SA 2481. Mr. SALAZAR (for himself, Mr. LAUTENBERG, Mr. REED, Mr. DURBIN, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construciton, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 286, between lines 7 and 8, insert the following:

SEC. 1073. SENSE OF SENATE ON COMMON REMOTELY OPERATED WEAPONS STATION (CROWS) PLATFORM.

(a) FINDINGS.—The Senate makes the following findings:

(1) With only a few systems deployed, the Common Remotely Operated Weapons Station (CROWS) platform is already saving the lives of soldiers today in Iraq by moving soldiers out of the exposed gunner's seat and into the protective shell of an up-armored Humvee.

(2) The Common Remotely Operated Weapons Station platform dramatically improves battlefield awareness by providing a laser rangefinder, night vision, telescopic vision, a fire control computer that allows on-the-move target acquisition, and one-shot one-kill accuracy at the maximum range of a weapon.

(3) As they become available, new technologies can be incorporated into the Common Remotely Operated Weapons Station platform, thus making the platform scalable.

(4) The Army has indicated that an additional $206,000,000 will be required in fiscal year 2006 to procure 750 Common Remotely Operated Weapons Station units for the Armed Forces, and to prepare for future production of such weapons stations.

(b) SENSE OF SENATE.—It is the sense of the Senate that the President should include in the next request submitted to Congress for supplemental funding for military operations in Iraq and Afghanistan sufficient funds for the production in fiscal year 2006 of a number of Common Remotely Operated Weapons Station units that is adequate to meet the requirements of the Armed Forces.

SA 2482. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Deparment of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 718. STUDY AND REPORTS ON CIVILIAN AND MILITARY PARTNERSHIP PROJECT.

(a) STUDY.—The Secretary of the Air Force shall conduct a study on the progress and success of the implementation of the military and civilian partnership project.

(b) REPORTS.—

(1) INTERIM REPORT.—Not later than March 1, 2006, the Secretary of the Air Force shall submit to the appropriate congressional committees an interim report on the implementation of the military and civilian partnership project. The interim report shall specifically describe any issues that require action by Congress in order to fully implement such project.

(2) FINAL REPORT.—Not later than December 31, 2006, the Secretary of the Air Force shall submit to the appropriate congressional committees a final report on the study required by subsection (a), including an assessment of the progress and success of the implementation of the military and civilian partnership project.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(2) MILITARY AND CIVILIAN PARTNERSHIP PROJECT.—The term ''military and civilian partnership project'' means the military and civilian partnership project described in the Centennial Memorandum of Agreement of December 17, 2003, and carried out at the Wright-Patterson Air Force Base.

SA 2483. Mr. DURBIN (for Mr. BAYH (for himself, Mr. DURBIN, and Ms. LANDRIEU)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle A of title VI, add the following:

SEC. ___. INCOME REPLACEMENT PAYMENTS FOR RESERVES EXPERIENCING EXTENDED AND FREQUENT MOBILIZATION FOR ACTIVE DUTY SERVICE.

(a) IN GENERAL.—Chapter 19 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 910. Replacement of lost income: involuntarily mobilized reserve component members subject to extended and frequent active duty service

''(a) PAYMENT REQUIRED.—The Secretary concerned shall pay to an eligible member of a reserve component of the armed forces an amount equal to the monthly active-duty income differential of the member, as determined by the Secretary. The payments shall be made on a monthly basis.

''(b) ELIGIBILITY.—Subject to subsection (c), a reserve component member is entitled

to a payment under this section for any full month of active duty of the member, while on active duty under an involuntary mobilization order, following the date on which the member—

''(1) completes 180 continuous days of service on active duty under such an order;

''(2) completes 24 months on active duty during the previous 60 months under such an order; or

''(3) is involuntarily mobilized for service on active duty six months or less following the member's separation from the member's previous period of active duty.

''(c) MINIMUM AND MAXIMUM PAYMENT AMOUNTS.—(1) A payment under this section shall be made to a member for a month only if the amount of the monthly active-duty income differential for the month is greater than $50.

''(2) Notwithstanding the amount determined under subsection (d) for a member for a month, the monthly payment to a member under this section may not exceed $3,000.

''(d) MONTHLY ACTIVE-DUTY INCOME DIFFERENTIAL.—For purposes of this section, the monthly active-duty income differential of a member is the difference between—

''(1) the average monthly civilian income of the member; and

''(2) the member's total monthly military compensation.

''(e) DEFINITIONS.—In this section:

''(1) The term 'average monthly civilian income', with respect to a member of a reserve component, means the amount, determined by the Secretary concerned, of the earned income of the member for either the 12 months preceding the member's mobilization or the 12 months covered by the member's most recent Federal income tax filing, divided by 12.

''(2) The term 'total monthly military compensation' means the amount, computed on a monthly basis, of the sum of—

''(A) the amount of the regular military compensation (RMC) of the member; and

''(B) any amount of special pay or incentive pay and any allowance (other than an allowance included in regular military compensation) that is paid to the member on a monthly basis.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''910. Replacement of lost income: involuntarily mobilized reserve component members subject to extended and frequent active duty service.''.

(c) EFFECTIVE DATE.—Section 910 of title 37, United States Code, as added by subsection (a), shall apply for months after December 2005.

(d) LIMITATION ON FISCAL YEAR 2006 OBLIGATIONS.—During fiscal year 2006, obligations incurred under section 910 of title 37, United States Code, to provide income replacement payments to involuntarily mobilized members of a reserve component who are subject to extended and frequent active duty service may not exceed $60,000,000.

SA 2484. Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title II, add the following:

SEC. 213. WARHEAD/GRENADE SCIENTIFIC BASED MANUFACTURING TECHNOLOGY.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR THE ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $1,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a), $1,000,000 may be available for Weapons and Ammunition Technology (PE#602624A) for Warhead/Grenade Scientific Based Manufacturing Technology.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) for operation and maintenance, Air Force activities is hereby reduced by $1,000,000.

SA 2485. Mr. WARNER (for Mr. AKAKA) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 286, between lines 7 and 8, insert the following:

SEC. 1073. ESTABLISHMENT OF NATIONAL FOREIGN LANGUAGE COORDINATION COUNCIL.

(a) ESTABLISHMENT.—There is established the National Foreign Language Coordination Council (in this section referred to as the ''Council''), which shall be an independent establishment as defined under section 104 of title 5, United States Code.

(b) MEMBERSHIP.—The Council shall consist of the following members or their designees:

(1) The National Language Director, who shall serve as the chairperson of the Council.

(2) The Secretary of Education.

(3) The Secretary of Defense.

(4) The Secretary of State.

(5) The Secretary of Homeland Security.

(6) The Attorney General.

(7) The Director of National Intelligence.

(8) The Secretary of Labor.

(9) The Director of the Office of Personnel Management.

(10) The Director of the Office of Management and Budget.

(11) The Secretary of Commerce.

(12) The Secretary of Health and Human Services.

(13) The Secretary of the Treasury.

(14) The Secretary of Housing and Urban Development.

(15) The Secretary of Agriculture.

(16) The heads of such other Federal agencies as the Council considers appropriate.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The Council shall be charged with—

(A) developing a national foreign language strategy, within 18 months of the date of enactment of this section, in consultation with—

(i) State and local government agencies;

(ii) academic sector institutions;

(iii) foreign language related interest groups;

(iv) business associations;

(v) industry; and

(vi) heritage associations;

(B) conducting a survey of Federal agency needs for foreign language area expertise; and

(C) overseeing the implementation of such strategy through—

(i) execution of subsequent law; and

(ii) the promulgation and enforcement of rules and regulations.

(2) STRATEGY CONTENT.—The strategy developed under paragraph (1) shall include—

(A) identification of crucial priorities across all sectors;

(B) identification and evaluation of Federal foreign language programs and activities, including—

(i) recommendations on coordination;

(ii) program enhancements; and

(iii) allocation of resources so as to maximize use of resources;

(C) needed national policies and corresponding legislative and regulatory actions in support of, and allocation of designated resources to, promising programs and initiatives at all levels (Federal, State, and local), especially in the less commonly taught languages that are seen as critical for national security and global competitiveness in the next 20 to 50 years;

(D) effective ways to increase public awareness of the need for foreign language skills and career paths in all sectors that can employ those skills, with the objective of increasing support for foreign language study among—

(i) Federal, State, and local leaders;

(ii) students;

(iii) parents;

(iv) elementary, secondary, and postsecondary educational institutions; and

(v) potential employers;

(E) incentives for related educational programs, including foreign language teacher training;

(F) coordination of cross-sector efforts, including public-private partnerships;

(G) coordination initiatives to develop a strategic posture for language research and recommendations for funding for applied foreign language research into issues of national concern;

(H) assistance for—

(i) the development of foreign language achievement standards; and

(ii) corresponding assessments for the elementary, secondary, and postsecondary education levels, including the National Assessment of Educational Progress in foreign languages;

(I) development of —

(i) language skill-level certification standards;

(ii) an ideal course of pre-service and professional development study for those who teach foreign language;

(iii) suggested graduation criteria for foreign language studies and appropriate non-language studies, such as—

(I) international business;

(II) national security;

(III) public administration;

(IV) health care;

(V) engineering;

(VI) law;

(VII) journalism; and

(VIII) sciences; and

(J) identification of and means for replicating best practices at all levels and in all sectors, including best practices from the international community.

(d) MEETINGS.—The Council may hold such meetings, and sit and act at such times and places, as the Council considers appropriate, but shall meet in formal session at least 2 times a year. State and local government agencies and other organizations (such as academic sector institutions, foreign language-related interest groups, business associations, industry, and heritage community organizations) shall be invited, as appropriate, to public meetings of the Council at least once a year.

(e) STAFF.—

(1) IN GENERAL.—The Director may appoint and fix the compensation of such additional

personnel as the Director considers necessary to carry out the duties of the Council.

(2) DETAILS FROM OTHER AGENCIES.—Upon request of the Council, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Council.

(3) EXPERTS AND CONSULTANTS.—With the approval of the Council, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(f) POWERS.—

(1) DELEGATION.—Any member or employee of the Council may, if authorized by the Council, take any action that the Council is authorized to take in this section.

(2) INFORMATION.—The Council may secure directly from any Federal agency such information, consistent with Federal privacy laws, the Council considers necessary to carry out its responsibilities. Upon request of the Director, the head of such agency shall furnish such information to the Council.

(3) DONATIONS.—The Council may accept, use, and dispose of gifts or donations of services or property.

(4) MAIL.—The Council may use the United States mail in the same manner and under the same conditions as other Federal agencies.

(g) CONFERENCES, NEWSLETTER, AND WEBSITE.—In carrying out this section, the Council—

(1) may arrange Federal, regional, State, and local conferences for the purpose of developing and coordinating effective programs and activities to improve foreign language education;

(2) may publish a newsletter concerning Federal, State, and local programs that are effectively meeting the foreign language needs of the nation; and

(3) shall create and maintain a website containing information on the Council and its activities, best practices on language education, and other relevant information.

(h) REPORTS.—Not later than 90 days after the date of enactment of this section, and annually thereafter, the Council shall prepare and transmit to the President and Congress a report that describes the activities of the Council and the efforts of the Council to improve foreign language education and training and impediments, including any statutory and regulatory restrictions, to the use of each such program.

(i) ESTABLISHMENT OF A NATIONAL LANGUAGE DIRECTOR.—

(1) IN GENERAL.—There is established a National Language Director who shall be appointed by the President. The National Language Director shall be a nationally recognized individual with credentials and abilities across all of the sectors to be involved with creating and implementing long-term solutions to achieving national foreign language and cultural competency.

(2) RESPONSIBILITIES.—The National Language Director shall—

(A) develop and oversee the implementation of a national foreign language strategy across all sectors;

(B) establish formal relationships among the major stakeholders in meeting the needs of the Nation for improved capabilities in foreign languages and cultural understanding, including Federal, State, and local government agencies, academia, industry, labor, and heritage communities; and

(C) coordinate and lead a public information campaign that raises awareness of public and private sector careers requiring foreign language skills and cultural understanding, with the objective of increasing interest in and support for the study of foreign languages among national leaders, the business community, local officials, parents, and individuals.

(3) COMPENSATION.—The National Language Director shall be paid at a rate of pay payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(j) ENCOURAGEMENT OF STATE INVOLVEMENT.—

(1) STATE CONTACT PERSONS.—The Council shall consult with each State to provide for the designation by each State of an individual to serve as a State contact person for the purpose of receiving and disseminating information and communications received from the Council.

(2) STATE INTERAGENCY COUNCILS AND LEAD AGENCIES.—Each State is encouraged to establish a State interagency council on foreign language coordination or designate a lead agency for the State for the purpose of assuming primary responsibility for coordinating and interacting with the Council and State and local government agencies as necessary.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.

SA 2486. Mr. WARNER (for Mr. ENSIGN) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title III, add the following:

SEC. 330. POINT OF MAINTENANCE/ARSENAL/DEPOT AIT INITIATIVE.

(a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, ARMY.—The amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army is hereby increased by $10,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army, as increased by subsection (a), $16,000,000 may be available for the Point of Maintenance/Arsenal/Depot AIT (AD-AIT) Initiative.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) is hereby reduced by $10,000,000 to be derived from amounts authorized to be appropriated by that section for the Air Force.

SA 2487. Mr. WARNER (for Mr. ENSIGN) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title III, add the following:

SEC. 330. LONG ARM HIGH-INTENSITY ARC METAL HALIDE HANDHELD SEARCHLIGHT.

(a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, ARMY.—The amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army is hereby increased by $4,500,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army, as increased by subsection (a), $4,500,000 may be available for the Long Arm High-Intensity Arc Metal Halide Handheld Searchlight.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) is hereby reduced by $4,500,000, with the amount of the reduction to be derived from amounts authorized to be appropriated by that section for the Air Force.

SA 2488. Mr. WARNER (for Mr. COLEMAN) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 92, after line 25, add the following:

SEC. 538. PROMOTION OF FOREIGN LANGUAGE SKILLS AMONG MEMBERS OF THE RESERVE OFFICERS' TRAINING CORPS.

(a) IN GENERAL.—The Secretary of Defense shall support the acquisition of foreign language skills among cadets and midshipmen in the Reserve Officers' Training Corps, including through the development and implementation of—

(1) incentives for cadets and midshipmen to participate in study of a foreign language, including special emphasis for Arabic, Chinese, and other ''strategic languages'', as defined by the Secretary of Defense in consultation with other relevant agencies; and

(2) a recruiting strategy to target foreign language speakers, including members of heritage communities, to participate in the Reserve Officers' Training Corps.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the actions taken to carry out this section.

SA 2489. Mr. WARNER (for Mr. BINGAMAN (for himself and Mr. DOMENICI) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title II, add the following:

SEC. 213. FIELD PROGRAMMABLE GATE ARRAY.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $3,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by subsection (a), $3,000,000 may be available for Space Technology (PE # 0602601F) for research and development on the reliability of field programmable gate arrays for space applications, including design of an assurance strategy, reference architectures, research and development on reliability and radiation hardening, and outreach to industry and localities to develop core competencies.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) is hereby reduced by $3,000,000.

SA 2490. Mr. WARNER (for Mr. SALAZAR) proposed an amendment to

the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title III, add the following:

SEC. ___. DEPARTMENT OF DEFENSE SUPPORT FOR CERTAIN PARALYMPIC SPORTING EVENTS.

(a) PROVISION OF SUPPORT.—Subsection (c) of section 2564 of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(4) A sporting event sanctioned by the United States Olympic Committee through the Paralympic Military Program.

''(5) A national or international Paralympic sporting event (other than one covered by paragraph (3) or (4))—

''(A) which is—

''(i) held in the United States or any of its territories or commonwealths;

''(ii) governed by the International Paralympic Committee; and

''(iii) sanctioned by the United States Olympic Committee; and

''(B) for which participation exceeds 100 amateur athletes.''.

(b) FUNDING AND LIMITATIONS.—Such section is further amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) the following new subsection:

''(d) FUNDING FOR SUPPORT OF CERTAIN EVENTS.—(1) Funds to provide support for a sporting event described in paragraph (4) or (5) of subsection (c) shall be derived from the Support for International Sporting Competitions, Defense account established by section 5802 of Public Law 104–208 (110 Stat. 3009–522), notwithstanding any limitation in such section relating to the availability of funds in such account for support of international sporting competitions.

''(2) The total amount that may be expended in any fiscal year to provide support for a sporting event described in paragraph (5) of subsection (c) may not exceed $1,000,000.''.

SA 2491. Mr. WARNER proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title II, add the following:

SEC. 244. DELAYED EFFECTIVE DATE FOR LIMITATION ON PROCUREMENT OF SYSTEMS NOT GPS-EQUIPPED.

(a) DELAYED EFFECTIVE DATE.—Section 152(b) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1578), as amended by section 218(e) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1952; 10 U.S.C. 2281 note), is further amended by striking ''2005'' and inserting ''2007''.

(b) RATIFICATION OF ACTIONS.—Any obligation or expenditure of funds by the Department of Defense during the period beginning on October 1, 2005, and ending on the date of the enactment of this Act to modify or procure a Department of Defense aircraft, ship, armored vehicle, or indirect-fire weapon system that is not equipped with a Global Positioning System receiver is hereby ratified.

SA 2492. Mr. WARNER (for Mr. KENNEDY (for himself, Ms. COLLINS, Mr. ROBERTS, Mr. SANTORUM, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. ALEXANDER, Mrs. CLINTON, Mrs. DOLE, Ms. SNOWE, Mr. BINGAMAN, Mr. REED, and Mr. SESSIONS)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title II, add the following:

SEC. 213. DEFENSE BASIC RESEARCH PROGRAMS.

(a) ARMY PROGRAMS.—(1) The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $10,000,000.

(2) Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by paragraph (1), $10,000,000 may be available for Program Element 0601103A for University Research Initiatives.

(b) NAVY PROGRAMS.—(1) The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $5,000,000.

(2) Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by paragraph (1), $5,000,000 may be available for Program Element 0601103N for University Research Initiatives.

(c) AIR FORCE PROGRAMS.—(1) The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $10,000,000.

(2) Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by paragraph (1), $10,000,000 may be available for Program Element 0601103F for University Research Initiatives.

(d) DEFENSE-WIDE ACTIVITIES.—(1) The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by $15,000,000.

(2) Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, as increased by paragraph (1)—

(A) $10,000,000 may be available for Program Element 0601120D8Z for the SMART National Defense Education Program; and

(B) $5,000,000 may be available for Program Element 0601101E for the Defense Advanced Research Projects Agency University Research Program in Computer Science and Cybersecurity.

(e) OFFSETS.—(1) The amount authorized to be appropriated by section 301(4), operation and maintenance, Navy, is hereby reduced by $40,000,000.

SA 2493. Mr. WARNER proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 96, strike lines 19 and 20 and insert the following:

''(2) Military legal assistance may be provided only by a judge advocate or a civilian attorney who is a member of the bar of a Federal court or of the highest court of a State.

''(3) In this subsection, the term 'military legal assistance' includes—

SA 2494. Mr. WARNER (for Mr. BYRD) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 653. EDUCATION LOAN REPAYMENT PROGRAM FOR CHAPLAINS IN THE SELECTED RESERVE.

(a) IN GENERAL.—Chapter 1609 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 16303. Education loan repayment program: chaplains serving in the Selected Reserve

''(a) AUTHORITY TO REPAY EDUCATION LOANS.—Under regulations prescribed by the Secretary of Defense and subject to the provisions of this section, the Secretary concerned may, for purposes of maintaining adequate numbers of chaplains in the Selected Reserve, repay a loan that—

''(1) was used by a person described in subsection (b) to finance education resulting in a Masters of Divinity degree; and

''(2) was obtained from an accredited theological seminary as listed in the Association of Theological Schools (ATS) handbook.

''(b) ELIGIBLE PERSONS.—(1) Except as provided in paragraph (2), a person described in this subsection is a person who—

''(A) satisfies the requirements specified in subsection (c);

''(B) holds, or is fully qualified for, an appointment as a chaplain in a reserve component of an armed force; and

''(C) signs a written agreement to serve not less than three years in the Selected Reserve.

''(2) A person accessioned into the Chaplain Candidate Program is not eligible for the repayment of loans under subsection (a).

''(c) ACADEMIC AND PROFESSIONAL REQUIREMENTS.—The requirements specified in this subsection are such requirements for accessioning and commissioning of chaplains as are prescribed by the Secretary concerned in regulations.

''(d) LOAN REPAYMENT.—(1) Subject to paragraph (2), the repayment of a loan under this section may consist of payment of the principal, interest, and related expenses of such loan.

''(2) The amount of any repayment of a loan made under this section on behalf of a person may not exceed $20,000 for each three year period of obligated service that the person agrees to serve in an agreement described in subsection (b)(3). Of such amount, not more than an amount equal to 50 percent of such amount may be paid before the completion by the person of the first year of obligated service pursuant to such agreement. The balance of such amount shall be payable

at such time or times as are prescribed by the Secretary concerned in regulations.

''(e) EFFECT OF FAILURE TO COMPLETE OBLIGATION.—A person on behalf of whom repayment of a loan is made under this section who fails, during the period of obligated service the person agrees to serve in an agreement described in subsection (b)(3), to serve satisfactorily in the Selected Reserve may, at the election of the Secretary concerned, be required to pay the United States an amount equal to any amount of repayments made on behalf of the person in connection with the agreement.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1609 of such title is amended by adding at the end the following new item:

''16303. Education loan repayment program: chaplains serving in the Selected Reserve.''.

SA 2495. Mr. WARNER (for Mr. DODD (for himself and Mr. KENNEDY)) submitted an amendment intended to be proposed by Mr. WARNER to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle F of title V, add the following:

SEC. 573. NATIONAL CALL TO SERVICE PROGRAM.

(a) LIMITATION TO DOMESTIC NATIONAL SERVICE PROGRAMS.—Subsection (c)(3)(D) of section 510 of title 10, United States Code, is amended by striking ''in the Peace Corps, Americorps, or another national service program'' and inserting ''in Americorps or another domestic national service program''.

(b) ADMINISTRATION OF EDUCATION INCENTIVES BY SECRETARY OF VETERANS AFFAIRS.—Paragraph (2) of subsection (h) of such section is amended to read as follows:

''(2)(A) Educational assistance under paragraphs (3) or (4) of subsection (e) shall be provided through the Department of Veterans Affairs under an agreement to be entered into by the Secretary of Defense and the Secretary of Veterans Affairs. The agreements shall include administrative procedures to ensure the prompt and timely transfer of funds from the Secretary concerned to the Secretary of Veterans Affairs for the making of payments under this section.

''(B) Except as otherwise provided in this section, the provisions of sections 503, 511, 3470, 3471, 3474, 3476, 3482(g), 3483, and 3485 of title 38 and the provisions of subchapters I and II of chapter 36 of such title (with the exception of sections 3686(a), 3687, and 3692) shall be applicable to the provision of educational assistance under this chapter. The term 'eligible veteran' and the term 'person', as used in those provisions, shall be deemed for the purpose of the application of those provisions to this section to refer to a person eligible for educational assistance under paragraph (3) or (4) of subsection (e).''.

SA 2496. Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title V, add the following:

SEC. 522. RECRUITMENT AND ENLISTMENT OF HOME SCHOOLED STUDENTS IN THE ARMED FORCES.

(a) POLICY ON RECRUITMENT AND ENLISTMENT.—

(1) POLICY REQUIRED.—The Secretary of Defense shall prescribe a policy on the recruitment and enlistment of home schooled students in the Armed Forces.

(2) UNIFORMITY ACROSS THE ARMED FORCES.—The Secretary shall ensure that the policy prescribed under paragraph (1) applies, to the extent practicable, uniformly across the Armed Forces.

(b) ELEMENTS.—The policy under subsection (a) shall include the following:

(1) An identification of a graduate of home schooling for purposes of recruitment and enlistment in the Armed Forces that is in accordance with the requirements described in subsection (c).

(2) Provision for the treatment of graduates of home schooling with no practical limit with regard to enlistment eligibility.

(3) An exemption of graduates of home schooling from the requirement for a secondary school diploma or an equivalent (GED) as a precondition for enlistment in the Armed Forces.

(c) HOME SCHOOL GRADUATES.—In prescribing the policy, the Secretary of Defense shall prescribe a single set of criteria to be utilized by the Armed Forces in determining whether an individual is a graduate of home schooling. The Secretary concerned shall ensure compliance with education credential coding requirements.

(d) SECRETARY CONCERNED DEFINED.—In this section, the term ''Secretary concerned'' has the meaning given such term in section 101(a)(9) of title 10, United States Code.

SA 2497. Mr. WARNER (for Mr. KERRY) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title II, add the following:

SEC. 213. PROJECT SHERIFF.

(a) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, the amount available for the Force Transformation Directorate may be increased by $10,000,000, with the amount of the increase to be available for Project Sheriff.

(b) OFFSET.—Of the amount authorized to be appropriated by section 301(4) is hereby reduced by $10,000,000.

SA 2498. Mr. WARNER (for Mr. LEVIN) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title II, add the following:

SEC. 213. MEDIUM TACTICAL VEHICLE MODIFICATIONS.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(1) for Research, Development, Test, and Evaluation for the Army, is hereby increased by $5,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(1) for Research, Development, Test, and Evaluation for the Army, as increased by subsection (a), $5,000,000 may be available for Medium Tactical Vehicle Modifications.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) for Operation and Maintenance for the Air Force is hereby reduced by $5,000,000.

SA 2499. Mr. WARNER proposed an amendment to amendment SA 1396 proposed by Mr. WARNER (for Mr. STEVENS) to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 2, line 16, strike ''$3,008,982,000'' and insert ''$3,108,982,000''.

SA 2500. Mr. WARNER proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 846. REPORTS OF ADVISORY PANEL ON LAWS AND REGULATIONS ON ACQUISITION PRACTICES.

(a) EXTENSION OF FINAL REPORT.—Section 1423(d) of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108–136; 117 Stat. 1669; 41 U.S.C. 405 note) is amended by striking ''one year'' and inserting ''two years''.

(b) REQUIREMENT FOR INTERIM REPORT.—That section is further amended—

(1) by inserting ''(1)'' before ''Not later than''; and

(2) by adding at the end the following new paragraph:

''(2) Not later than one year after the date of the establishment of the panel, the panel shall submit to the official and committees referred to in paragraph (1) an interim report on the matters set forth in that paragraph.''.

SA 2501. Mr. WARNER (for Mr. NELSON of Florida) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert the following:

(a) FINDINGS.—

(1) According to the Department of State, drug trafficking organizations shipped approximately nine tons of cocaine to the United States through the Dominican Republic in 2004, and are increasingly using small, high-speed watercraft.

(2) Drug traffickers use the Caribbean corridor to smuggle narcotics to the United States via Puerto Rico and the Dominican Republic. This route is ideal for drug trafficking because of its geographic expanse, numerous law enforcement jurisdictions and fragmented investigative efforts.

(3) The tethered aerostat system in Lajas, Puerto Rico contributes to deterring and detecting smugglers moving illicit drugs into Puerto Rico. The aerostat's range and operational capabilities allow it to provide surveillance coverage of the eastern Caribbean corridor and the strategic waterway between Puerto Rico and the Dominican Republic, known as the Mona Passage.

(4) Including maritime radar on the Lajas aerostat will expand its ability to detect suspicious vessels in the eastern Caribbean corridor.

(b) SENSE OF THE SENATE.—Given the above findings, it is the Sense of the Senate that—

(1) Congress and the Department of Defense fully fund the Counter-Drug Tethered Aerostat program.

(2) Department of Defense install maritime radar on the Lajas, Puerto Rico aerostat.

SA 2502. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title II, add the following:

SEC. 244. DESIGNATION OF FACILITIES AND RESOURCES CONSTITUTING THE MAJOR RANGE AND TEST FACILITY BASE.

(a) DEPARTMENT OF DEFENSE TEST RESOURCE MANAGEMENT CENTER.—Section 196(h) of title 10, United States Code, is amended by striking ''Director of Operational Test and Evaluation'' and inserting ''Secretary of Defense''.

(b) INSTITUTIONAL FUNDING OF TEST AND EVALUATION ACTIVITIES.—Section 232(b)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2490) is amended by striking ''Director of Operational Test and Evaluation'' and inserting ''Secretary of Defense''.

SA 2503. Mr. WARNER (for Mr. ALLARD (for himself and Mr. SALAZAR)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 378, between lines 10 and 11, insert the following:

SEC. 3114. ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE.

(a) DEFINITIONS.—In this section:

(1) ESSENTIAL MINERAL RIGHT.—The term ''essential mineral right'' means a right to mine sand and gravel at Rocky Flats, as depicted on the map.

(2) FAIR MARKET VALUE.—The term ''fair market value'' means the value of an essential mineral right, as determined by an appraisal performed by an independent, certified mineral appraiser under the Uniform Standards of Professional Appraisal Practice.

(3) MAP.—The term ''map'' means the map entitled ''Rocky Flats National Wildlife Refuge'', dated July 25, 2005, and available for inspection in appropriate offices of the United States Fish and Wildlife Service and the Department of Energy.

(4) NATURAL RESOURCE DAMAGE LIABILITY CLAIM.—The term ''natural resource damage liability claim'' means a natural resource damage liability claim under subsections (a)(4)(C) and (f) of section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) arising from hazardous substances releases at or from Rocky Flats that, as of the date of enactment of this Act, are identified in the administrative record for Rocky Flats required by the National Oil and Hazardous Substances Pollution Contingency Plan prepared under section 105 of that Act (42 U.S.C. 9605).

(5) ROCKY FLATS.—The term ''Rocky Flats'' means the Department of Energy facility in the State of Colorado known as the ''Rocky Flats Environmental Technology Site''.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(7) TRUSTEES.—The term ''Trustees'' means the Federal and State officials designated as trustees under section 107(f)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(f)(2)).

(b) PURCHASE OF ESSENTIAL MINERAL RIGHTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, such amounts authorized to be appropriated under subsection (c) shall be available to the Secretary to purchase essential mineral rights at Rocky Flats.

(2) CONDITIONS.—The Secretary shall not purchase an essential mineral right under paragraph (1) unless—

(A) the owner of the essential mineral right is a willing seller; and

(B) the Secretary purchases the essential mineral right for an amount that does not exceed fair market value.

(3) LIMITATION.—Only those funds authorized to be appropriated under subsection (c) shall be available for the Secretary to purchase essential mineral rights under paragraph (1).

(4) RELEASE FROM LIABILITY.—Notwithstanding any other law, any natural resource damage liability claim shall be considered to be satisfied by—

(A) the purchase by the Secretary of essential mineral rights under paragraph (1) for consideration in an amount equal to $10,000,000;

(B) the payment by the Secretary to the Trustees of $10,000,000; or

(C) the purchase by the Secretary of any portion of the mineral rights under paragraph (1) for—

(i) consideration in an amount less than $10,000,000; and

(ii) a payment by the Secretary to the Trustees of an amount equal to the difference between—

(I) $10,000,000; and

(II) the amount paid under clause (i).

(5) USE OF FUNDS.—

(A) IN GENERAL.—Any amounts received under paragraph (4) shall be used by the Trustees for the purposes described in section 107(f)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(f)(1)), including—

(i) the purchase of additional mineral rights at Rocky Flats; and

(ii) the development of habitat restoration projects at Rocky Flats.

(B) CONDITION.—Any expenditure of funds under this paragraph shall be made jointly by the Trustees.

(C) ADDITIONAL FUNDS.—The Trustees may use the funds received under paragraph (4) in conjunction with other private and public funds.

(6) EXEMPTION FROM NATIONAL ENVIRONMENTAL POLICY ACT.—Any purchases of mineral rights under this subsection shall be exempt from the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(7) ROCKY FLATS NATIONAL WILDLIFE REFUGE.—

(A) TRANSFER OF MANAGEMENT RESPONSIBILITIES.—The Rocky Flats National Wildlife Refuge Act of 2001 (16 U.S.C. 668dd note; Public Law 107–107) is amended—

(i) in section 3175—

(I) by striking subsections (b) and (f); and

(II) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively; and

(ii) in section 3176(a)(1), by striking ''section 3175(d)'' and inserting ''section 3175(c)''.

(B) BOUNDARIES.—Section 3177 of the Rocky Flats National Wildlife Refuge Act of 2001 (16 U.S.C. 668dd note; Public Law 107–107) is amended by striking subsection (c) and inserting the following:

''(c) COMPOSITION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the refuge shall consist of land within the boundaries of Rocky Flats, as depicted on the map—

''(A) entitled 'Rocky Flats National Wildlife Refuge';

''(B) dated July 25, 2005; and

''(C) available for inspection in the appropriate offices of the United States Fish and Wildlife Service and the Department of Energy.

''(2) EXCLUSIONS.—The refuge does not include—

''(A) any land retained by the Department of Energy for response actions under section 3175(c);

''(B) any land depicted on the map described in paragraph (1) that is subject to 1 or more essential mineral rights described in section 3114(a) of the National Defense Authorization Act for Fiscal Year 2006 over which the Secretary shall retain jurisdiction of the surface estate until the essential mineral rights—

''(i) are purchased under subsection (b) of that Act; or

''(ii) are mined and reclaimed by the mineral rights holders in accordance with requirements established by the State of Colorado; and

''(C) the land depicted on the map described in paragraph (1) on which essential mineral rights are being actively mined as of the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 until—

''(i) the essential mineral rights are purchased; or

''(ii) the surface estate is reclaimed by the mineral rights holder in accordance with requirements established by the State of Colorado.

''(3) ACQUISITION OF ADDITIONAL LAND.—Notwithstanding paragraph (2), upon the purchase of the mineral rights or reclamation of the land depicted on the map described in paragraph (1), the Secretary shall—

''(A) transfer the land to the Secretary of the Interior for inclusion in the refuge; and

''(B) the Secretary of the Interior shall—

''(i) accept the transfer of the land; and

''(ii) manage the land as part of the refuge.''.

(c) FUNDING.—Of the amounts authorized to be appropriated to the Secretary for the Rocky Flats Environmental Technology Site

for fiscal year 2006, $10,000,000 may be made available to the Secretary for the purposes described in subsection (b).

SA 2504. Mr. WARNER (for Mr. ROBERTS) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title II, add the following:

SEC. 213. AGING MILITARY AIRCRAFT FLEET SUPPORT.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR THE AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $4,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by subsection (a), $4,000,000 may be available for Program Element #63112F for Aging Military Aircraft Fleet Support.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) for operation and maintenance for Air Force activities is hereby reduced by $4,000,000.

SA 2505. Mr. WARNER (for Mr. INOUYE) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title V, add the following:

SEC. 537. ELIGIBILITY OF UNITED STATES NATIONALS FOR APPOINTMENT TO THE SENIOR RESERVE OFFICERS' TRAINING CORPS.

(a) IN GENERAL.—Section 2107(b)(1) of title 10, United States Code, is amended by inserting ''or national'' after ''citizen''.

(b) ARMY RESERVE OFFICERS TRAINING PROGRAMS.—Section 2107a(b)(1)(A) of such title is amended by inserting ''or national'' after ''citizen''.

(c) ELIGIBILITY FOR APPOINTMENT AS COMMISSIONED OFFICERS.—Section 532(f) of such title is amended by inserting '', or for a United States national otherwise eligible for appointment as a cadet or midshipman under section 2107(a) of this title or as a cadet under section 2107a of this title,'' after ''for permanent residence''.

SA 2506. Mr. WARNER (for Mrs. HUTCHISON (for herself, Mr. VOINOVICH, and Mr. NELSON of Florida)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title II, add the following:

SEC. 244. REPORT ON COOPERATION BETWEEN THE DEPARTMENT OF DEFENSE AND THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ON RESEARCH, DEVELOPMENT, TEST, AND EVALUATION ACTIVITIES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration shall jointly submit to Congress a report setting forth the recommendations of the Secretary and the Administrator regarding cooperative activities between the Department of Defense and the National Aeronautics and Space Administration related to research, development, test, and evaluation on areas of mutual interest to the Department and the Administration.

(b) AREAS COVERED.—The areas of mutual interest to the Department of Defense and the National Aeronautics and Space Administration referred to in subsection (a) may include, but not be limited to, areas relating to the following:

(1) Aeronautics research.

(2) Facilities, personnel, and support infrastructure.

(3) Propulsion and power technologies.

(4) Space access and operations.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, November 16, 2005, at 2 p.m. in Room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on Earth Island Institute vs. Ruthenbeck.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC, 20510–6150.

For further information, please contact Frank Gladics at 202–224–2878 or Kristina Rolph at 202–224–8276.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on Wednesday November 9, 2005, at 10:30 a.m. in SH–216, Senate Hart Office Building. The purpose of this committee hearing will be to discuss agricultural transportation and energy issues.

The PRESIDING OFFICER. Without objection, it it so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES AND COMMITTEE ON COMMERCE SCIENCE AND TRNASPORTATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources and the Committee on Commerce, Science and Transportation be authorized to meet during the session of the Senate on Wednesday, November 9 at 9:30 a.m. The purpose of this joint hearing is to receive testimony regarding energy pricing and profits.

The PRESIDING OFFICER. Without objection, it it so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to hold a hearing on Wednesday, November 9, 2005 to receive testimony and identify issues regarding a comprehensive and integrated approach to meet the water resources needs of coastal Louisiana in the wake of Hurricanes Katrina and Rita, including storm and flood damage reduction, ecosystem restoration and navigation.

The PRESIDING OFFICER. Without objection, it it so ordered.

COMMITTEE ON FINANCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Wednesday, November 9, 2005, at 10 a.m., to review and make recommendations on proposed legislation implementing the U.S.-Bahrain Free Trade Agreement.

The PRESIDING OFFICER. Without objection, it it so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, November 9, 2005, at 9:30 a.m. to hold a hearing on Avian Influenza.

The PRESIDING OFFICER. Without objection, it it so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, November 9, 2005, at 2:30 p.m. to hold a hearing on nominations.

The PRESIDING OFFICER. Without objection, it it so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, November 9, 2005, at 9:30 a.m. for a hearing titled, ''Always Ready': The Coast Guard's Response to Hurricane Katrina.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Cameras in the Courtroom'' on Wednesday,

November 9, 2005 at 9:30 a.m. in the Dirksen Senate Office Building Room 226.

Witness List

Panel I: The Honorable Chuck Grassley, United States Senator, [R–IA].

Panel II: The Honorable Diarmuid O'Scannlain, Judge, United States Court of Appeals for the Ninth Circuit, Portland, OR; The Honorable Jan E. DuBois, Judge, District Court for the Eastern District of Pennsylvania, Philadelphia, PA.

Panel III: Barbara Bergman, President, National Association of Criminal Defense Lawyers, Washington, DC; Peter Irons, Professor of Political Science, Emeritus, University of California at San Diego, San Diego, CA; Seth Berlin, Partner, Levine Sullivan Koch & Schulz, L.L.P., Washington, DC; Brian Lamb, Founder & Chairman, C–SPAN Washington, DC; Henry Schleiff, Chairman and CEO, Court TV Networks, New York, NY; Barbara Cochran, President, Radio-Television News Directors Association & Foundation, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 9, 2005 at 10 a.m. to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 9, 2005 at 2 p.m. to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS AND PROPERTY RIGHTS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution, Civil Rights and Property Rights be authorized to meet to conduct a markup on Wednesday, November 9, 2005, at 2 p.m. in Dirksen 226.

Agenda

I. Bill: S.J. Res. 1, the Marriage Protection Amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Wednesday, November 9, 2005 at 3 p.m. for a hearing entitled, ''Access Delayed: Fixing the Security Clearance Process, Part II.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support be authorized to meet during the session of the Senate on November 9, 2005, at 2 p.m., in open session to receive testimony on Department of Defense business transformation and financial management accountability.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSING APPRECIATION

Mr. WARNER. Mr. President, I thank the Presiding Officer and all members of our Senate staff who are assisting managers and other Senators in the completion of a good deal of work on the bill today. I look forward to tomorrow and completion of this bill. I express my profound gratitude to our leadership and all those who made it possible.

WAR RESERVES STOCKPILE

Mr. WARNER. I ask unanimous consent the Senate proceed to the immediate consideration of S. 1988 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1988) to authorize the transfer of items in the War Reserves Stockpile for Allies, Korea.

There being no objection, the Senate proceeded to consider the bill.

Mr. WARNER. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1988) was read the third time and passed, as follows:

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

SECTION. 1. WAR RESERVES STOCKPILE FOR ALLIES, KOREA.

(a) AUTHORITY TO TRANSFER ITEMS IN STOCKPILE.—

(1) IN GENERAL.—Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the President is authorized to transfer to the Republic of Korea, on such conditions as the President may determine, any or all of the items described in paragraph (2).

(2) COVERED ITEMS.—The items referred to in paragraph (1) are munitions, equipment, and materiel such as tanks, trucks, artillery, mortars, general purpose bombs, repair parts, barrier material, and ancillary equipment if such items are—

(A) obsolete or surplus items;

(B) in the inventory of the Department of Defense;

(C) intended for use as reserve stocks for the Republic of Korea; and

(D) as of the date of the enactment of this Act, located in a stockpile in the Republic of Korea or Japan.

(3) VALUATION OF CONCESSIONS.—The value of concessions negotiated pursuant to paragraph (1) shall be at least equal to the fair market value of the items transferred, less any savings (which may not exceed the fair market value of the items transferred) accruing to the Department of Defense from an avoidance of the cost of removal of such items from the Republic of Korea or of the disposal of such items. The concessions may include cash compensation, services, waiver of charges otherwise payable by the United States (such as charges for demolition of United States-owned or United States-intended munitions), and other items of value.

(4) TERMINATION.—No transfer may be made under the authority of this subsection after the date that is three years after the date of the enactment of this Act.

(b) CERTIFICATION REGARDING MATERIEL IN STOCKPILE.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall certify to the appropriate committees of Congress whether or not the ammunition, equipment, and materiel in the War Reserves Stockpile for Allies, Korea that are available for transfer to the Republic of Korea is of any utility to the United States for any of the following:

(1) Counterterrorism operations.

(2) Contingency operations.

(3) Training.

(4) Stockpile, pre-positioning, or war reserve requirements.

(c) TERMINATION OF STOCKPILE.—

(1) IN GENERAL.—At the conclusion of the transfer to the Republic of Korea under subsection (a) of items in the War Reserves Stockpile for Allies, Korea pursuant to that subsection, the War Reserves Stockpile for Allies, Korea program shall be terminated.

(2) DISPOSITION OF REMAINING ITEMS.—Any items remaining in the War Reserves Stockpile for Allies, Korea as of the termination of the War Reserves Stockpile for Allies, Korea program under paragraph (1) shall be removed, disposed of, or both by the Department of Defense.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Armed Services, Appropriations, and Foreign Relations of the Senate; and

(2) the Committees on Armed Services, Appropriations, and International Relations of the House of Representatives.

Mr. WARNER. I must say to the distinguished Presiding Officer, the war reserves stockpile for Korea, I don't know if that includes me with it or not. I did spend a period of time over there in 1951 and 1952 in the winter with the Marines. Likely I will be here again tomorrow morning to pursue the authorization bill.

ORDERS FOR THURSDAY, NOVEMBER 10, 2005

Mr. WARNER. I now ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, November 10; I further ask, following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to a period for morning business for up to an hour, with the first 30 minutes under the control of the majority leader or his designee and the final 30 minutes under the control of the Democrat leader or his designee; further, that the

Senate resume consideration of S. 1042, the Defense authorization bill as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WARNER. Tomorrow, we will complete action on the Defense authorization bill. I firmly hope that, as does Senator LEVIN, and our respective leaders. Senators can expect votes throughout the day and tomorrow and should plan accordingly. We will finish this tomorrow.

I remind my colleagues we will also consider three appropriation conference reports ready for action before we leave this week.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WARNER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:33 p.m., adjourned until Thursday, November 10, 2005, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate November 9, 2005:

FEDERAL COMMUNICATIONS COMMISSION

MICHAEL JOSEPH COPPS, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2005. (REAPPOINTMENT)

DEBORAH TAYLOR TATE, OF TENNESSEE, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 2007, VICE MICHAEL K. POWELL, RESIGNED.

DEPARTMENT OF STATE

JANET ANN SANDERSON, OF ARIZONA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HAITI.

THE JUDICIARY

CAROL A. DALTON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE A. NOEL ANKETELL KRAMER, ELEVATED.

DEPARTMENT OF JUSTICE

PAUL J. MCNULTY, OF VIRGINIA, TO BE DEPUTY ATTORNEY GENERAL, VICE JAMES B. COMEY, RESIGNED.

EXTENSIONS OF REMARKS

A TRIBUTE TO THE REVEREND CANON H. GREGORY SMITH

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor Reverend Canon H. Gregory Smith as he commemorates the 25th anniversary of his ordination. Reverend Smith is highly respected and beloved by the worshipping community of St. Luke's Episcopal Church in Germantown, Pennsylvania, and has earned this respect in the many roles he has taken on throughout his life.

A graduate of Bradley University, Reverend Smith majored in Education and Music, and also trained professionally as a tenor. After graduation, he went on to work for the Red Cross, but he never forgot his childhood dream of working in the White House. His father had told him that the only black people in the White House were servants, but the young Reverend Smith vowed that he would someday work at the White House, and not as a servant. True to his word, Reverend Smith soon moved on from his position at the Red Cross to become a writer at the White House for First Lady Betty Ford.

After three years at the White House, Reverend Smith left to follow a call to attend seminary at Nashota House, and was ordained in June of 1980. Since then, he has served as Pastor in Chicago, Atlanta, and Denver. Today, Mr. Speaker, I wish to express my deep gratitude for Reverend Smith's years of service to the community, and I extend my warmest congratulations to him on this 25th anniversary of his ordination. I ask that you and my other distinguished colleagues rise to congratulate him on all of his accomplishments.

HONORING AL LOPEZ

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Al Lopez, Tampa's beloved son and one of America's greatest baseball players and managers.

Born in Ybor City as the son of a cigar factory worker, Al Lopez never forgot his roots. His devotion to his hometown as he rose through the ranks of baseball stardom was one of many reasons that "Senor," as he was affectionately nicknamed, was so cherished in the Tampa community.

Al was the first Tampa native to play in the major leagues. He launched his major league career in 1928 as a catcher for the Brooklyn Robins, soon to become the Dodgers. Al went on to catch for the Boston Braves, the Pittsburgh Pirates and the Cleveland Indians. Al retired after 19 years in the majors, during which he was a two time All-Star and earned the record for the most games caught—1,918—a record he held until 1987.

But Al's career was far from over. He went on to manage for 14 years, earning a .581 winning percentage and a spot in Baseball's Hall of Fame in 1977. Al brought both the Cleveland Indians and the Chicago White Sox to the World Series and managed several All-Star teams. However, he may be best known for managing teams that finished ahead of the New York Yankees between 1949 and 1964.

Al Lopez's success inspired countless Tampa youngsters to pursue their baseball dreams. In his honor, Tampa dedicated Al Lopez Field in 1954 and Al Lopez Park in 1992. Those who had the pleasure of getting to know Al remember him as being the consummate gentleman. In spite of his fame, Al was always kind and eager to hear what others had to say.

Al's remarkable skill and performance as a player on the field and a manager on the sidelines was only exceeded by his exemplary character and the commitment to others he exhibited throughout his life. His very powerful example will undoubtedly inspire generations to come. On behalf of the entire Tampa Bay community, I extend my deepest sympathies to Al's family. Al gave so much to his hometown. In turn, Tampa will forever remember and honor Al Lopez.

HONORING JUDGE SONDRA MILLER

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mrs. LOWEY. Mr. Speaker, I rise today to honor Judge Sondra Miller on her retirement from the Appellate Division of the Supreme Court of the State of New York.

A graduate of Wellesley College and Harvard Law School, Sondra Miller has had a distinguished career as an Associate Justice since her appointment to the court by Governor Cuomo in 1990. She also made notable contributions in her service as a Family Court Judge in Westchester County.

Judge Miller is an active member of the legal community. She currently serves as Commissioner of the Governor's Permanent Judicial Commission on Justice for Children, a member of the New York State Bar Association Special Committee on Justice and the Community, a founding member of Judges and Lawyers Breast Cancer Alert (JALBCA), and a Member of the Board of Visitors at Pace University School of Law.

Over the course of her legal career, Judge Miller has been respected as a scholarly and incisive jurist, receiving numerous awards for her work. Among the honors she has received are the Westchester Women of the Year Award, the New York State Bar Association's Ruth H. Schapiro Award, the Women's Bar Association of the State of New York's Founders Award, and the Pace School of Law Leadership Award. In 2005 the Westchester Women's Bar Association Foundation established the "Justice Sondra M. Miller Scholarship," which will be awarded annually.

Sondra's work in our community is far-reaching. She is a respected and valued member of the League of Women Voters, Planned Parenthood, Hadassah, the Harvard Club, and the Westchester Jewish Center.

Sondra and her husband Stanley Gelfman live in Westchester County. She is a devoted mother to Sabrina and David Miller, Miriam and Gary Reback, Seth and Amanda Miller, Wendy and Andrew Tatarsky, Sarri and Rick Harner, and a loving grandmother to her 13 grandchildren.

Mr. Speaker, I ask my colleagues to join me in honoring Judge Sondra Miller and in thanking her for a career of dedicated service to the citizens of New York.

A TRIBUTE TO THE CORPORATE HEROES OF HURRICANE KATRINA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. BONNER. Mr. Speaker, today I rise to highlight some of the exceptional actions taken by our corporate citizens in the wake of Hurricane Katrina.

It is common to hear criticism from this floor of our Nation's largest companies, and I think it is only fair to recognize the good these companies do in times of national emergency.

The cover of a September Fortune magazine reads: "Government Broke Down. Business Stepped Up. How Wal-Mart, FedEx, and Home Depot got the job done after Katrina."

We have a select committee working hard to address the first part of this headline. We should also recognize and learn lessons from the second part of the headline, how business stepped up.

The Wall Street Journal on September 12, 2005, said, "The Federal Emergency Management Agency could learn some things from Wal-Mart Stores, Inc." Indeed, FEMA could.

I recall talking to a mayor in my district in September of last year when Hurricane Ivan had just devastated his city and much of the Alabama Gulf Coast. He said the community's demands on the government for basic services such as water, food, and ice were relentless and almost overwhelming. Then the city's Wal-Mart SuperCenter reopened; the cavalry had arrived. The mayor said it was as if a huge weight had been lifted.

Mr. Speaker, this Wal-Mart store did not reopen without careful planning, without superb execution, and without the extraordinary effort of Wal-Mart employees in Alabama and throughout the Wal-Mart distribution system.

The efforts of Wal-Mart and other corporate citizens have been extraordinary in response

to Hurricane Katrina. Wal-Mart Stores, Inc. has contributed $17 million to relief efforts and donated 19 vacant facilities for use by relief agencies.

After the storm made landfall, the company immediately dispatched pre-positioned trucks to the devastated region bearing $3 million worth of emergency supplies. In addition, Wal-Mart employees personally donated over $9 million.

To quote Fortune magazine, "The world's biggest company flexed its massive distribution muscle to deliver vital supplies to victims of Hurricane Katrina."

It was this distribution muscle that provided relief to the hardest hit areas. Wal-Mart Stores, Inc. and its employees have earned our respect and our heartfelt thanks.

Mr. Speaker, there are other companies, perhaps not as large, that contributed in quiet, unheralded ways to Hurricane Katrina relief.

One additional company I would like to highlight is EADS, a European aerospace and defense firm that has recently chosen to open a facility in Mobile, Alabama, my home town.

In the chaotic days immediately following landfall of Hurricane Katrina, two EADS helicopters flew dangerous missions to rescue stranded victims, transport medical personnel, and deliver critical supplies to the Gulf Coast, stopping only to load, unload, and refuel.

EADS also coordinated with Airbus to deliver 23 tons of blankets, cots, tents and other items donated by the United Kingdom and France. The aid was flown onboard the Airbus A300–600ST cargo jetliner, also known as the Beluga, from Europe to Brookley Field in Mobile, Alabama.

In addition to the rescue and aid missions, EADS built a mobile medical rescue station in Long Beach, Mississippi. EADS, the German government, and Airbus coordinated to move the 12-ton medical rescue station from Frankfurt to Atlanta. Once in Atlanta, the Airbus Beluga moved it to Mississippi. The rescue station is staffed by 38 doctors and treats approximately 150 patients a day, handling everything from routine immunizations to surgical procedures.

In this time of such extreme adversity for the people of the Gulf Coast, the people of EADS truly came to our aid. I am humbled by their dedication and commitment to help in the recovery from Hurricane Katrina.

Mr. Speaker, I am truly grateful to the national and international corporations that made generous contributions in the wake of Hurricane Katrina. I have singled out two for our well-deserved thanks, and I am glad to call them neighbors.

TRIBUTE TO ALL MEN AND WOMEN WHO HAVE SERVED

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to all the dedicated men and women who have served, and those who continue to serve and protect this great Nation.

Veterans Day is a day of remembrance and rededication. We pause to remember the noble service and great sacrifices of those who have worn our Nation's uniform. And we rededicate ourselves, in the words of President Lincoln, "to care for him who shall have borne the battle."

As our Nation is at war, we look to the brave mothers, fathers, sons and daughters that have answered the call to defend us. With courage and character, American soldiers continue to put themselves on the line to defend our freedom, and so many have paid the ultimate sacrifice.

On this Veterans Day, let us remember the service of our veterans, and let us renew our national promise to fulfill our sacred obligations to our veterans and their families who have sacrificed so much so that we can live free.

On the battlefield, the military pledges to leave no soldier behind. As a nation, let it be our pledge that when they return home, we leave no veteran behind. As more veterans return home from the battlefield, let us honor the service of all veterans, young and old, that have stood guard and fought so bravely to ensure our freedom. Our Nation must provide sufficient access to healthcare, adequate benefits, and the supplemental resources our veterans were promised and so dearly need. We owe our heroes no less.

Today and every day, the prayers of the American people are with those who wear our country's uniform. They serve a great cause and they follow a great tradition, handed down to them by America's greatest heroes, our veterans. Veterans from every era are the finest of citizens. We owe them the life we know today. They command the respect of the American people, and they have our everlasting gratitude.

May God bless our troops. May God bless our veterans and their families. And may God bless the United States of America.

A TRIBUTE TO RON DOWNS

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. COSTA. Mr. Speaker, I rise today in honor of Lieutenant Ron Downs of Fresno, California. Mr. Downs was a respected member of the Fresno police department. He passed away Monday, October 31st, 2005 of a heart attack; he was three weeks away from retirement.

Mr. Downs was sworn as a police officer in July 1, 1967, at the young age of 22. He worked as a lieutenant and commander of the special investigations bureau, for the department's narcotics unit. He previously was commander of the internal affairs bureau. At the time of Mr. Downs' death, he was one of the longest-serving active officers in the department.

Mr. Downs worked tirelessly on behalf of our community for 38 years as a member of the police force. On any given day, he was willing to sacrifice his own safety to protect others. Mr. Downs was an exemplary citizen; his contributions to our community will be long lived.

Mr. Downs is survived by his wife, Carolyn. He is also survived by his son, Kenneth Downs; his daughter, Kris Loughney; his wife's son, Michael Dick; three brothers; and five grandchildren. The community of Fresno is saddened by his passing and I would like to extend my condolences to his family.

HONORING THE ACCOMPLISHMENTS OF ANITA BOERI 93 YEAR OLD WORLD WAR II MARINE VETERAN

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. ISRAEL. Mr. Speaker, I rise today to acknowledge the many accomplishments of Anita Boeri, whose lifetime of service to her family and country is cause for celebration and honor this Veterans' Day.

Anita Boeri was born on July 6, 1912 to Louise and Rinaldo Boeri in the Italian enclave of East Harlem, NYC. After graduating from Erasmus Hall High School, Ms. Boeri attended Pratt Institute—the School of Home Economics in Brooklyn, NY—obtaining a degree as a dietician. She also completed courses at the School of Business in Brooklyn.

After the outbreak of World War II, when the U.S. Marine Corps called for female volunteers, Anita Boeri applied and was accepted to the "Free a Marine to Fight" program as enlisted personnel on September 22, 1943. Her active duty began on November 30, 1943 with a trip to Camp LeJeune, New River, NC for basic training boot camp. In January of 1944, Ms. Boeri was a member of the first contingent of the Women's Reserve Battalion to arrive on Parris Island, South Carolina. After a week of orientation, she was assigned clerical duties in the office of the Commanding General.

Anita Boeri was promoted to the rank of Sergeant and through her hard work and dedication, became a confidential clerk to Major General Clayton B. Vogel, Commanding General, Parris Island. Ms. Boeri was honorably discharged from the Marine Corps Women's Reserve on November 26, 1945.

Following her career of service to her country, Anita Boeri spent the next 35 years of her life caring for her family. She cared for her ailing father and mother as well as her uncle who lived in the apartment above her.

In 1998, Anita Boeri moved to Atria Senior Living in Huntington Station, NY. There she joined the community with enthusiasm, volunteering for various duties in the gift shop and keeping in touch with Atria residents who were hospitalized.

Mr. Speaker, this weekend it will be my great honor to present Ms. Boeri with two medals to recognize her achievements—the World War II Victory Medal and the American Campaign Medal. As Veterans' Day approaches, all Americans can look to the achievements of Anita Boeri as a model of commitment and service.

HONORING MR. JAMES BERTRAL GALLOWAY

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. ADERHOLT. Mr. Speaker, today I would like to honor Mr. James Bertral Galloway, who

was born on November 3, 1924, in the Hopewell Community near Geraldine, Alabama. Mr. Galloway was a Navy veteran who served stateside in Chincoteague, Virginia as an air mechanic, near the end of World War II. He later married the former Miss Pauline Mayes on October 17, 1970. Until retirement, the two of them taught school at Geraldine High School. Mrs. Galloway taught remediation for 30 years, and Mr. Galloway taught history and also coached basketball.

As a devoted teacher, Mr. Galloway also had a passion for the contributions of veterans to our society, and a desire to honor those contributions. Mr. Galloway started the Geraldine Veterans Day Program. Spanning three decades, 2005 marks its 31st year. This program has become a Geraldine staple, and its special nature is attested to by the fact that it prompts surrounding communities to make plans to attend each year.

In recent years, the Geraldine School administration, in conjunction with the Student Government Association, has sponsored the Veterans Day Program and has taken it to new heights. The well-organized program, with the participation of the SGA, sponsors, faculty, and of course the veterans themselves includes being escorted to special seating, commemorative speeches, drama productions, and martial music in front of the student body, which numbers over 1,100. Each veteran is recognized by name, service branch, years of service and theater of operations. There is a special memorial component of the program, to honor those veterans who have passed away during the year. Upon conclusion of the formal program, the veterans and their families share a meal together and have the opportunity to visit the school, where the halls and doorways have been decorated with a patriotic theme.

It is with sadness I note that Mr. James Galloway passed away on July 13, 2005. I want to publicly express how deeply he will be missed. His efforts will not be forgotten or unnoticed, and although we mourn his absence, we celebrate his many years of unselfish service to the community. His sincerity and devotion to country and service shine to this day. The Veterans Day Program at Geraldine School is one that has enriched countless lives for 31 years. Through Mr. James Bertral Galloway's efforts, and those who followed him, the Geraldine School community has a greater appreciation of the sacrifices made by our veterans.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. OWENS. Mr. Speaker, I was absent on Monday November 7, 2005 and Tuesday November 8, 2005 due to unavoidable circumstances in my Congressional District. Had I been present on November 7, I would have voted: "yea" to H. Con Res. 260—Recognizing the 40th anniversary of the Second Vatican Council's Declaration on the Relation of the Church to Non-Christian Religions, Nostra Aetate, and the continuing need for mutual inter-religious respect and dialogue; "yea" to H.R. 1973—the Water for the Poor Act of 2005 and "yea" to H. Res. 444—the Gynecological Resolution for Advancement of Ovarian Cancer Education.

Had I been present on November 8, I would have voted: "no" on the motion to Table the Appeal of the Ruling of the Chair; "yea" to H. Res. 38—Expressing support for the accession of Israel to the Organization for Economic Co-operation and Development; "yea" to H. Res. 302—Recognizing and commending the continuing dedication and commitment of employers of the members of the National Guard and the other reserve components who have been mobilized during the Global War on Terrorism and in defense of the United States; and "yea" to H.R. 3770—Grant W. Green Post Office Building Designation Act.

FAIR ACCESS FOSTER CARE ACT OF 2005

SPEECH OF

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. TIAHRT. Mr. Speaker, I rise in support of the Fair Access Foster Care Act of 2005. This bill will provide for fair access to foster care maintenance payments by adding private for-profit agencies to the list of eligible recipients. Currently, State and non-profit agencies are the only therapeutic foster care providers eligible for this funding. Children with special medical, psychological, emotional, and social needs are the most vulnerable in the foster care system. Congress should provide strong support for all agencies willing to be involved in these fragile lives.

For children who enter foster care, separation from birth parents is traumatic, and separation from siblings who share a common history is a devastating, ultimately isolating loss. Since the 1980s, researchers have focused increasing attention on the importance of sibling ties. Siblings who are placed together have been known to transition more smoothly into new homes, and most researchers agree that attachments between siblings are critically important. In recent years, many states have taken action to help siblings stay together.

I am pleased to share with you an encouraging story of hope from my district. The Salvation Army chapter in Wichita, Kansas, conducts an annual birth family Christmas party and a summer picnic at Camp Hiawatha that provides an opportunity to reunite foster care children and their birth families. In addition to these annual events, the staff works with United Methodist Youthville to provide sibling visits a couple times a month. The foster care parents are required to make the connection for these visits with the foster child's siblings and/or parents.

In May of this year, there were 4,789 foster care children in the State of Kansas, and 542,000 in the country. According to the U.S. Department of Health and Human Services, the average stay for a child in the foster care system is 33 months. About 44 percent of these children reunite with their birth parents. Over 50 percent of foster children become juvenile delinquents, and the same percentage does not complete high school. These statistics speak of the desperate need for a good and solid foster care system, and of the commendable work so many agencies and families are willing to do for these children. Children in the foster care system become the responsibility of us all and their lives are changed forever when Americans begin to take that responsibility personally. My colleague Congressman TOM DELAY has both fostered children and been involved with foster care programs for years and I commend his work on this issue.

I am proud to support this legislation that will increase the access and opportunity for therapeutic foster care for our Nation's children.

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. PASCRELL. Mr. Speaker, I rise to offer a personal explanation. Earlier today, I was unavoidably detained on rollcall votes 573, 574, 575 and 576 due to a prior obligation in my district. Had I been present, I would have voted "nay" on rollcall vote 573 (to Table Appeal of the Ruling of the Chair on the Obey Motion to Instruct the Conferees on the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act of 2006), "yea" on rollcall vote 574 (H. Res. 38, Expressing support for the accession of Israel to the Organization for Economic Co-operation and Development H.R. 1973, The Water for the Poor Act of 2005) and "yea" on rollcall vote 575 (H. Res. 302, Recognizing and commending the continuing dedication and commitment of employers of the members of the National Guard and the other reserve components who have been mobilized during the Global War on Terrorism and in defense of the United States and "yea" on rollcall Vote 576 (H.R. 3770, Grant W. Green Post Office Building Designation Act).

RECOGNITION OF HONORABLE THOMAS R. SUOZZI

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mrs. MCCARTHY. Mr. Speaker, this year, Governing.com, a leading online publication for and about State and local governments and a subsidiary of Congressional Quarterly, announced their list of the 2005 Public Officials of the Year. Only eight State, county and local leaders from throughout our Nation received this most noteworthy award. It is an honor for me to bring to the attention of my colleagues and this House one of those eight outstanding public officials, the Honorable Thomas R. Suozzi, County Executive of Nassau County, New York.

Tom Suozzi is a true leader. He has led Nassau County for the past four years with common, practical sense; with an approach toward running government as a business; with a vision to the future while not forgetting our past; all the while making paramount the needs of the people of Nassau County. He has established a record as County Executive,

and before that as mayor of his home town of Glen Cove, New York, that can serve as a blueprint for governments at all levels, and yes, even the Federal Government, to follow.

Upon his election as County Executive, Mr. Suozzi inherited a county that had amassed a debt of $3 billion, had a junk bond rating and was ready to be taken over by State intervention. County facilities such as parks and public buildings were insufficient to meet the needs of the people. It has been said that 'Nassau County was not just on the brink of disaster, but rather had toppled over and was nearing terminal velocity.'

Today, Nassau County has not only turned the corner on its financial woes, it is a national leader with its innovative ideas to governing. Since 2001, under the guidance of Mr. Suozzi, the County has had a balanced budget every year; it has a $200 million surplus; it has had ten upgrades in its bond rating to an A+ level currently, and most significantly, this has all been achieved without a tax increase in the last three years. It is important to point out, too, that during his tenure as mayor, Mr. Suozzi had very similar problems and very similar results.

Tom Suozzi is a visionary, looking to the future for ways to grow an economy and to make Nassau County and suburbs in general more affordable and livable for everyone, including seniors and our young people. But at the same time, he understands the benefits of suburbia and combines his vision for the future with the heritage of our past.

Mr. Speaker, Tom Suozzi has demonstrated to all of us that governmental problems of our past do not need to be transferred to future generations. They can be resolved with logical and brave initiatives. On behalf of this Congress, and Nassau County, New York that I proudly represent, I congratulate Tom Suozzi on being named Public Official of the Year 2005.

IT'S TIME TO PULL THE PLUG ON ASSISTANCE TO ETHIOPIA

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. ROHRABACHER. Mr. Speaker, the international community knows that the May 15 election in Ethiopia was rigged, and yet our government and other nations along with international banks and aid agencies, continue to prop up the corrupt regime of Prime Minister Meles Zenawi. Last week Meles security forces killed 76 members of the opposition party that refused to join the parliament and yet U.S. taxpayer money continues to flow.

Mr. Speaker, what will it take to turn off the spigot? The United States Agency for International Development in FY 2004 spent $75 million propping up the Ethiopian dictators, in FY 2005 it was $55 million and in FY 2006 it will be $51 million. What have we received in return? We have aligned ourselves with a ruler who is complice in the murder of voters who only wanted an honest election. Thousands of good people were arrested last week when they peacefully took to the streets after the Ethiopian political opposition refused to join parliament because of the rigged election. Many were greeted with live ammunition and gunned down dead like animals.

Prime Minister Meles must now step aside and the international community must step forward to decide what to do about the stolen elections. This week thousands came out to protest in front of the White House. Today many Americans of Ethiopian origin are demonstrating at the State Department. Our Nation must support them and democracy in Africa. Continuing business as usual with Ethiopia is not the way to do so. It's not the American way.

Let it be understood, America is on the side of the people struggling for an honest democratic government in Ethiopia. The popular opposition to Ethiopia's current corrupt regime is comparable to the Orange Revolution in Ukraine and the brave Lebanese demonstrators who removed the Syrian puppet regime in their country. Our State Department is often wrong and timid. In the case of Ethiopia, Americans clearly back democratic reform movement and that should be our government's policy.

A TRIBUTE TO BEBASHI

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor BEBASHI, as it commemorates its 20th Anniversary as the first minority-based AIDS Service Organization in the United States. It was created in 1985 in reaction to the growing rates of HIV/AIDS in the African-American community of Philadelphia. Initially established as a volunteer program focused on street outreach, BEBASHI has developed into a full-service agency offering counseling, testing, case management, support groups, a food bank, and housing counseling.

BEBASHI has improved the lives of people in our region and beyond through its research, advocacy and community service programs. I applaud this remarkable organization as it leads the way to better lives in the 21st century.

I also extend my best wishes and deep appreciation to the two exemplary individuals who will receive BEBASHI's John Allen Blue Award at the BEBASHI Gala on November 22, 2004. Bishop Vashti Murphy McKenzie and State Senator Vincent Hughes will be recognized for their long-term outstanding leadership and support to the HIV/AIDS community. They and BEBASHI are to be congratulated for their achievements and for leading the Nation by example to work towards further improvement in HIV/AIDS care and education.

HONORING JOHN LONG

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of John Long, former Pasco County School Superintendent and former Florida House member whose sudden death last week is a terrible loss for our community and State.

A Florida native, John earned his master's degree and doctorate in education at the University of South Florida. His impressive career with Pasco County Schools began in 1976, when he was hired to oversee employee relations, and culminated just one year ago when he retired after eight years of service as the Pasco County School Superintendent.

During that time, John became known far and wide as an asset to Pasco's families and school children—a dedicated servant to the schools, a highly effective problem solver and a fair and principled leader with an open ear to all of the school system's employees. Whether he was listening and responding to the concerns of teachers, parents and students or lobbying for Penny for Pasco, a penny increase in the sales tax which voters approved in 2004 to benefit school construction and renovation efforts, John earned great respect for his tireless efforts. In 2000, the Florida Association of District School Superintendents acknowledged his work by naming him Florida's Superintendent of the Year.

John also served Pasco County in the Florida House of Representatives from 1986 until 1994. During his tenure, John secured millions in State funds for his community and fought for fair funding for the State's public school system. John quickly became known for his integrity and his ability to bring his colleagues from both sides of the aisle together.

In fact, John was on the verge of becoming Speaker of the House when he walked away from his successful legislative career in order to spend more time with his family. John's departure from the Florida Legislature was a major loss to the State. John was truly a representative for the entire State, especially in improving public education for all of Florida's schoolchildren.

In addition to his enormous contributions to Florida and Pasco County's schools, John will probably be best remembered for his character. Always honest, always kind, John was beloved for his quick wit and his humble nature. I feel honored to have been among John's many friends. The vast community of those who loved John was deeply saddened by his loss.

When John retired just last year, we were all happy to know that he would be able to spend his retirement with his greatest love—his wife and children. Their time together was rich and full, but all too short. Today, I extend my deepest sympathies to Marsha, Jennifer and Jessica. John Long's remarkable character and contributions will not be forgotten.

HONORING GEDALE HOROWITZ

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mrs. LOWEY. Mr. Speaker, I rise today to honor Gedale Horowitz on 50 years working with Salomon Brothers, Salomon Smith Barney and Citigroup.

A graduate of Columbia College and Columbia Law School, Gedale Horowitz has had a distinguished career dating back to November 1955 when he first joined Salomon Brothers.

His career with Salomon Brothers took off in 1967 when he became a General Partner. From there, Gedale would go on to serve on

the Executive Committee of Salomon Brothers and on the board of Salomon Inc. from its inception in 1981 until its sale to Traveler's Corp. in 1997.

Gedale's brilliant mind has been recognized throughout the business world. He is a founder of the Public Securities Association, now known as the Bond Market Association. He is also a former member of the U.S. Treasury Borrowing Advisory Committee of the Bond Market Association, serving as its Chairman from 1986 to 1987. Additionally, Gedale was appointed as an original member of the Securities and Exchange Commission's Municipal Securities Rulemaking Board, serving as its Chairman in 1977.

Beyond his professional work, Gedale has been a trusted and valued member of our community. He has served as a Trustee of Barnard College for over 29 years; he is a Trustee, Chairman Emeritus and member of the Executive Committee of the Board of Trustees of North Shore-Long Island Jewish Health Care System; a member of the Board of Visitors of Columbia Law School; and the past-President of the Jewish Community Relations Council of New York, Inc.

Gedale and his loving wife Barbara have been married for 47 years. They are the proud parents of two children and two grandchildren.

Mr. Speaker, I ask my colleagues to join me in honoring Gedale Horowitz for his years of service and for his dedication to helping his community.

CONGRATULATING MOBILE COUNTY PUBLIC SCHOOLS SUPERINTENDENT HAROLD DODGE FOR BEING NAMED ALABAMA'S SUPERINTENDENT OF THE YEAR

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to honor Mobile County schools Superintendent Harold Dodge on the occasion of being named Alabama's 2006 Superintendent of the Year.

Dr. Dodge has been a distinguished member of the Mobile, AL, community and a tremendous advocate for the county school system. He came to Mobile in 1998 to be the superintendent of the Mobile County public school system, the State's largest with over 65,000 students and 8,000 employees.

Under the leadership of Dr. Dodge, the Mobile County public school system has implemented a nationally recognized strategic plan that encourages sustained parental and community involvement while focusing on making children proficient in learning. His objectives for the next year include increasing the number of seniors who pass the High School Graduation Exam and increasing the number of Highly Qualified Teachers all while operating below budget projections. I have full confidence that these objectives will be met under the leadership of Dr. Dodge in 2006. During the last year, the Mobile County public school system received State and national attention for the transformation process of its five lowest-performing schools.

Mr. Speaker, there are few individuals more dedicated or more committed to our students than Harold Dodge, and I would like to offer my congratulations for being named Alabama's 2006 Superintendent of the Year and for his many professional achievements. I know his wife, Jean, and his many family and friends join with me in praising his accomplishments and extending thanks for his many efforts on behalf of the students of Mobile County and the State of Alabama.

PERSONAL EXPLANATION

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. HAYES. Mr. Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows, November 8, 2005:

Rollcall vote 575, on motion to suspend the rules and agree to H. Res. 302—recognizing and commending the continuing dedication and commitment of employers of the members of the National Guard and the other Reserve components who have been mobilized during the global war on terrorism and in defense of the United States, I would have voted "yes".

Rollcall vote 576, on motion to suspend the rules and agree to H.R. 3770—to designate the facility of the United States Postal Service located at 205 West Washington Street in Knox, IN, as the Grant W. Green Post Office Building, I would have voted "yes".

RECOGNITION OF THE GLENWOOD HIGH SCHOOL BOYS SOCCER TEAM

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to an outstanding group of young men from Central Illinois. The Glenwood High School boys soccer team from Chatham, illinois, won the Class AA state championship on November 5, with a 2–1 win over Rockford Boylan. This win followed a thrilling, double-overtime semifinal win, and continues a 19-game winning streak for the Titans, who finished the year with a record of 26–1.

Mr. Speaker, I want to congratulate Head Coach Jay Lipe, who also achieved his 100th career victory this season, and assistant coaches Greg Lipe, Tom Johnson and B.J. Moore on a truly outstanding season. Most of all, I want to recognize the members of the 2005 state champion Chatham Glenwood Titans soccer team: Brandon Lex, Trevor Noonan, Tim Johnson, James Dice, Jaron Stretch, Neil Wilmarth, Ryan South, Paul Hummel, Derek Schilson, Bryan Curry, Blair Spencer, Hunter Schad, Dennis McIlhaney, Blake Vorreyer, Dan Short, Brett Dickson, Paul South, Dominick Traina, Kevin Hopkins, Bobak Hadidi, Trevor Kohlrus and Dustin Curtis.

These young men did an exceptional job of representing themselves, their school and their community, and I wish them best of luck in all of their future endeavors.

INTRODUCTION OF THE "WINDFALL PROFITS AND CONSUMER ASSISTANCE ACT OF 2005"

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. MARKEY. Mr. Speaker, in the coming weeks, Democrats will be laying out a comprehensive energy strategy and a vision for America's energy future. Today, Representative RAHM EMANUEL and I are beginning that process by introducing a bill that would impose a windfall profits tax on the oil industry.

The Windfall Profits and Consumer Assistance Act of 2005 would impose a windfall profits tax on oil companies on oil sold above $40 a barrel. Our bill would then use half of the revenue generated by this tax to fund a tax rebate for all American consumers to help them deal with their high gas and energy costs. Our bill would use the other half of the tax revenue to supplement funding for the Low-Income Home Energy Assistance Program that helps poor families and seniors of fixed incomes pay their energy bills.

Now, more than ever, huge sums of money are gushing into the pockets of the oil and gas industry. Exxon and Shell recently reported third quarter profits that were $2 and $3 billion more than the greatest quarterly profits we have ever seen, from any company, in the history of the world. These historic profits are coming as the result of oil prices that are currently around $60 a barrel and have recently been near $70 a barrel.

Meanwhile, American consumers are facing astronomical prices at the pump and with winter coming, an impending home heating crisis. According to projections in the Energy Information Administration's recently released "Short-Term Energy Outlook and Winter Fuels Outlook," home heating oil prices are likely to be 31.5 percent higher than they were last year. This increase translates into an average consumer expenditure of $1,577—an increase of $378 over last winter. Moreover, last year only 15.6 percent of households eligible for the Low Income Home Energy Assistance Program nationwide were served. We can and must do better in addressing the additional burden that both average consumers and low-income consumers will face as a result of the current price increases.

Our bill would take a portion of the historic high profits that oil companies are making and use it to help the millions of American consumers who are bearing the brunt of high energy costs. Our bill will help reverse the Bush Administration's policy to "Leave No Oil Company Behind" and would provide relief to American consumers who are paying the price for the Republican Party's energy mistakes.

PERSONAL EXPLANATION

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. BROWN of Ohio. Mr. Speaker, on Monday, November 7, 2005, I was unable to cast votes on 3 measures on the suspension calendar. I ask that my absence be excused, and

that the CONGRESSIONAL RECORD show that had I been present, I would have voted "yea" on H. Con. Res. 260 (Recognizing the 40th anniversary of the Second Vatican Council's Declaration on the Relation of the Church to Non-Christian Religions, Nostra Aetate, and the continuing need for mutual inter-religious respect and dialogue), "yea" on H.R. 1973 (Water for the Poor Act of 2005), and "yea" on H. Res. 444 (Gynecological Resolution for Advancement of Ovarian Cancer Education).

TRIBUTE TO THE LIFE OF SISTER ANNE LOUISE STOELZEL

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Ms. KAPTUR. Mr. Speaker, it is with a sense of deep gratitude and sorrow that I rise to pay tribute to the life of Sister Anne Louise Stoelzel, an Ursuline sister of Toledo, Ohio who passed from this life on Nov. 19. Sister Anne Louise dedicated her life to the education of young women and men, and helped build St. Ursula Academy in our community into a premier institution of advanced learning at the high school level. She tutored students even into her 80's and remained a smiling and vibrant presence to all who knew her.

Sister Anne Louise took on the task of moderating the school's large, and growing alumnae association for 30 years, no small task, after having taught mathematics for two decades. In 1990, she received the Alumna of the Year Award and was sought out and loved by the school's graduates. She remembered them, followed their lives, amazingly, kept in touch with thousands of girls, their families, and their lives.

She was an avid fan of St. Ursula sports teams and a regular attendee at games as St. Ursula's winning teams rose to fame locally and statewide. She rooted on the bench with all she had in her.

Sister Anne Louise was a Toledoan through and through. She carried its values. She grew up in the Old West End, a parishioner at Rosary Cathedral, and a woman in service to Christ throughout her most generous life. She held bachelor of arts and science degrees from the former Mary Manse College in Toledo, and received a master's degree from the Catholic University of America. Her pursuit of lifelong learning took her to many universities—Notre Dame, St. Louis University, Bowling Green, Ohio State, and the University of Toledo.

No measure can be placed on the gift of the life of one woman to her community. The life of Sister Anne Louise stands as living testament to a woman who loved others more than herself, who believed in the education and potential of young women to excel and make contributions to life beyond what we know today. It was to that future that she gave herself long before even the laws in the United States afforded women equal opportunity in education.

Our entire community sends its sympathies to the sisters of St. Ursula and the loving community of women and men that surrounded her, and St. Ursula's ongoing mission toward education of young women, and the advancement of learning for the betterment of humankind. Sister Anne Louise lived with distinction the legacy of St. Angela Merici, the foundress of the Order of St. Ursula. May Sister Anne Louise rest in peace, a beloved daughter of the Lord who served with love and faith throughout her precious life.

ST. URSULA GRAD TAUGHT MATH AT ALMA MATER

SISTER ANNE LOUISE STOELZEL, 1922–2005

Sister Anne Louise Stoelzel, 83, a graduate of St. Ursula Academy who taught mathematics at her alma mater for 20 years and was moderator of the school's alumnae association for 30 years, died Tuesday of congestive heart failure in the Ursuline Center.

Sister Anne Louise retired from classroom teaching in 1991, but she continued to tutor math students until about two years ago.

"She was a very good teacher and very patient," Sister Kathleen Padden said. "As a tutor, she taught not only the girls from the academy, but boys from St. Francis [de Sales High School] and students from the public schools whose mothers might have been alumnae."

She was a strict teacher, "but an excellent teacher," said Fran Sears, whose daughter, Ellen, was a student of Sister Anne Louise's. "She knew and understood math perfectly," Mrs. Sears said.

Sister Anne Louise was moderator of the St. Ursula Alumnae Association from 1971 to 2001 and was moderator emerita afterward. She received the Alumna of the Year Award in 1990.

Not only was she a regular at St. Ursula reunions, she kept in touch with alumnae and followed the events of their lives.

"She knew all the grads, all the alumnae. She knew their families and their daughters and granddaughters," Mrs. Sears said. "You mentioned somebody, she could tell you about her."

Sister Anne Louise was a fan of St. Ursula sports teams and followed local high school sports, Mrs. Sears said.

She was born Marie Kathryn Stoelzel and grew up in the Old West End. She was a parishioner of Rosary Cathedral when she entered the Ursuline Community in 1943.

Sister Anne Louise received bachelor of arts and bachelor of science in education degrees from the former Mary Manse College. She received a master's degree from Catholic University of America in Washington.

She was awarded National Science Foundation grants to pursue her post-graduate education during summer breaks. Her studies took her to the University of Notre Dame, St. Louis University, DePauw University, Bowling Green State University, the University of Toledo, and Ohio State University.

Sister Anne Louise previously taught at the elementary schools of St. Teresa and St. Thomas Aquinas in Toledo and at Lima, Ohio, Central Catholic High School.

She and her sister, Gertrude Trompeter, were close, and she visited the Trompeter home on holidays and other occasions, her brother-in-law, Carl Trompeter, said. She also took a keen interest in her four nephews—they called her Aunt Marie—and their families.

Her sister died Nov. 19, 2003.

There are no immediate survivors.

Visitation will begin at 3 p.m. today in the Ursuline Center, where there will be a vigil service at 7 tonight. Funeral services will be at 10 a.m. tomorrow in the Ursuline Center. Arrangements are by the Coyle Funeral Home.

It is suggested that tributes be to the Ursuline Sisters Retirement Fund.

THE HIPAA RECREATIONAL INJURY TECHNICAL CORRECTION ACT OF 2005

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing the Health Care Parity for Participation for Legal Transportation and Recreational Activities Act. This bill would protect those individuals who participate in legal recreational activities from being discriminated against by their employers for health insurance purposes.

In 1996, Congress passed and the President signed into law the Health Insurance Portability and Accountability Act (HIPAA). This legislation was enacted so that employees could continue health care coverage if they switched jobs and so that employees would not be denied health care coverage based on a pre-existing medical condition or participation in legal recreational activities.

On January 5, 2001, the Center for Medicare and Medicaid Services (CMS) released a Final Rule for Nondiscrimination in Health Coverage in a Group Market, which was required under HIPAA. Under the rule, employers are prohibited from refusing coverage based simply on an employee's participation in a legal recreational activity, such as motorcycling, skiing, snowmobiling, horseback riding and all-terrain vehicle riding. However, CMS, in its interpretation of the word "participation" effectively legalized the denial of benefits for any injuries sustained while participating in these activities. Clearly, Congress did not include specific language in HIPAA to provide coverage for people who engage in these activities, only to be denied coverage in the event they sustain an injury. The rule is counter to the intent of Congress and should be corrected.

In 2001, I joined with several of my House colleagues in sending a letter to HHS Secretary Tommy Thompson asking him to reverse the CMS ruling, but he said it would take an act of Congress. I cosponsored legislation that addressed this issue in the 108th Congress. There is legislation that has been introduced in the 109th Congress but that bill excludes individuals who participate in skiing and snowboarding. That excludes a large number of people in my district and throughout the country who are winter sports enthusiasts, and I think it's critical that they be covered for any injuries they sustain from participating in winter sports.

Mr. Speaker, this bill, which is identical to legislation introduced by Senator SUSAN COLLINS, is about fairness in health coverage for the millions of Americans who enjoy skiing, motorcycle riding, horseback riding, ORV riding, or any other legal recreational activity. It also further clarifies Congress' intent when it passed this landmark law, which has helped so many Americans keep or obtain health insurance. I look forward to working with my colleagues on both sides of the aisle to pass this important legislation.

INTRODUCTION OF HIS PRIVATE BILL FOR THE RELIEF OF JUDITH TANJOH AND HER CHILDREN SERGE, MARINE, EMMANUEL AND ROGER TIKUM

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. VAN HOLLEN. Mr. Speaker, today I have introduced a bill for the relief of Judith Tanjoh and her children Serge, Marie, Emmanuel and Roger Tikum.

This family last entered the United States in 1988 in A–2 diplomatic status from the Republic of Cameroon when the now deceased husband of Judith Tanjoh was attached to the Cameroon Embassy. For the next several years the family lived in lawful status in the U.S. through December 31, 1997 when the husband was recalled to the Cameroon because of Judith's political activities against the Cameroon government.

Cameroon has been found by the U.S. State Department's Country Reports on Human Rights Practices to possess a ''poor human rights record'', continuing to commit ''numerous serious abuses''. After her husband's recall, Judith decided to file for asylum. However, in turn her application was denied by the INS Asylum Office, the Immigration Judge, the Board of Immigration Appeals, and the U.S. Court of Appeals for the 4th Circuit.

When the Board of Immigration Appeals ''affirmed without opinion'' the denial of the asylum application by the Immigration Judge on December 17, 2002, it also permitted the family to ''voluntarily depart the U.S. . . . within 30 days from the date of this order or any extension beyond that time as may be granted by the district director [of the INS]''. Within that 30-day period, Judith's attorneys filed for an extension of the voluntary departure period and a Petition for Review in the U.S. Court of Appeals for the 4th Circuit. Each filing was in accordance with the family's statutory and regulatory rights.

The INS has never responded to the request for extension of the voluntary departure period. The 4th Circuit issued its mandate on November 10, 2003 ''enforcing the Board's order of December 17, 2002''. Of course, part of that order was permitting the family to voluntarily depart within 30 days.

While these proceedings were pending, INS issued Judith authorization to work and she obtained employment as a certified nursing assistant. Her employer has sponsored her (and her children derivatively) for lawful permanent residence via the Labor Certification process. That application, initially filed prior to April 30, 2001, has been certified by the U.S. Department of Labor and an Immigrant Worker's Visa Classification Petition has been pending with INS since July, 2003.

An INS General Counsel's Memo advises INS Government Attorneys to no longer apply the ''exceptional and compelling circumstances'' standard to motions to reopen for consideration of adjustment of status to lawful permanent residence for persons who have been in deportation proceedings. The Memo instructs that the INS should join in such a motion (which otherwise could not be filed if more than 3 months have expired since the decision of the Board of Immigration Appeals) if the alien is statutorily eligible and warrants a favorable exercise of discretion. Judith's attorneys have twice requested the INS Chief Counsel's Office in Baltimore to join in such a motion in this case. Since Judith's labor certification was timely filed to allow her to adjust her status to permanent residence, she is statutorily eligible.

The family also clearly warrants a favorable exercise of discretion. Judith has been a hard-working, tax-paying certified nursing assistant for several years as she has worked with INS permission. The children have successfully progressed through our school system for the last 15 years.

The Tanjoh/Tikum family are not criminals. They are not terrorists. The children fear being uprooted from their true home in the U.S. and forced to live in a human rights abusive country which they do not know and whose predominant language they do not speak.

Yet, the INS Government Attorneys have coldly rejected each overture for clemency. First, by insisting that the harsher ''exceptional and compelling circumstances'' standard applies and that these circumstances were neither exceptional nor compelling. Second, by stating that the family was not statutorily eligible for permanent residence because they overstayed the Board of Immigration Appeals' December 17, 2002 Order granting a 30-day voluntary departure period even though the INS has never responded to the extension requests and even though the family timely pursued their Petition for Review rights to the 4th Circuit which only enforced the Board's Order on November 10, 2003.

Therefore, today I have introduced a Private Bill that will enable Judith Tanjoh and the Tikum children to obtain permanent residency. I hope my action today will help bring this heartbreaking story to a close.

IN HONOR AND REMEMBRANCE OF BARNEY KILIAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Barney Kilian, affectionately known as the ''Mayor of Old Brooklyn,'' and beloved husband, father, grandfather, great-grandfather, community activist, expert gardener and friend to countless people in Cleveland's Old Brooklyn neighborhood and far beyond.

Mr. Kilian lived life with great joy and energy and was always willing to offer assistance to anyone in need. His unwavering focus on the welfare of the Old Brooklyn neighborhood extended beyond the lines of ward borders. His life-long interest in local politics never subsided; Mr. Kilian was an active member of the Democratic Party and was elected to serve as Precinct Committeeman in Ward 15.

In the Spring of 1980, at the age of 72, Mr. Kilian led a volunteer effort to clean up and restore the historic Benjamin Franklin Community Gardens. Neglected for decades, the Gardens had become overgrown with weeds, rocks and refuse. Though a daunting task, Mr. Kilian welcomed the challenge of renewing the site, which is the largest community garden in Cuyahoga County. Armed with a generous heart and quick wit, Mr. Kilian, with support from the Old Brooklyn Community Development Corporation, led neighborhood volunteers in transforming the seven-acre site into 220 plots of thriving, flourishing gardens. He restored the teaching garden utilized by adjacent Benjamin Franklin Elementary School and set aside several plots where produce was specifically grown to help feed Cleveland's hungry. For 21 consecutive growing seasons, Mr. Kilian kept a watchful eye on the Gardens. Making several trips a week, he loaded up his old car and delivered the produce to area hunger centers, including the Brookside Center, St. Herman's, St. Mary's and St. Augustine's.

Mr. Speaker and colleagues, please join me in honor, remembrance and gratitude to Mr. Barney Kilian, whose life was framed by kindness, humor and devotion to his community. I offer my condolences to his daughters, June, Diane and Donald; to the memory of his late wife, Janet and late son, Raymond; to his son-in-law, Charles; to his grandchildren, Charlene, Christine, Cheryl, Lisa and Raymond Jr.; to his four great-grandchildren; and to his many friends. Although Barney Kilian will be deeply missed, his love for the people of Old Brooklyn and their love for him will rise every Spring with the first sign of radiant color rising from Benjamin Franklin Gardens along Spring Road, and far beyond.

CONGRATULATIONS TO GOVERNOR ED RENDELL AND CONGRESSMAN BOB BRADY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. MURTHA. Mr. Speaker, I want to commend Governor Ed Rendell and Congressman BOB BRADY of Pennsylvania for their key roles in facilitating successful contract negotiations between the Southeastern Pennsylvania Transportation Authority (SEPTA) and the labor union.

The following article, ''The Pair Who Powered the SEPTA Deal,'' illustrates Governor Rendell's and Congressman BRADY's skillful and active leadership in resolving the issues between the parties. They saw a large problem facing the region and without hesitation waded in, rolled up their sleeves, and brought everyone together. I believe their hands-on approach and the confidence that both sides placed in their ability to handle the issues fairly serves as an excellent reminder of the kind of dedicated public service everyone looks for in their elected leaders.

[From the Philadelphia Inquirer, Nov. 8, 2005]

THE PAIR WHO POWERED THE SEPTA DEAL

(By Larry King and Marcia Gelbart)

At 3:45 a.m. yesterday, he paced alone on an empty, shadowed sidewalk at Broad and Walnut Streets.

He was not part of the SEPTA contract negotiations taking place above him on the 11th floor of the Bellevue in Center City. But like an anxious mother hen, neither was he ever far from them.

A passerby recognized the barrel-chested figure in the dark-blue warm-up suit, a thatch of gray curls atop his head.

Congressman Brady?

''Yeah, how you doin'?'' came the familiar gruff voice.

Any news? ''They're done.''

Done? When? ''About 10 minutes ago.''

Two hours passed before Gov. Rendell emerged with union and SEPTA leaders to announce the deal that ended the region's transit strike. Together, the governor and U.S. Rep. Robert A. Brady (D., Phila.) were called prime catalysts in events leading to the proposed settlement.

The duo worked like this: Rendell relied on his power over the state-created agency, and Brady relied on his patience to deal with the personalities of its managers and union leaders.

As for other officials, State Sen. Vincent J. Fumo (D., Phila.) was around but talking mostly through the ear of Brady. House Speaker John M. Perzel (R., Phila.) was set to jump in today, at a scheduled meeting at the Holiday Inn City Line, with SEPTA board chairman Pasquale T. ''Pat'' Dean.

And Mayor Street played a low-key role. He met with union leaders for five hours on Friday, phoned Deon later that day, and then made at least two calls to the governor late Sunday.

While Street was limited by strained ties with Harrisburg lawmakers, Rendell had ''no choice'' but to wade in, said J. Whyatt Mondesire, president of the Philadelphia chapter of the NAACP.

Rendell ''could not have an election campaign gearing up after the holidays, and a bitter public-transit strike in his backyard,'' he said.

And Brady, Mondesire said, was ''a natural bridge . . . . He talks a straight workingman's kind of language . . . and because he has political connections, the SEPTA people listen to him.''

All involved with the negotiations said Brady—a labor leader from the carpenters' union and a peacemaker with a long record of settling feuds as a longtime head of the city's Democratic Party—cajoled them to talk, to keep talking, to talk until their minds could meet.

Brady ''was very instrumental in this,'' said Jeffrey Brooks, president of Transport Workers Union Local 234.

Brady, of course, demurred—just as he did seven years ago at the end of the last SEPTA strike when he stood three rows deep at a news conference to announce a deal he helped broker to end that 40-day walkout.

''I just keep 'em talking, that's all,'' he said in yesterday's early hours. ''They didn't talk for what—two, three days? This morning I met with the governor and Jeff at 8. They agreed to try and kick-start this thing back again. I told them, 'If you do, please don't stop until it's over. It's got to be done sooner or later, so why not do it sooner instead of later?' ''

Brady was the first politician to visibly inject himself into the negotiations, turning up late Tuesday as the contract negotiations briefly resumed at the Crowne Plaza hotel.

Rendell, meanwhile, was the hands-on deal maker. He spoke out first from Harrisburg on Thursday, warning both sides that the strike was ''killing'' chances of getting the dedicated source of state funding that the perennially strapped SEPTA so sorely needs.

And once in town, he said, he made a point of sitting down with Brooks and assuring him that SEPTA's pot of money for crafting a deal was finite—that it was all a matter of slicing it fairly.

That was the point made at a noon meeting on Sunday, where Brooks made his case to 50 or so mostly elected officials whom BRADY assembled at the Democratic City Committee headquarters.

''That's one thing we made clear to both sides,'' Rendell said. ''If the strike goes on too much longer, or if the settlement is not seen as affordable, then that seriously decreases our chances of getting dedicated funding.''

City Councilman Michael A. Nutter said, ''That meeting was certainly a part of what led to the contract.''

All week long, Brady had been calling Brooks two or three times a day. Now, in what would be the final moments, Rendell and his staff stuck side by side with SEPTA's chief labor negotiator, Patrick Battel, from ''basically 9 a.m. Sunday until we signed the memorandum of agreement at 5:30 a.m.,'' according to Battel. The governor, he said, ''is a skilled mediator and a skilled politician.''

To be sure, there were other factors.

''Looming in people's minds was the 40-day strike,'' said State Rep. Dwight Evans (D., Phila.). ''People knew they could not afford to do that.''

There was also, he said, the uncertain fate of SEPTA's financial future.

''Rendell's message was 'there is not going to be any new money,' and that is the same message Perzel and I were putting together as legislative leaders,'' Evans said.

As it turned out, that message was no longer needed.

LEGAL SERVICES OF NORTHERN VIRGINIA: CELEBRATING 25 YEARS OF SERVICE

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. MORAN of Virginia. Mr. Speaker, I rise to honor a commendable and worthwhile nonprofit organization which operates in my congressional district, the Legal Services of Northern Virginia.

Legal Services of Northern Virginia (LSNV) is celebrating its 25th year of providing free legal assistance and representation to those in our society who are unable to secure it on their own. The founders and staff of this invaluable organization have dedicated their time and energy to give voice to those who often go unheard.

The mission of Legal Services is to provide necessary legal assistance to low income individuals and families. The organization assists its clients on a wide range of issues including family law, consumer protections, housing, employment, and access to health care.

Through the work of LSNV, thousands of eligible residents in Northern Virginia have gained access to health care; moved into affordable housing, received over due child support payments to care for their children, and achieved citizenship in our great country.

Legal Services of Northern Virginia is an example of a great equalizer in our society. Without its extraordinary work and commitment of its staff, conscientious instructions and assistance, thousands of residents in Northern Virginia would not be able to pursue their legal rights and responsibilities.

Over the course of 25 years, LSNV has made sure that rights are more than theoretical concepts. It has worked to ensure that our laws and legal protections apply to all men and women equally, without regard to race, religion, or income level.

I am proud to stand before you today, in the House of the people, to recognize the great accomplishments of Legal Services of Northern Virginia.

APPOINTMENT OF MR. BILL JANIS AS A FELLOW TO NORTHWESTERN MICHIGAN COLLEGE

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to an outstanding member of the Traverse City, Michigan community, Mr. William G. Janis. On September 23, Mr. Janis was appointed a Fellow to Northwestern Michigan College. Mr. Janis' service to Northwestern Michigan College (NMC) stands as a shining example to us all.

Mr. Janis' service to NMC spans a wide range of roles including that of member and officer of the Board of Trustees; as a passionate leader and supporter in helping establish the Michigan Technical Education Center and as a life-long philanthropist whose efforts have helped establish the University Center, Dennos Museum Center, M–TEC and the Great Lakes Campus.

Born to George and Mary Janis in 1943, Mr. Janis is the oldest child in the Janis family. He attended school in Grosse Isle, Michigan and graduated from Grosse Isle High School in 1961. After graduation, he went on to serve his country in the United States Marine Corps. Upon being honorably discharged from the military, he continued his education at Michigan State University where Mr. Janis graduated with a Bachelor of Arts Degree in 1970.

Upon graduating from Michigan State, Mr. Janis took a job with Century, Inc. in Wyandotte, Michigan. He worked in Wyandotte until he and seven employees moved the business to Traverse City, Michigan in 1974. Today, Mr. Janis is the owner and President of Century, Inc.; a business which employs two-hundred and eighty workers.

In 1976, Bill Janis and Susie Kildee exchanged marriage vows. Together, with their children from previous marriages, Eddie and Julie, they became a family. Bill and Susie Janis still reside in Traverse City where Mrs. Janis serves on a number of community boards and charities. Mr. Janis is an active member of the Munson Hospital Board, the Knife and Fork Club, and a Board Member of Huntington National Bank. In addition, Mr. Janis is also the owner of Leorie Vineyards in Traverse City and a partner in Black Star Farm's Winery.

Aside from his many business ventures, Mr. Janis remains an active member of the Detroit Men's Club and is an honorary member of the Michigan State Varsity Athletic Club. Mr. Janis is also an avid golfer with memberships to some of the country's most prestigious golf clubs including The Bear in North Palm Beach, Florida; Hobe Sound in Hobe Sound, Florida; The Medalist in Marshall, Michigan; and the Grand Traverse Resort in Acme, Michigan.

Mr. Speaker, I ask the U.S. House of Representatives to join me in recognizing Mr. Bill Janis for being named a Fellow to Northwestern Michigan College and for his tireless service to the college and the organizations he provides with dedicated leadership. Beyond

his incredible credentials, leadership roles and accomplishments that span his lifetime, Mr. Janis has shown unwavering commitment to the people he has known throughout that time.

Mr. Janis is an example of true American ingenuity and a person who continues to generously devote himself to the ideals he values most: his family, his work and his community. We in northern Michigan and those throughout America who have benefited greatly from his work and contributions thank him for his efforts.

CONGRATULATIONS TO COLONEL JAMES KELLY, THE UNIVERSITY OF ALABAMA'S FIRST ASTRONAUT AND PILOT OF THE SPACE SHUTTLE ''DISCOVERY'' RETURN TO FLIGHT MISSION

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to honor and congratulate Colonel James Kelly, the pilot of the recent space shuttle *Discovery* Return to Flight Mission and the University of Alabama's first astronaut.

Colonel Kelly earned his master of science in aerospace engineering from the University of Alabama in 1996. That same year, he applied for NASA's astronaut class. Colonel Kelly was one of 44 members and one of only 10 pilots selected out of 2,400 applicants.

Colonel Kelly has logged over 3,800 flight hours in more than 35 different aircraft. Additionally, he has logged over 643 hours in space. He served as pilot on both the STS–102 *Discovery* and the STS–114 *Discovery.* The STS–102 *Discovery* was the eighth shuttle mission to visit the International Space Station. The two-week, 5.8 million mile STS–114 *Discovery* Return to Flight Mission reaffirmed our confidence in NASA and America's successful future in space.

Mr. Speaker, I take this opportunity to commend Colonel James Kelly for his commitment to excellence and his willingness to explore. I thank him for his dedication and brave service to this country.

THE HEALTH FREEDOM PROTECTION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. PAUL. Mr. Speaker, I rise to introduce the Health Freedom Protection Act. This bill restores the First Amendment rights of consumers to receive truthful information regarding the benefits of foods and dietary supplements by codifying the First Amendment standards used by federal courts to strike down the Food and Drug Administration (FDA) efforts to censor truthful health claims. The Health Freedom Protection Act also stops the Federal Trade Commissions (FTC) from censoring truthful health care claims.

The American people have made it clear they do not want the federal government to interfere with their access to dietary supplements, yet the FDA and the FTC continue to engage in heavy-handed attempts to restrict such access. The FDA continues to frustrate consumers' efforts to learn how they can improve their health even after Congress, responding to a record number of constituents' comments, passed the Dietary Supplement and Health and Education Act of 1994 (DSHEA). FDA bureaucrats are so determined to frustrate consumers' access to truthful information that they are even evading their duty to comply with 4 federal court decisions vindicating consumers' First Amendment rights to discover the health benefits of foods and dietary supplements.

FDA bureaucrats have even refused to abide by the DSHEA section allowing the public to have access to scientific articles and publications regarding the role of nutrients in protecting against diseases by claiming that every article concerning this topic is evidence of intent to sell a drug.

Because of the FDA's censorship of truthful health claims, millions of Americans may suffer with diseases and other health care problems they may have avoided by using dietary supplements. For example, the FDA prohibited consumers from learning how folic acid reduces the risk of neural tube defects for 4 years after the Centers for Disease Control and Prevention recommended every woman of childbearing age take folic acid supplements to reduce neural tube defects. This FDA action contributed to an estimated 10,000 cases of preventable neutral tube defects!

The FDA also continues to prohibit consumers from learning about the scientific evidence that glucosamine and chondroitin sulfate are effective in the treatment of osteoarthritis; that omega–3 fatty acids may reduce the risk of sudden death heart attack; and that calcium may reduce the risk of bone fractures.

The Health Freedom Protection Act will force the FDA to at last comply with the commands of Congress, the First Amendment, and the American people by codifying the First Amendment standards adopted by the federal courts. Specifically, the Health Freedom Protection Act stops the FDA from censoring truthful claims about the curative, mitigative, or preventative effects of dietary supplements, and adopts the federal court's suggested use of disclaimers as an alternative to censorship. The Health Freedom Protection Act also stops the FDA from prohibiting the distribution of scientific articles and publications regarding the role of nutrients in protecting against disease.

This legislation also addresses the FTC's violations of the First Amendment. Under traditional First Amendment jurisprudence, the federal government bears the burden of proving an advertising statement false before censoring that statement. However, the FTC has reversed the standard in the case of dietary supplements by requiring supplement manufactures to satisfy an unobtainable standard of proof that their statement is true. The FTC's standards are blocking innovation in the marketplace.

The Health Freedom Protection Act requires the government bear the burden of proving that speech could be censored. This is how it should be in a free, dynamic society. The bill also requires that the FTC warn parties that their advertising is false and give them a chance to correct their mistakes.

Mr. Speaker, if we are serious about putting people in charge of their health care, then shouldn't we stop federal bureaucrats from preventing Americans from learning about simple ways to improve their health. I therefore call on my colleagues to stand up for good health care and the First Amendment by cosponsoring the Health Freedom Protection Act.

TED KOPPEL: HE KNOWS THE BURDEN OF THE IRAQ WAR MUST BE SHARED

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. RANGEL. Mr. Speaker, I rise to appreciate the career and character of Ted Koppel, who is retiring after 25 years as a stalwart and honest news reporter on the show ''Nightline.''

Upon his retirement, he expressed some thoughts in the November 8, 2005 issue of the Washington Post. I applauded him then and I applaud him now for showing the photographs and naming the fallen in Afghanistan and Iraq on his show when others called him unpatriotic for that act to honor those killed in Afghanistan and Iraq. I applaud him for his statement in the Washington Post today. He remarked on the unshared burden of the war in Iraq. This is a topic I have brought up again and again. One tiny fraction of this nation bears the entire burden of this war.

Ted Koppel put it this way: ''You don't fight a war and allow just a tiny fraction of the population to carry the burden. It's hard to make a case that the rest of us are sharing the burden of being at war when our taxes have been cut, not increased. There are no victory gardens. No one is being asked to do anything, really. That's why I thought it was important to show all those photographs and read all those names. . . .''

Ted, thank you. You have done a wonderful job for 25 years. Your honest reporting will be missed.

[From the Washington Post, Nov. 8, 2005]

HIS NIGHT IN THE SUN

AFTER 25 YEARS, TED KOPPEL IS LEAVING THE SHOW THAT DID IT HIS WAY

(By Howard Kurtz)

Given all the heat Ted Koppel took last year for reading the names of the hundreds of Americans killed in Iraq, he could be forgiven for claiming vindication over the huge coverage when the death toll hit 2,000 late last month.

The ''Nightline'' anchor believes a meaningless milestone was overplayed by the media—and is happy to tell you why.

''If the administration was really doing what it ought to be doing, they—everyone from the president on down—would have explained we have to remain in Iraq with such clarity that everyone would understand the sacrifice of 2,000, or even 20,000, lives is essential,'' he says. ''My complaint is that the administration has done a poor job of explaining why we're in Iraq. You don't fight a war and allow just a tiny fraction of the population to carry the burden. It's hard to make the case that the rest of us are sharing in the burden of being at war when our taxes have been cut, not increased. There are no victory gardens. No one is being asked to do anything, really. That's why I thought it was important to show all those photographs and read all those names, not as a way of saying the war is wrong.''

It is classic Koppel: tough-minded, eloquent, focused on world affairs and sometimes, it seems, conducting his own foreign policy. As he prepares to relinquish the helm of the ABC program he launched 26 years ago, when his focus was entirely on Iran and the Americans held hostage there, it is hard to avoid the end-of-an-era language that followed the departures of Tom Brokaw and Dan Rather and the death of Peter Jennings.

''This is easily perceived as the fourth 20-year-plus anchor stepping aside, and that's not the case,'' says Executive Producer Tom Bettag, who plans to launch a reporting venture with Koppel after they leave ABC. Perhaps their greatest accomplishment, Bettag says, is that the program will continue after Koppel's last night, Nov. 22, with an anchor triumvirate of Cynthia McFadden, Terry Moran and Martin Bashir. ''A number of people said once Ted goes, there goes 'Nightline.' ''

One thing that will be lost with the new incarnation's wide-ranging format is what Koppel, 65, always has boasted about: an in-depth look at one subject each night. Does that bother him? ''I don't want to begin by prejudging what's going to be done, because it may be terrific,'' he says. ''I don't want this to be interpreted as Ted saying the new approach ain't going to work.''

Koppel announced his resignation in March after ABC News President David Westin decided he wanted ''Nightline''—the ratings of which have been slipping in recent years—to be live at 11:35 p.m. Koppel had no desire to work such a schedule, and always has argued that the program is live when it needs to be live and otherwise there is no point in having guests wait around all evening.

''At some point, it would probably be time to pull out anyway,'' says Koppel, who served notice five years ago that he and Bettag wanted to phase themselves out gradually. Koppel had hoped that Chris Bury would succeed him as anchor—Bury and John Donvan will remain as correspondents, most likely joined by Vicki Mabrey from CBS—and that former producer Leroy Sievers would replace Bettag. But management, which hired British journalist James Goldston to run the program, had other ideas.

''It's their broadcast in the final analysis,'' Koppel says. ''I've always taken the position it's our job to make the program as attractive to the audience as we could possibly make it, but there are limits. You don't bring on dancing girls.''

That's not an entirely frivolous comment, given that Koppel's competition includes Jay Leno and David Letterman. In fact, ABC tried to junk the show three years ago by luring Letterman from CBS. Koppel fought back, criticizing ABC and parent company Disney in a New York Times op-ed.

''I never questioned the corporation's right to do that,'' he says. ''This is an industry, it's a business. We exist to make money. We exist to put commercials on the air. The programming that is put on between those commercials is simply the bait we put in the mousetrap.

''If it is true that David Letterman can draw a lot more viewers than 'Nightline' and Ted Koppel, if you can make an extra $30 million or $50 million a year, I absolutely understand they not only have the right but the fiduciary obligation to do that. I just don't think they did it the best way in terms of the handling of it. We were among the last to learn about it. You just don't do that to people who have worked hard for you for a long time.''

In his 42 years at ABC, and especially in his quarter-century at ''Nightline,'' Koppel seemingly has conducted every kind of interview. He's talked to Nelson Mandela and Muhammad Ali, Larry Flynt and Ginger Rogers, Chuck D and Buzz Aldrin. He famously quizzed Gary Hart about adultery, told Michael Dukakis he just didn't get it and swatted down the racial views of baseball executive Al Campanis, who lost his job over the interview.

He also has reported from around the world—a foray to South Africa in the 1980s made news worldwide—and, more recently, covered the 2003 Iraq war amid the tanks in the desert. Just last week, ''Nightline'' did a show on Zimbabwe ruler Robert Mugabe's devastating impact on his country—not the sort of thing other programs are clamoring to cover.

Television executives, Koppel says, ''live under the misapprehension that Americans don't care about foreign news. They don't care about boring news. If you present it in a boring fashion, then they don't care about foreign news. What really dictates here is the cost of foreign news. At a time that we really have to worry about what's going on in the rest of the world, what people in other countries think of us, we are less well informed by television news than we have been in many years.

''If the only time you cover foreign news is when you send someone, every foreign story is going to cost you a lot of money when you do it and likely to be less well informed than in the days when you had people who lived in the country for two, three, five, 10 years and understand the culture.''

In a been-there-done-that media culture, Koppel relished the idea of returning to his signature issues again and again: the Middle East, South Africa, AIDS, racism, crime and punishment. Asked whether evening newscasts do the same thing, he says: ''There's a huge difference between coming back to a story and devoting 2½ minutes to it, and the next time 1:45, and what we have done when we focused on an issue for two, three or four programs.'' Taking the show to such places as Congo—which Koppel says has ''an invisible war which barely exists even in newspapers''—boosted the ratings and burnished the program's reputation. ''But it's a very expensive thing to do and it's also thoroughly exhausting.''

Koppel relishes the contrarian role. In 1996 he created a major stir by packing up and leaving the Republican National Convention in San Diego, saying no news was being committed there. ''In the intervening years,'' he says, ''guess what? Everyone's come to the conclusion that conventions really aren't worth covering, except on cable.''

Last week Koppel committed news himself when he appeared to endorse Charlie Gibson, the ''Good Morning America'' co-host who has been doing part-time duty on the evening news, as ABC's next anchor. Koppel says he was just responding to a specific question about Gibson from a TV Guide reporter.

''I do think Charlie Gibson would make an absolutely splendid anchor,'' he says. But noting the rise of ''GMA'' under Gibson and Diane Sawyer, he says, ''Those morning shows are moneymaking machines. Changing such a successful equation could cost you tens of millions of dollars.''

Koppel and Bettag say they will not make a deal with another media outlet until their departure—although they have had talks with HBO—but say there is a vacuum in long-form reporting that they intend to fill. Still, they are leaving a very big stage.

''You can't help but have mixed feelings,'' Bettag says. ''Trying to wean yourself away from the daily news adrenaline is no small thing. But this is something we've planned for a very long time. Ted is very much at peace with this.''

Koppel plans to take a few months off, but ''I'm not going to slide into semi-retirement,'' he says. ''Nothing lights my fire more than a big story out there and going out to cover it.''

TRIBUTE TO ALAN A. REICH

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. LANTOS. Mr. Speaker, it is with a heavy heart that I announce to my colleagues in the House the sad news of the passing of one of our Nation's great leaders for rights of the disabled, my friend Alan A. Reich. I offer our heartfelt condolences to his family.

Mr. Speaker, my wife Annette and I consider ourselves blessed to count Alan among our good friends. He inspired both of us with his deep compassion, his energy and humor, as well as his determination to overcome obstacles no matter how insurmountable they appear. Alan was a true American visionary, a person who never let circumstance define or defy him. This perspective enabled him to implement a new understanding of disability rights and human rights, which included both and united them.

Mr. Speaker, only a few months ago, I informed my colleagues that Alan had retired as President of the National Organization on Disability (N.O.D.), which he founded. For the past 23 years, he provided extraordinary leadership as the head of N.O.D., one of the leading non-governmental organizations promoting disability rights in the United States and around the world. Alan Reich was an outstanding human rights and disability rights leader, whose courageous work has had an impact on people with disabilities around the world.

In recognition of his leadership, President George H.W. Bush awarded Alan the George Bush Medal, an award that recognizes leaders in the fight to fulfill the promise of the Americans with Disabilities Act (ADA). Alan certainly epitomized the ambitious goals of the ADA, and I cannot imagine a more fitting recipient of this award. In commenting on Alan's extraordinary leadership, former President Bush said: ''As the Honorary Chairman of N.O.D. and its World Committee, I've observed first-hand Alan's tenacious commitment to providing hope and opportunity for millions of people with disabilities, not only in this country but also worldwide.''

Mr. Speaker, Alan Reich joined the disability community over 40 years ago as a result of a swimming accident, and he has used a wheelchair since that time, but he refused to permit his disability to constrain his boundless energy and commitment to worthy causes. Alan has been at the center of progress on disability issues, including public awareness, disability programs and promoting important legislation, and he has made groundbreaking contributions toward uniting and engaging the community of people with disabilities. His outstanding abilities to move disability rights issues forward first became apparent as the founder of the U.S. Council for the International Year of Disabled Persons in 1981. He was the first wheelchair user to address the United Nations General Assembly when he called on the international organization to declare 1981 the U.N. International Year of Disabled Persons.

While President of N.O.D., Alan built the coalition of disability groups that successfully fought for the inclusion of a statue of former United States President Franklin Delano Roosevelt in his wheelchair at the FDR Memorial in Washington, DC. He also spearheaded the critical survey research with Harris Poll Surveys that tracks the progress of Americans with disabilities in key areas of life.

In addition, Alan is the founder and Chairman of the World Committee on Disability, the international arm of N.O.D., which further underscores the worldwide reach of his contributions. He is a founder of the World Committee's Franklin D. Roosevelt International Disability Award, which recognizes nations for progress toward the United Nations' goals for disabled persons. I should add, Mr. Speaker, that my wife Annette and I are honored to be members of the World Committee on Disability.

A graduate of Dartmouth College, Alan has also had a distinguished career in both private business and government. Alan served as Deputy Assistant Secretary of State for Educational and Cultural Affairs. In this position, he developed international exchange programs to further mutual understanding. He also served as Deputy Assistant Secretary of Commerce for East-West Trade and Director of the Bureau of East-West Trade, where he was credited with the expansion of U.S. commercial relations with the People's Republic of China, the Soviet Union and the countries of Eastern Europe. Prior to his outstanding career as a public servant, Alan was an executive in manufacturing management and corporate long-range planning with Polaroid Corporation.

Mr. Speaker, in many ways, Alan has changed the world's attitude and approach to disability issues and made groundbreaking contributions to uniting the disability movement. Our entire Nation is profoundly saddened at the loss of this outstanding leader. We join in expressing our deep condolences to Alan's family, and express our sincere gratitude for his outstanding achievements.

ABUSE OF PRESIDENTIAL POWER: THE WAR ON TORTURE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. RANGEL. Mr. Speaker, I rise today to raise my voice against the use of torture by the United States of America against any human being for any reason. I believe torture in any for, including cruel and inhuman and degrading interrogation of human beings in the custody of the United States of America violates everything we stand for as Americans.

The Senate recently passed the McCain amendment to a military appropriation bill by a vote of 90 to 9. The McCain amendment is very telling in terms of whether the United States has been battling terrorisms or fighting the wars in Iraq and Afghanistan in lawful ways. The McCain amendment bans "cruel, inhuman, or degrading treatment or punishment of persons under the custody or control of the United States Government." This amendment has passed the Senate twice; the first vote was 90 to 9. The second time it passed was after the disclosure of the secret CIA prisons. Senator MCCAIN made a strong anti-torture speech. He said the CIA should not be running prisons. The second time the McCain amendment passed the Senate it did so by a voice vote.

I support the McCain amendment and will vote for it when it reaches the House of Representatives for a vote.

I find it unbelievable that the President in a speech today, November 8, 2005, in Panama City, Panama stated: "We do not torture." The evidence of torture in Abu Ghraib and the prison at Guantanamo Bay in Cuba has been documented by the International Committee of the Red Cross, Amnesty International, eyewitness testimony of American Military officers and photographs and tapes, some of which the Department of Defense is still attempting to keep from the public.

This should not be shocking to me, but still it shocks. The statements of President Bush are a natural outgrowth of the unnatural power he was given by his lawyers and Justice department lawyers because of their willingness to overlook or disregard the United States Constitution on the grounds that this war and this enemy was "special." Congress was lied to, about the reasons for the war; but Congress gave away its Constitutional Power under Article 1, Section 8 when it authorized the President to declare war, a power reserved solely to the Congress by the Constitution.

Less well known and just as ignored is that Article 1, Section 8 of the Constitution, gives Congress and only Congress the decision of how to treat prisoners.

Just as the President declared a preemptive war on a country not involved in the attacks of 9/11, this President and Vice President decided how prisoners, even those "suspected" of being terrorists, were to be treated. This President has abused his power, ignored the Constitution and misled the American people.

The policies on treatment of prisoners which have included torture and interrogation techniques that are "cruel, inhuman, and degrading" were born with the Bush Administration. President Bush asked his Justice Department, then run by John Ashcroft and a man of ideas named John Woo; his trusted Counsel, Alberto Gonzales who gave him the answers he liked when President Bush was Governor of Texas. President Bush asked these lawyers for guidance on whether the United States had to afford protections of the Geneva Accords to Taliban and al Qaeda prisoners. He also asked his civilian advisor in the Pentagon, Secretary Donald Rumsfeld, how far American military and intelligence personnel could go in questioning these prisoners. The answer from these civilians, people who had never served in the military, was the prisoners did not need to be afforded any of the protections of the Geneva Conventions. John Woo, who worked directly for John Ashcroft took the position that the President could do anything he wanted. This was a very popular position and the one Alberto Gonzales passed on to the President.

Within the Bush administration, the advisor who knew the most about the Military, Colin Powell was against these policies. President Bush decided the military advice was not what he wanted to hear or follow. The professional military people who disagreed with the "war president" found themselves silenced or "retired."

On November 7, 2005, the Washington Post reported "Over the past year, Vice President Cheney has waged an intense and largely unpublicized campaign to stop Congress, the Pentagon and the State Department from imposing more restrictive rules on handling terrorist suspects." Before the news of Vice President's secret CIA prison system was disclosed by the Washington Post, Mr. CHENEY had offered a "deal" to Senator MCCAIN. He would stop opposing the McCain amendment the amendment did not include the CIA from torturing non-Americans. Senator MCCAIN turned the Vice President down. In light of what we now know about America's secret CIA prisons and Vice President CHENEY's insistence that the CIA should be exempt from any ban on torture, I am very concerned about what has happened and is still happening to prisoners in the custody of the CIA.

I doubt whether anyone who has experienced war would have to be convinced to support an anti-war amendment proposed by my noble friend JOHN MCCAIN, a veteran subjected to torture for more than five years in a North Vietnamese prison. So I take issue with Vice President CHENEY, a man who received five deferments during the Vietnam War, who has lobbied fiercely and shamelessly against the McCain amendment.

I take issue with President Bush that because we have an enemy he thinks "lurks and plots and plans and want to hurt America again," we can disregard the concerns of the human rights organizations, the European Union and the millions of Muslims who view Americans through the lens of Abu Ghraib, Guantanamo Bay and the Hooded Man attached to electric wires.

The practices approved by the President, the Vice President, Porter Goss and whomever knew in the Senate and the House; anyone complicit in the torture of prisoners in the custody of the United States has shamed us all. Richard Cohen got it right when he said in an opinion piece in the Washington Post today entitled "Torture, Shaming Us All." We in the United States not only have our torture and humiliating interrogation practices on the internet, but we have had to reassert 200 years of U.S. principles. The real shame is that the President of the United States has threatened to use his veto for the first time if the McCain amendment comes to his desk as part of a bill.

There are compelling reasons to support the McCain amendment. The first is that torture results in bad intelligence; second it endangers our troops; and third; it is causing us to lose the war of ideas. According to President Bush and his supporters in Congress, this war in Iraq is about bringing democracy and freedom to Iraq. Muslims around the world see handcuffed naked men at Abu Ghraib and the orange jump suit hooded men of Guantanamo Bay, Cuba when they see the United States. This abuse of Muslims is what they see of "democracy" American style.

The people throughout the world know that prisoners in the custody of the United States have been tortured even if President Bush denies it. As Richard Cohen points out, many countries torture prisoners but none admit to the practice. The United States has never had to consider a ban on torture before because this country has never tortured prisoners as a matter of policy. The Uniform Code of Military Justice is clear about how prisoners in the

custody of the United States should be treated. This country has signed the Geneva Conventions and in 1994 ratified the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, which prohibits such treatment under all circumstances including ''a state of war.'' According to David Cole, the legal affairs correspondent of The Nation, the Bush Administration argued that the ban does not apply to foreign national being held and interrogated abroad. According to Mr. Cole, this interpretation runs against the central purpose of the Torture Convention, which is to protect all human beings, regardless of location and nationality.

Because of the Bush Administration and its abuse of power, we must, for the first time in our history, ban torture. And for the first time in our history, we have a President who is threatening to veto the ban and further shame us all.

HONORING JOSEPH P. LOFTUS

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the important contributions of Joseph P. Loftus Jr. who lived in San Antonio, Texas and passed away recently on September 4th, 2005.

Mr. Speaker, Joe Loftus Jr. was a fine American citizen who served in the aviation and space activities division of government for 47 years. He wasn't always in the spot light, but he was behind the scenes on the Mercury capsules and the Apollo lunar missions. Because of his efforts, NASA created the Orbital Debris Program Office. He had an international reputation for his expertise on orbital debris research and he was awarded NASA's Exceptional Service Metal twice and upon his death, the Distinguished Service Metal. When Mr. Loftus retired, NASA lost a smart, dedicated employee whose talents were in many fields. Eric Hoffer, an American author once wrote, ''Our passionate preoccupation with the sky, the stars, and God somewhere in outer space is a homing impulse. We are drawn back to where we came from'' Joe Loftus Jr. has returned to where he came from and he will be greatly missed.

Mr. Speaker, thank you for the time to address the House on this somber but momentous occasion.

HONORING DR. DENZIL L. DOUGLAS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. RANGEL. Mr. Speaker, this coming weekend, between November 10 and 13 I and more than twenty of our colleagues in the House will be meeting and participating in the 10th annual Caribbean Multi-national Business Conference sponsored by the New York Carib News in St. Thomas, U.S. Virgin Islands where we will be enjoying the hospitality of Carib News publishers Karl and Faye Rodney and Delegate DONNA CHRISTIAN CHRISTENSEN. Over the last decade the conference has brought together elected officials, civic leaders, entrepreneurs, and executives of major corporations to explore opportunities for growth and expansion in the emerging markets and developing economies of the Caribbean. The conference has significantly contributed to the building of closer working relationships and personal ties between Caribbean leadership and the Members of Congress who have participated. As we approach this year's conference, I wish to recognize and pay tribute to an outstanding Caribbean leader, Dr. Denzil L. Douglas, the Prime Minister of St. Kitts-Nevis by placing in the CONGRESSIONAL RECORD the text of a proclamation to be awarded at the conference:

A PROCLAMATION CELEBRATING THE ACCOMPLISHMENTS OF DR. DENZIL L. DOUGLAS, PRIME MINISTER, ST. KITTS-NEVIS

Whereas, It is an established and honorable tradition for elected officials to recognize the outstanding contributions of those persons whose leadership and life's work have made a substantial difference to the lives of people everywhere, especially in their own countries; and

Whereas, Such committed leaders are like beacons that show the way to a better life for those persons at the lowest rungs of the economic and social ladder and are therefore an Inspiration to people at home and abroad; and

Whereas, Dr. Denzil L. Douglas, a national and Prime Minister of the independent Federation of St. Kitts-Nevis, is surely one such leader and dedicated public servant; and

Whereas, Dr. Denzil L. Douglas, a physician, is being cited and honored at the annual Caribbean Multi-National Business Conference 2005 in St. Thomas In the U.S. Virgin Islands for his service to his native land, the wider Caribbean community and developing nations generally, serving as head of Government in St. Kitts-Nevis at a time when the United Nations placed his country on the list of the World's top 50 states where the quality of life is high; is the Caribbean Community, Caricom, lead Prime Minister on health issues, championing the fight against HIV/AIDS infection in the Caribbean; and

Whereas, The Prime Minister has led his country with distinction for the past 10 years while Demonstrating to the world that a small nation can be an international model of development, an example when it comes to adherence to the rule of law and parliamentary democracy; now, therefore be it

Resolved, That we salute and commend Dr. Denzil Douglas for his distinguished an unblemished record of service to humanity and for his leadership on the national and international stages, within Caricom and the countries which belong to the Organization of Eastern Caribbean States.

125TH ANNIVERSARY OF THE HOLDING INSTITUTE

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the 125th anniversary of the Holding Institute. The Holding Institute is a training facility that helps young Hispanic women, children and families improve their ability to read, write and speak English. Since Miss Nannie Emory Holding, a Methodist missionary teacher from Kentucky, helped a small group of Laredo women organize a school for girls on the north bank of the Rio Grande back in the early 1880's, the name Holding has meant educational opportunity to the residents of Los Dos Laredos.

In 1987, Holding became a community learning center offering learning opportunities for adults, offering day and evening classroom instruction to women and men above 16 years of age who wanted to learn English as a second language, improve their Spanish, obtain their GED, gain work skills including computer literacy, or get ready for entry into college.

Today, Holding is recognized for future projects that will take learning at Holding to another level for the 21st Century.

Mr. Speaker, I am proud to have had this opportunity to recognize the Holding Institute, an invaluable learning center for many people in Laredo, for their 125 years of ministry and teaching.

HONORING DAME BILLIE ANTOINETTE MILLER

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. RANGEL. Mr. Speaker, this coming weekend, between November 10 and 13 I and more than 20 of our colleagues in the House will be meeting and participating in the 10th annual Caribbean Multi-national Business Conference sponsored by the New York Carib News in St. Thomas, U.S. Virgin Islands where we will be enjoying the hospitality of Carib News publishers Karl and Faye Rodney and Delegate DONNA CHRISTIAN CHRISTENSEN. Over the last decade the conference has brought together elected officials, civic leaders, entrepreneurs, and executives of major corporations to explore opportunities for growth and expansion in the emerging markets and developing economies of the Caribbean. The conference has significantly contributed to the building of closer working relationships and personal ties between Caribbean leadership and the Members of Congress who have participated. As we approach this year's conference, I wish to recognize and pay tribute to an outstanding Caribbean leader, Dame Billie Antoinette Miller by placing in the CONGRESSIONAL RECORD the text of a proclamation to be awarded at the conference:

A PROCLAMATION CELEBRATING THE ACCOMPLISHMENTS OF DAME BILLIE ANTOINETTE MILLER

Whereas, It is a long and honorable tradition for elected Officials to recognize the outstanding contributions of those individuals

whose Life Has made an important difference to people Everywhere, especially in their own communities; and

Whereas, Such persons serve as role models and an Inspiration to people at home and abroad; and

Whereas, Dame Billie, a national of the independent nation of Barbados in the Caribbean, is unquestionably such a major contributor; and

Whereas, Dame Billie Miller is being cited and honored at the annual Caribbean Multinational Business Conference 2005 in St. Thomas in the U.S. Virgin Islands for service to Barbados, the Caribbean and the international community, serving as a member of her nation's parliament for more than 25 years; Deputy Prime Minister for almost a decade; Minister of Foreign Affairs and Foreign Trade since 1994; was the first woman to sit in the cabinet of Barbados, for several years was the only woman serving as an attorney at the private Bar of Barbados, and holds the distinction of being the first woman to be elected Chairman of the Executive Committee of the Commonwealth Parliamentary Association since its establishment in 1911; and

Whereas, Dame Billie, one of the Caribbean's longest Serving cabinet ministers, was President of the 32nd Regular Session of the General Assembly of the Organization of American States in 2002; was Chairman of the Inter-American Development Bank's Advisory Council on Women and Development in the Western Hemisphere; and in 1998 was President of the African, Caribbean and Pacific States Council of Ministers and is the current chairman of the Inter-American Parliamentary Group on Population and Development in the Western Hemisphere; now, therefore be it

Resolved, That we salute and commend Dame Billie Miller for her distinguished and unblemished record of service to humanity.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Ms. LEE. Mr. Speaker, on November 7, 2005, I missed rollcall votes Nos. 570–572. Had I been present, I would have voted "aye" on H. Con. Res. 260, a resolution recognizing the 40th anniversary of the Second Vatican Council's promulgation of Noestra Aetate; "aye" on H.R. 1973, the Water for the Poor Act of 2005; and "aye" on H. Res. 444, the Gynecological Resolution for Advancement of Ovarian Cancer Education.

HONORING DR. KENNY ANTHONY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. RANGEL. Mr. Speaker, this coming weekend, between November 10 and 13, I and more than 20 of our colleagues in the House will be meeting and participating in the 10th annual Caribbean Multi-national Business Conference sponsored by the New York Carib News in St. Thomas, U.S. Virgin Islands where we will be enjoying the hospitality of Carib News publishers Karl and Faye Rodney and Delegate DONNA CHRISTIAN CHRISTENSEN. Over the last decade the conference has brought together elected officials, civic leaders, entrepreneurs, and executives of major corporations to explore opportunities for growth and expansion in the emerging markets and developing economies of the Caribbean. The conference has significantly contributed to the building of closer working relationships and personal ties between Caribbean leadership and the Members of Congress who have participated. As we approach this year's conference, I wish to recognize and pay tribute to an outstanding Caribbean leader, Dr. Kenny Anthony, the Prime Minister of St. Lucia by placing in the CONGRESSIONAL RECORD the text of a proclamation to be awarded at the conference:

A PROCLAMATION CELEBRATING THE ACCOMPLISHMENTS OF DR. KENNY ANTHONY, PRIME MINISTER, ST. LUCIA

Whereas, It is an established and honorable tradition for elected officials to recognize the outstanding contributions of those persons whose leadership, scholarship and total life's work have helped to transform people's lives for the better, especially in their own countries and region; and

Whereas, Such committed leaders are reliable foundations on which sustained economic growth and human development are built, paving the way for a better standard of living for all, particularly the poor, and are therefore an inspiration to people at home and abroad; and

Whereas, Dr. Kenny, a national and Prime Minister of the independent nation of St. Lucia is obviously one such leader and a dedicated public servant; and

Whereas, Dr. Kenny Anthony, an attorney and recognized legal expert with graduate degrees in law, including a PhD from the University of Birmingham in England, is being cited and honored at the annual Caribbean Multi- National Business Conference 2005 in St. Thomas in the U.S. Virgin Islands for his service to his country of birth, the wider Caribbean community and developing nations generally, serving as head of Government in St. Lucia at a time when the country has gained international recognition for its pace of human development; is the Caribbean Community, Caricom, lead Prime Minister on governance and jurisprudence; and

Whereas, The Prime Minister has led St. Lucia with distinction for almost a decade while directing much of the work on the historic creation of the Caribbean Court of Justice and showing the world that St. Lucia which has given the world 2 Nobel Prize winners, one in economics and the other in literature is contributing even more to the improvement of the human condition and that a small nation can be a showcase of talent and intellect while being an example when it comes to adhering to the rule of law and parliamentary democracy; now, therefore be it

Resolved, That we salute and commend Dr. Kenny Anthony for his distinguished an unblemished record of service to humanity and for his leadership on the national and international stages, within Caricom and the countries which belong to the Organization of Eastern Caribbean States.

REMEMBERING MS. ROSA PARKS

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. REYES. Mr. Speaker, I join the entire Nation today in mourning the death of Ms. Rosa Parks. This humble woman showed how a single act, the refusal to give up her seat on a bus to a white man, could change the course of history. Her actions helped spark the civil rights movement, inspiring leaders like Martin Luther King Jr., and led to the Civil Rights Act of 1964.

Ms. Parks' courage in an era marked by racial tension and hatred is still an example to us today. Indeed, we are all indebted to Ms. Parks for helping move this country toward one in which all men and women—black, Latino, Asian, Native American, white—can take their rightful place in society.

Ms. Parks' commitment to justice did not end with the civil rights movement. She went on to co-found the Rosa and Raymond Parks Institute for Self Development to help young adults attain a higher education, register to vote, and work toward racial harmony.

In recognition of a lifetime of achievement, Ms. Parks was awarded the Presidential Medal of Freedom in 1996 and the Congressional Gold Medal in 1999. She is also the first woman in history to lie in honor in the Capitol Rotunda, which is a testament to her enormous impact on our Nation's history.

Mr. Speaker, I join all Americans in mourning the passing of Ms. Rosa Parks. Though we are saddened by this loss, we are mindful of the fact that through her life she made our country a better place, and through her memory we will never forget the importance of justice and equality for all Americans.

HONORING DIANE ABBOTT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. RANGEL. Mr. Speaker, this coming weekend, between November 10 and 13, I and more than 20 of our colleagues in the House will be meeting and participating in the 10th annual Caribbean Multi-national Business Conference sponsored by the New York Carib News in St. Thomas, U.S. Virgin Islands where we will be enjoying the hospitality of Carib News publishers Karl and Faye Rodney and Delegate DONNA CHRISTIAN CHRISTENSEN. Over the last decade the conference has brought together elected officials, civic leaders, entrepreneurs, and executives of major corporations to explore opportunities for growth and expansion in the emerging markets and developing economies of the Caribbean. The conference has significantly contributed to the building of closer working relationships and personal ties between Caribbean leadership and the Members of Congress who have participated. As we approach this year's conference, I wish to recognize and pay tribute to an outstanding Caribbean leader, Ms. Diane Abbott, Member of House of Commons, United Kingdom by placing in the CONGRESSIONAL RECORD the text of a proclamation to be awarded at the conference:

A PROCLAMATION CELEBRATING THE ACCOMPLISHMENTS OF MS. DIANE ABBOTT, MEMBER OF THE HOUSE OF COMMONS, UNITED KINGDOM

Whereas, It is an established and honorable tradition for elected officials to recognize the outstanding contributions of those persons whose leadership and life's work have made a substantial difference to the lives of people everywhere, especially in their own countries; and

Whereas, Such committed leaders are often pioneers, who blaze a trail, becoming a role model for others to emulate, especially the young and the less fortunate in society.

Whereas, Diane Abbott, the first Black woman ever elected to the British House of Commons has earned her place on the scroll of outstanding women of achievement and is certainly one such pioneer.

Whereas, Diane Abbott, the daughter of Jamaican Immigrant parents and an honors graduate of Britain's prestigious Cambridge University, has represented a working class, multi-ethnic District In London since she was first elected to the House of Commons in 1987.

Whereas, Diane Abbott is being cited and honored at the annual Caribbean Multi-National Business Conference 2005 in St. Thomas in the U.S. Virgin Islands for service to her country, the Caribbean community and the developing world generally.

Whereas, Diane Abbott, a member of the Treasury Committee of the International Monetary Fund helped to raise the consciousness of the International community about the damage which the debt crisis was having on governments and people of the Caribbean, Africa, Eastern Europe and Latin America; now, therefore be it

Resolved, That we salute and commend Ms. Diane Abbott for her distinguished an unblemished record of service to humanity and for her leadership on the national and international stages in the United Kingdom, the Caribbean as elsewhere.

RECOGNIZING THE 87TH ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF POLAND

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. EMANUEL. Mr. Speaker, on November 11, I will proudly join thousands of Polish Americans living in Chicago in celebrating the 87th anniversary of the Independence of the Republic of Poland.

Until Poland was recognized again as a sovereign nation, it struggled against tyranny, just as the United States did against colonial rule before our own independence was achieved. From the end of the 18th century until World War I, Poles were forced to live under the despotic rule of the Russian czars and Prussian and Austrian emperors. During the war, the Polish territory suffered under the heavy hand of Russian, German, and Austrian occupation. However, during World War I, Poles were gradually able to self-govern at local levels and established institutions, laying the groundwork for eventual independence.

Meanwhile, President Woodrow Wilson made the restoration of Polish independence one of his 14 conditions for peace. President Wilson was a friend of Ignacy Jan Paderewski, a famous Polish artist, composer, statesman and great patriot. As World War I drew to a close, Polish culture began to flourish again and self-governance was finally achieved when the first Polish government was established.

After 123 years of partitions and uprisings, Poland's dream of independence was realized when it became a sovereign state again on November 11, 1918, the same day as the Armistice ending World War I. With its long and rich history and traditions, Poland regained its rightful place among free and independent nations. Eighty-seven years later, we continue to celebrate Poland's independence.

I am proud to represent more than 111,000 people of Polish descent who live in the Fifth Congressional District on Chicago's northwest side. We must continue to build upon a strong record of cultural and economic ties between our two nations. We are grateful to Poland for its friendship and commitment to democratic ideals of liberty, human rights, and most recently, its commitment of resources and troops who stood shoulder to shoulder with the U.S. Armed Forces during Operation Iraqi Freedom. Poland continues to be our staunch ally and steadfast friend in Europe in our fight against terrorism.

On this day, I am proud to join the people of my district, as well as those of Polish descent around the globe, in celebrating the 87th Anniversary of Poland's independence.

HONORING THE HON. GORDON ''BUTCH'' STEWART

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. RANGEL. Mr. Speaker, this coming weekend, between November 10 and 13, I and more than 20 of our colleagues in the House will be meeting and participating in the 10th annual Caribbean Multi-national Business Conference sponsored by the New York Carib News in St. Thomas, U.S. Virgin Islands where we will be enjoying the hospitality of Carib News publishers Karl and Faye Rodney and Delegate DONNA CHRISTIAN CHRISTENSEN. Over the last decade the conference has brought together elected officials, civic leaders, entrepreneurs, and executives of major corporations to explore opportunities for growth and expansion in the emerging markets and developing economies of the Caribbean. The conference has significantly contributed to the building of closer working relationships and personal ties between Caribbean leadership and the Members of Congress who have participated. As we approach this year's conference, I wish to recognize and pay tribute to an outstanding Caribbean leader, Hon. Gordon "Butch" Stewart, Renowned Jamaican and Caribbean Business leader and Entrepreneur by placing in the CONGRESSIONAL RECORD the text of a proclamation to be awarded at the conference:

A PROCLAMATION CELEBRATING THE ACCOMPLISHMENTS OF HON. GORDON ''BUTCH'' STEWART

Whereas, It is an established and honorable tradition for elected officials to recognize the outstanding contributions of those persons whose groundbreaking leadership and life's work have helped to transform the private sector as a key engine of economic growth while upgrading people's standard of living, especially in their own countries;

Whereas, Such successful business leaders have earned their places in history the old-fashion way, working hard, taking risks, blazing profitable commercial trails, thus setting examples for others to follow;

Whereas, The Hon. Gordon ''Butch'' Stewart, a national of Jamaica who is Chairman of Sandals Resorts International, sits at the pinnacle one of the largest corporate conglomerates in the Caribbean;

Whereas, The Hon. Gordon ''Butch'' Stewart, until recently Chairman of Air Jamaica, has been widely recognized and honored throughout the Caribbean, North America and Europe for his business innovation, entrepreneurship and success.

Whereas, Two of most cherished awards are his country's highest national honors, the Order of Jamaica and Commander of the Order of Distinction.

Whereas, The Hon. Gordon ''Butch'' Stewart is being cited and honored at the annual Caribbean Multi-National Business Conference 2005 in St. Thomas in the U.S. Virgin Islands for service to his country, the Caribbean community and the global business community; now, therefore, be it

Resolved, That we salute and commend the Hon. Gordon ''Butch'' Stewart for his outstanding, distinguished an unblemished record of service to business and humanity and for his leadership on the national and international stages in Jamaica, the Caribbean, North America and Europe.

TRIBUTE TO JOHN E. TAYLOR

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. VAN HOLLEN. Mr. Speaker, it is with great pleasure that I rise to commend John E. Taylor for his dedicated service to the National Archives. Mr. Taylor has worked for the National Archives since 1946. Throughout those years, Mr. Taylor has been acclaimed by researchers worldwide for his extraordinary grasp of history and ability to locate pertinent documents.

Mr. Taylor specializes in World War II documents and records of the Office of Strategic Services. Mr. Taylor's colleagues praise him as one of the most knowledgeable and generous archivists, known for his sound advice and resourceful assistance to authors, scholars and historians.

Throughout his illustrious career, Mr. Taylor has been honored by groups all over the world. In 1997 Mr. Taylor was honored by the Japanese Embassy for helping Japanese historians and journalists for the previous 40 years. In 2003 the American Jewish Historical Society awarded Mr. Taylor its first "Distinguished Archivist Award" for his lifetime of work as an archivist. He has also received numerous honors from the National Archives itself. The National Archives has a special John E. Taylor Collection of books on espionage and intelligence which largely consists of works with which Mr. Taylor provided critical assistance.

Mr. Taylor is truly an invaluable resource. His service at the National Archives is legendary. I applaud his outstanding achievements and dedication to his work, and this landmark achievement of 60 years of service.

BUDGET RECONCILIATION

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. KENNEDY of Rhode Island. Mr. Speaker, in October 1999, a presidential candidate from Texas said that House Republicans ''shouldn't balance the budget on the backs of the poor.'' He criticized his fellow Republicans for projecting ''pessimism, indifference, and I disdain for government.''

That man was President George W. Bush, and what a sad, tragic difference 6 years in power has made.

Today, too many Americans are struggling just to get by, let alone get ahead. They're trying to scratch out a living . . . [pause] . . . and some hope for the future in the face of rising energy prices, higher education costs, stagnant wages, and for some, the complete loss of homes, jobs, and even loved ones to Hurricane Katrina.

To them, this reconciliation bill says, ''we need you to sacrifice more so that the energy companies can get their subsidies and the wealthy elite can get their tax breaks.''

Democrats believe that government should reflect the sense of community that Americans demonstrated after Katrina—the sense of community that has defined and united America throughout its history.

We believe in some basic human principles—everyone should have the opportunities not just to survive, but to excel with their God-given talents and abilities. Those are the values that should be reflected in our budgets.

We could have a budget that brings Americans together.

But sadly, instead, we have a budget that will widen the divide in America between those who have plenty, and those who struggle just to have enough.

EDUCATION

One of those people is a young lady in my district. She will graduate from high school this spring; the first in her family with a chance at college.

She will work in an America that faces more global economic competition than ever before in its history.

But this budget will limit her opportunity and turn education into a commodity because it will increase by almost $6,000 the interest rates, taxes and fees she will have to pay.

Robert McKenna, who heads up higher education in my state, has proclaimed that this budget could severely undermine already existing education benefits. And make it harder to expand access to higher education.

I have 44,000 students like that young lady in my state, and this spring when she graduates, she will have one less tool to build the American Dream for her and her family.

FOOD STAMPS

Unfortunately, these families will have plenty of company in their disproportionate sacrifice. At the beginning of every month, you will find many families in the supermarket, pinching and saving and clipping coupons to get by. We saw some of those same faces on August 31—those without enough money at the end of the month to fill up the gas tank to get out of New Orleans.

In my state, over 17,000 households are going hungry on a regular basis.

My state has the highest child poverty rate in all of New England, above the national average.

What does this budget do for the people in my state?

It starts by taking school lunches from their kids.

It continues by taking 300,000 families in this country—over 12,000 in my state alone—and kicking them off food stamps. Leaving them to sacrifice basic nutrition for their children to keep the heat on this winter or a roof over their heads.

Bernie Beaudreau, the Executive Director of the Rhode Island Community Food Bank, recently commented: ''The forces and trends in our economy creating conditions of poverty and hunger—low wages, unemployment and low incomes, housing and energy costs, the cost of food and health care, are outstripping our capacity to respond. Given this hunger data, cutting food stamps is a disastrous idea.''

MEDICAID

Regarding Medicaid, I recently had a chance to visit with some young adults who have Down's Syndrome or autism, at the Groden Center in Providence, Rhode Island. Of all the people in America who are asked to sacrifice, I can't believe this budget would go after them.

And yet the Medicaid program that helps them meet the challenges of their disabilities is also on the chopping block.

Dale Klatzker, Executive Director of the Providence Center, a facility that provides mental health treatment and supportive services, recently commented, ''Perhaps if some of the Members of the House could spend some time with the individuals that these changes seek to make more personally responsible—they would have a different take on the life and death decisions they seem intent on making.''

Nearly 200,000 Rhode Islanders on Medicaid will be affected by these changes.

CONCLUSION

In conclusion, reconciliation is more than a line item in a budget. It should be about hope and dreams and opportunity, not just tax breaks for the wealthiest among us.

In his Second Inaugural Address, President Roosevelt said, ''The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little.''

With this budget it is all too clear that we are failing the test.

THE CONGRESSIONAL ROLE IN DECLARING WAR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 2005

Mr. RANGEL. Mr. Speaker, I rise today to ask that we return to the framework for declarations of war set out by our Founding Fathers and found in the United States Constitution.

The Iraq War and all the damage it has done and continues to do, is a demonstration of what happens when Congress ignores the Constitution and the intentions of the Founding Fathers. As Leslie H. Gelb and Anne-Marie Slaughter point out in their article in the November 8, 2005 Washington Post ''No More Blank-Check Wars'' ''Most wars overflow with mistakes and surprises. Still, in Iraq, much that has gone wrong could have been foreseen—and was. . . . Too often our leaders have entered wars with unclear and unfixed aims, tossing away American lives, power and credibility before figuring out what they were doing and what could be done. Congress saw the problem after the Vietnam War and tried to fix it with the War Powers Act. It states that troops sent into combat by the President must be withdrawn within 60 days unless Congress approves an extension. But Presidents from Nixon on never recognized the validity of this legislation against their powers as commander in chief. Nor did Congress ever assert its rights and take political responsibility. Since the Korean War, the process has consisted of at most a Congressional resolution, a few serious speeches and authorization for the President to do whatever he wants. Odds are against changing these 'political realities.' But, impaled as we are on costs and carelessness of so many of our recent wars, it is worth trying to find a better way.''

As it happens, Gelb and Slaughter point out: the answer is in the Constitution. The Founding Fathers understood that sending Americans to war required careful reflection and vigorous debate. The answer survives in Article 1, Section 8, of the Constitution, which give Congress—and only Congress—the power to declare war. The authors suggest that power needs to be reestablished and reinforced by new legislation. The new legislation would require a declaration of war from Congress in advance of any commitment of troops. Requiring a declaration by Congress would require congress to debate the issues, analyze the threat, and consider the costs of a war. In the case of the September 11, 2001 attacks, the President would retain his power to repel the attack and strike back without a Congressional declaration. But if he went to Afghanistan and planned to keep troops there, topple the government and transform the country, he would need a Congressional declaration. Without the declaration, he would have no funding for nation building. These are ideas that need discussion. These ideas come from the document we all swear an oath to uphold: the Constitution of the United States.

In my view, a patriot is a person who remembers he must uphold and defend the Constitution, not a political party or a President.

[From the Washington Post, Nov. 8, 2005]

NO MORE BLANK-CHECK WARS

(By Leslie H. Gelb and Anne-Marie Slaughter)

Most wars overflow with mistakes and surprises. Still, in Iraq, much that has gone wrong could have been foreseen—and was. For example, most experts knew that 100,000 U.S. troops couldn't begin to provide essential security and that Iraqi oil revenue wouldn't dent war costs. But none of this was nailed down beforehand in any disciplined review.

And Iraq, whether justified or not, is only the latest in a long line of ill-considered and ill-planned U.S. military adventures. Time and again in recent decades the United States has made military commitments after little real debate, with hazy goals and no appetite for the inevitable setbacks. John F. Kennedy and Lyndon Johnson plunged us

into the Vietnam War with little sense of the region's history or culture. Ronald Reagan dispatched Marines to Lebanon, saying that stability there was a ''vital interest,'' only to yank them out 16 months later after a deadly terrorist attack on Marine barracks. Bill Clinton, having inherited a mission in Somalia to feed the starving, ended up hunting tribal leaders and trying to build a nation.

Too often our leaders have entered wars with unclear and unfixed aims, tossing away American lives, power and credibility before figuring out what they were doing and what could be done. Congress saw the problem after the Vietnam War and tried to fix it with the War Powers Act. It states that troops sent into combat by the president must be withdrawn within 60 days unless Congress approves an extension. But presidents from Richard Nixon on never recognized the validity of this legislation against their powers as commander in chief. Nor did Congress ever assert its rights and take political responsibility. Since the Korean War, the process has consisted at most of a presidential request for a congressional resolution, a few serious speeches and authorization for the president to do whatever he wants. Odds are against changing these ''political realities.'' But impaled as we are on the costs and carelessness of so many of our recent wars, it is worth trying to find a better way.

As often happens, an answer can be found with the Founding Fathers and the Constitution. They could not have foreseen the present age of nuclear missiles and cataclysmic terrorism. But they understood political accountability, and they knew that sending Americans to war required careful reflection and vigorous debate. Their answer survives in Article 1, Section 8, of the Constitution, which gives Congress—and only Congress—the power to declare war. That power, exercised only a few times in our history, and not at all since World War II, needs to be reestablished and reinforced by new legislation. This legislation would fix guidelines for exercising the provision jointly between the White House and Congress. It would restore the Framers' intent by requiring a congressional declaration of war in advance of any commitment of troops that promises sustained combat.

Requiring Congress to declare war, rather than just approve or authorize the president's decision to take troops into combat, would make it much harder for Congress to duck its responsibilities. The president would be required to give Congress an analysis of the threat, specific war aims with their rationale and feasibility, general strategy and potential costs. Congress would hold hearings, examine the information and conclude with a full floor debate and solemn vote.

In case of a sudden attack on the United States or Americans abroad, the president would retain his power to repel that attack and strike back without a congressional declaration. But any sustained operations would trigger the declaration process. In other words, the president could send troops into Afghanistan to hunt down al Qaeda and punish the Taliban in response to the Sept. 11 attacks. But if he planned to keep the troops there to topple the government and transform the country, he would need a congressional declaration. Without one, funding would be restricted to bringing the troops home soon and safely.

This declaration process should appeal to conservatives and even neocons. It meets their valid concern that the United States often loses diplomatic showdowns and wars not on the battlefield but at home. It adds credibility to presidential threats and staying power to our military commitments. Binding Congress far more closely to war, for instance, might have convinced Saddam Hussein of Washington's resolve to fight him in both gulf wars; today it would help convince insurgents in Iraq of America's long-term commitment to make Iraq secure. Liberals and moderates, always rightly complaining about a rush to war, would welcome the restored declaration. Not least, the attractiveness of this approach would be aided by the political power of the Constitution itself.

Nor would the process proposed here diminish a president's leadership or stature as commander in chief as he makes his case to Congress. If, even with these advantages, his arguments fail, then the case cannot be very compelling.

Today Congress deliberates on transportation bills more carefully than it does on war resolutions. Our Founding Fathers wanted the declaration of war to concentrate minds. Returning to the Constitution's text and making it work through legislation requiring joint deliberate action may be the only way to give the decision to make war the care it deserves.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, November 10, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 14

3 p.m.
Foreign Relations
International Economic Policy, Export and Trade Promotion Subcommittee
To hold hearings to examine a clean technology solution relating to U.S.-International climate change approach.
SD–419

NOVEMBER 15

9:30 a.m.
Armed Services
Business meeting to consider certain military nominations.
SR–222

Foreign Relations
To hold hearings to examine Treaty Between the United States of America and Japan on Mutual Legal Assistance in Criminal Matters, signed at Washington on August 5, 2003; including a related exchange of notes (Treaty Doc. 108–12), Treaty Between the United States of America and the Federal Republic of Germany on Mutual Legal Assistance in Criminal Matters, signed at Washington on October 14, 2003, and a related exchange of notes (Treaty Doc. 108–27), Extradition Treaty Between the United States of America and the United Kingdom of Great Britain and Northern Ireland, and related exchanges of letters, signed at Washington on March 31, 2003 (Treaty Doc. 108–23), and Protocol between the Government of the United States of America and the Government of the State of Israel, signed at Jerusalem on July 6, 2005 (Treaty Doc. 109–3).
SD–419

Judiciary
To hold hearings to examine The Streamlined Procedures Act relating to habeas reform.
SD–226

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the nominations of Ben S. Bernanke, of New Jersey, to be a Member and to be Chairman of the Board of Governors of the Federal Reserve System.
SD–106

Commerce, Science, and Transportation
To hold hearings to examine public policy options for encouraging alternative automotive fuel technologies.
SD–562

Energy and Natural Resources
To hold hearings to examine a status report on the Environmental Protection Management programs of the Department of Energy.
SD–366

2:30 p.m.
Armed Services
Airland Subcommittee
To hold hearings to examine defense acquisition issues related to tactical aviation and Army programs.
SR–222

Judiciary
To hold hearings to examine judicial nominations.
SD–226

Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 431, to establish a program to award grants to improve and maintain sites honoring Presidents of the United States, S. 505, to amend the Yuma Crossing National Heritage Area Act of 2000 to adjust the boundary of the Yuma Crossing National Heritage Area, S. 1288, to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System, S. 1544, to establish the Northern Plains National Heritage Area in the State of North Dakota, S. Con. Res. 60, designating the Negro Leagues Baseball Museum in Kansas City, Missouri, as America's National Negro Leagues Baseball Museum, S. 748 and H.R. 1084, bills to authorize the establishment at Antietam National Battlefield of a memorial to the officers and enlisted men of the Fifth, Sixth, and Ninth New Hampshire Volunteer Infantry Regiments and the First New Hampshire Light Artillery Battery who fought in the Battle of Antietam on September 17, 1862, and H.R. 2107, to amend Public Law 104–329 to modify authorities for the use of the National Law Enforcement Officers Memorial Maintenance Fund.
SD–366

3 p.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, and International Security Subcommittee
To hold an oversight hearing to examine the current nuclear situation in Iran and the U.S. response, focusing on the relationship between Iran's pursuit of nuclear weapons and its status as a state-sponsor of terrorism.
SD–342

NOVEMBER 16

9:30 a.m.
Environment and Public Works
To hold an oversight hearing to examine transportation fuels of the future.
SD–406

Judiciary
To hold hearings to examine the need to reform the Grand Jury.
SD–226

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005.
SD–562

Homeland Security and Governmental Affairs
To hold hearings to examine how government can learn from the private sector's response to Hurricane Katrina.
SD–342

11:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

2 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine Earth Island Institute vs. Ruthenbeck.
SD–366

2:30 p.m.
Commerce, Science, and Transportation
Consumer Affairs, Product Safety, and Insurance Subcommittee
To hold hearings to examine protecting the consumer from flooded and salvage vehicle fraud.
SD–562

Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to examine issues relative to creating new Federal judgeships.
SD–226

NOVEMBER 17

10 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the role of United States agriculture in the control and eradication of avian influenza.
SR–328A

Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine aviation safety.
SD–562

Homeland Security and Governmental Affairs
To hold hearings to examine regulations for the National Security Personnel System.
SD–342

Indian Affairs
To hold oversight hearings to examine issues relating to In Re Tribal Lobbying Matters, Et Al.
SH–216

2 p.m.
Judiciary
To hold hearings to examine recent developments in assessing future asbestos claims under the FAIR Act.
SD–226

2:30 p.m.
Commerce, Science, and Transportation
Business meeting to consider pending calendar business.
SD–562

Daily Digest

HIGHLIGHTS

The House agreed to the Conference Report on H.R. 2419, Energy and Water Development Appropriations Act, 2006; and

The House agreed to the Conference Report on H.R. 2862, Departments of Commerce and Justice, Science, and Related Agencies Appropriations Act, 2006.

Senate

Chamber Action

Routine Proceedings, pages S12553–S12629

Measures Introduced: Eleven bills and two resolutions were introduced, as follows: S. 1978–1988, and S. Con. Res. 63–64. **Pages S12606–07**

Measures Passed:

Korea Oil Stockpile: Senate passed S. 1988, to authorize the transfer of items in the War Reserves Stockpile for Allies, Korea. **Page S12628**

Department of Defense Authorization: Senate continued consideration of S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, taking action on the following amendments proposed thereto: **Pages S12560–S12601**

Adopted:

By a unanimous vote of 99 yeas (Vote No. 312), Inhofe Modified Amendment No. 2440, to ensure by law the ability of the military service academies to include the offering of a voluntary, non-denominational prayer as an element of their activities. **Page S12561–65, S12566–69, S12576–77**

By 98 yeas to 1 nay (Vote No. 313), Ensign Amendment No. 2443, to restate United States policy on the use of riot control agents by members of the Armed Forces. **Pages S12560, S12569, S12577–78**

Durbin (for Bayh/Durbin) Amendment No. 2483, to provide income replacement payments for certain Reserves experiencing extended and frequent mobilization for active duty service. **Pages S12579–83**

By a unanimous vote of 99 yeas (Vote No. 314), Chambliss Amendment No. 2433, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or an active duty for significant periods. **Pages S12560, S12569, S12573–74, S12584–86**

Warner Amendment No. 2499 (to Amendment No. 1396 (previously agreed to)), to make a technical correction. **Pages S12589–95**

Warner (for McCain) Amendment No. 1438, to redesignate the Naval Reserve as the Navy Reserve. **Pages S12589–95**

Warner Amendment No. 2500, to extend by one year the date of the final report of the advisory panel on laws and regulations on acquisition practices and to require an interim report. **Pages S12589–95**

Warner/Leahy Amendment No. 1562, to designate the annex to the E. Barrett Prettyman Federal Building and United States Courthouse located at 333 Constitution Avenue Northwest in the District of Columbia as the "William B. Bryant Annex". **Pages S12589–95**

Warner (for Feinstein/Hagel) Amendment No. 1410, to express the sense of Congress concerning actions to support the Nuclear Non-Proliferation Treaty. **Pages S12589–95**

Warner (for Martinez) Amendment No. 1885, to authorize the Secretary of the Navy to provide for welfare of Special Category Residents at Naval Station Guantanamo Bay, Cuba. **Pages S12589–95**

Warner (for Nelson (FL)) Amendment No. 2501, to express the sense of the Senate on National Defense Appropriations Act Fiscal Year 2006. **Pages S12589–95**

Warner Modified Amendment No. 1567, to modify the exclusion from officer distribution and strength limitations of officers serving in intelligence community positions. **Pages S12589–95**

Warner Modified Amendment No. 1560, to increase by $1,500,000 the amount authorized to be appropriated to the Navy for research within the High-Brightness Electron Source program, and to provide an offset. **Pages S12589–95**

Warner Modified Amendment No. 1559, to increase by $1,000,000 the amount authorized to be appropriated to the Army for research, development, test, and evaluation, to be available for research on and facilitation of technology for converting obsolete chemical munitions to fertilizer, and to provide an offset. **Pages S12589–95**

Warner (for Domenici/Graham) Amendment No. 1543, to authorize the Secretary of Energy to carry out certain new plant projects for defense nuclear nonproliferation activities. **Pages S12589–95**

Warner/Levin Amendment No. 2502, to modify the designation of facilities and resources constituting the Major Range and Test Facility Base. **Pages S12589–95**

Warner (for Vitter) Amendment No. 1471, to require a study on the deployment of members of the National Guard and Reserves in the global war on terrorism. **Pages S12589–95**

Warner (for Allard/Salazar) Amendment No. 2503, to authorize the Secretary of Energy to purchase certain essential mineral rights and resolve natural resource damage liability claims. **Pages S12589–95**

Warner (for Santorum) Modified Amendment No. 1329, to authorize, with an offset, an additional $1,000,000 for procurement for the Marine Corps for General Property for Field Medical Equipment for the Rapid Intravenous (IV) Infusion Pump. **Pages S12589–95**

Warner (for Roberts) Amendment No. 2504, to authorize, with an offset, an additional $4,000,000 for research, development, test, and evaluation for the Air Force for Aging Military Aircraft Fleet Support. **Pages S12589–95**

Warner (for Inouye) Amendment No. 2505, to make United States nationals eligible for appointment to the Senior Reserve Officers' Training Corps. **Pages S12589–95**

Warner (for Hutchison) Amendment No. 2506, to require a report on cooperation between the Department of Defense and the National Aeronautics and Space Administration on research, development, test, and evaluation activities. **Pages S12589–95**

Warner (for Santorum) Amendment No. 2484, to authorize, with an offset, an additional $1,000,000 for research, development, test, and evaluation for the Army for Warhead/Grenade Scientific Based Manufacturing Technology. **Pages S12589–95**

Warner (for Reed) Modified Amendment No. 1316, to authorize, with an offset, an additional $5,000,000 for research, development, test, and evaluation for the Army for the Joint Service Small Arms Program. **Pages S12589–95**

Warner (for Akaka) Amendment No. 2485, to establish the National Foreign Language Coordination Council to develop and implement a foreign language strategy. **Pages S12589–95**

Warner (for Ensign) Amendment No. 2486, to provide, with an offset, an additional $16,000,000 for Operation and Maintenance, Army, for the Point of Maintenance/Arsenal/Depot AIT Initiative. **Pages S12589–95**

Warner (for Ensign) Amendment No. 2487, to provide, with an offset, an additional $4,500,000 for Operation and Maintenance, Army, for procurement of the RI–2200 and RI–2400 Long Arm High-Intensity Arc Metal Halide Handheld Searchlight. **Pages S12589–95**

Warner (for Coleman) Amendment No. 2488, to support the acquisition of foreign language skills among participants in the Reserve Officers' Training Corps. **Pages S12589–95**

Warner (for Bingaman/Domenici) Amendment No. 2489, to make available, with an offset, $3,000,000 for Research, Development, Test, and Evaluation, Air Force, for assurance for the Field Programmable Gate Array. **Pages S12589–95**

Warner (for Domenici/Bingaman) Modified Amendment No. 1544, to authorize, with an offset, an additional $6,000,000 for Research, Development, Test, and Evaluation, Navy, for research and development on Long Wavelength Array low frequency radio astronomy instruments. **Pages S12589–95**

Warner Amendment No. 2491, to delay until September 30, 2007, the limitation on the procurement by the Department of Defense of systems that are not equipped with the Global Positioning System. **Pages S12589–95**

Warner (for Kennedy) Amendment No. 2492, to make available, with an offset, additional amounts for defense basic research programs. **Pages S12589–95**

Warner (for Clinton/Kennedy) Amendment No. 1444, to ensure that any reimbursement for services is retained for fire protection activity. **Pages S12589–95**

Warner (for DeWine) Amendment No. 1534, to permit the Department of Defense and other Federal agencies to enter into reciprocal agreements with fire organizations for emergency medical services, hazardous material containment, and other emergency services. **Pages S12589–95**

Warner Amendment No. 2493, to improve the provision relating to clarification of authority of military legal assistance counsel. **Pages S12589–95**

Warner (for Thomas/Enzi) Modified Amendment No. 1469, to renew the moratorium on the return

of veterans memorial objects to foreign nations without specific authorization in law. **Pages S12589–95**

Warner (for Byrd) Amendment No. 2494, to provide an education loan repayment program for chaplains in the Selected Reserve. **Pages S12589–95**

Warner (for Dodd/Kennedy) Amendment No. 2495, to modify and improve the National Call to Service program. **Pages S12589–95**

Warner (for Santorum) Amendment No. 2496, to provide for the policy of the Department of Defense on the recruitment and enlistment of home schooled individuals in the Armed Forces. **Pages S12589–95**

Warner (for Feingold) Modified Amendment No. 1550, to improve national security through the establishment of a Civilian Linguist Reserve Corps Pilot Project within the Department of Defense comprised of citizens fluent in foreign languages who would be available to provide translation services and related duties, as needed. **Pages S12589–95**

Warner (for Kerry) Amendment No. 2497, to make available, with an offset, $10,000,000 for Project Sheriff. **Pages S12589–95**

Warner (for Allard) Modified Amendment 1382, to require a report on the aircraft of the Army to perform the High-altitude Aviation Training Site of the Army National Guard. **Pages S12589–95**

Warner (for Levin) Amendment No. 2498, to make available, with an offset, an additional $5,000,000 for Research, Development, Test, and Evaluation, Army, for Medium Tactical Vehicle Modifications. **Pages S12589–95**

Warner (for Salazar) Amendment No. 2490, to provide for Department of Defense support of certain Paralympic sporting events. **Pages S12589–95**

Rejected:

By 40 yeas to 59 nays (Vote No. 315), Levin (for Durbin) Modified Amendment No. 2473, to provide for eligibility for retired pay for non-regular service. **Pages S12574, S12586**

Pending:

Dorgan Amendment No. 2476, to establish a special committee of the Senate to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism. **Pages S12571–73, S12574–75**

Lautenberg Amendment No. 2478, to prohibit individuals who knowingly engage in certain violations relating to the handling of classified information from holding a security clearance. **Pages S12575–76, S12589**

Talent Amendment No. 2477, to modify the multiyear procurement authority for C–17 aircraft. **Pages S12586–89**

During consideration of this measure today, Senate also took the following action:

Warner Modified Amendment No. 1563, to authorize the Secretary of the Navy to lease United States Navy Museum facilities at Washington Naval Yard, District of Columbia, to the Naval Historical Foundation, previously agreed to on Tuesday, November 8, 2005, was further modified by unanimous consent. **Page S12569**

Warner (for Dole) Modified Amendment No. 1526, to express the sense of the Senate on the need for community impact assistance related to the construction by the Navy of an outlying landing field in North Carolina, previously agreed to on Tuesday, November 8, 2005, was further modified by unanimous consent. **Page S12578**

A unanimous-consent-time agreement was reached providing that the time until 11:30 a.m., on Thursday, November 10, 2005, be equally divided, and that at 11:30 a.m., the Senate proceed to a vote on or in relation to Dorgan Amendment No. 2476 (listed above), to be followed by a vote on or in relation to Talent Amendment No. 2477 (listed above), with no second-degree amendments in order to the amendments prior to the votes. **Page S12595**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:30 a.m. on Thursday, November 10, 2005. **Pages S12628–29**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report relative to the continuation of the national emergency with respect to Iran which was declared in Executive Order No. 12170 on November 14, 1979; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–30) **Page S12605**

Executive Reports of Committees: Senate received the following executive report from the Committee on Foreign Relations:

Report to accompany Council of Europe Convention on Cybercrime (Treaty Doc. 108–11) (Ex. Rept. 109–6).

Nominations Received: Senate received the following Nominations::

Michael Joseph Copps, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2005.

Deborah Taylor Tate, of Tennessee, to be a Member of the Federal Communications Commission for the remainder of the term expiring June 30, 2007.

Janet Ann Sanderson, of Arizona, to be Ambassador to the Republic of Haiti.

Carol A. Dalton, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Paul J. McNulty, of Virginia, to be Deputy Attorney General. **Page S12629**

Messages From the House: **Pages S12605–06**

Measures Referred: **Page S12606**

Enrolled Bills Presented: **Page S12606**

Executive Communications: **Page S12606**

Executive Reports of Committees: **Page S12606**

Additional Cosponsors: **Pages S12607–08**

Statements on Introduced Bills/Resolutions: **Pages S12608–17**

Amendments Submitted: **Pages S12617–27**

Notices of Hearings/Meetings: **Page S12627**

Authorities for Committees to Meet: **Page S12627**

Record Votes: Four record votes were taken today. (Total—315) **Pages S12577, S12578, S12585, S12586**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 7:33 p.m., until 9:30 a.m., on Thursday, November 10, 2005. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S12629.)

Committee Meetings

(Committees not listed did not meet)

AGRICULTURAL TRANSPORTATION AND ENERGY

Committee on Agriculture, Nutrition, and Forestry: Committee concluded hearings to examine the impact of higher energy prices and the disruption of the transportation system due to the recent hurricanes on United States agriculture, focusing on the winter energy outlook and energy's role in the agricultural sector, and the status of the Mississippi River Transportation System, after receiving testimony from Keith Collins, Chief Economist, Department of Agriculture; Gerald W. Barnes, Chief, Operations, Directorate of Civil Works, U.S. Army Corps of Engineers; Howard Gruenspecht, Deputy Administrator, Energy Information Administration, Department of Energy; Daniel T. Kelley, Normal, Illinois, on behalf of the National Council of Farmer Cooperatives and the Agriculture Energy Alliance; Richard Calhoun, Cargill Incorporated, Minneapolis, Minnesota, on behalf of the National Grain and Feed Association and the North American Export Grain Association; R. Neal Elliott, American Council for an Energy-Efficient Economy, Washington, D.C.; and Ryan Niebur, Rocky Mountain Farmers Union, Burlington, Colorado, on behalf of the National Farmers Union.

DEPARTMENT OF DEFENSE ACCOUNTABILITY

Committee on Armed Services: Subcommittee on Readiness and Management Support concluded hearings to examine the Department of Defense business transformation and financial management accountability, after receiving testimony from Kenneth J. Krieg, Under Secretary of Defense for Acquisition, Technology and Logistics; Tina W. Jonas, Under Secretary of Defense (Comptroller); and Randolph C. Hite, Director of Industrial Technology, Architecture and System Issues, Government Accountability Office.

ENERGY PRICING AND PROFITS

Committee on Commerce, Science, and Transportation/Committee on Energy and Natural Resources: Committees concluded joint hearings to examine energy pricing and profits, focusing on record prices of oil, gasoline, and natural gas and factors affecting those prices, issues relating to global demand, resource development strategies and windfall profits taxes, and the effectiveness of Federal and State consumer protection laws to prevent occurrences of price gouging during supply disruptions, after receiving testimony from Deborah Platt Majoras, Chairman, Federal Trade Commission; New Jersey Attorney General Peter C. Harvey, Trenton; South Carolina Attorney General Henry McMaster, Columbia; Arizona Attorney General Terry Goddard, Phoeniz; Lee R. Raymond, Exxon Mobil Corporation, Irving, Texas; David O'Reilly, Chevron Corporation, San Ramon, California; James J. Mulva, ConocoPhillips, and John Hofmeister, Shell Oil Company, both of Houston, Texas; and Ross J. Pillari, BP America, Warrenville, Illinois.

COASTAL LOUISIANA HURRICANE PROTECTION PROJECT

Committee on Environment and Public Works: Committee concluded a hearing to examine issues regarding a comprehensive and integrated approach to meet the water resources needs of coastal Louisiana in the wake of Hurricanes Katrina and Rita, including storm and flood damage reduction, ecosystem restoration and navigation, after receiving testimony from George S. Dunlop, Principal Deputy Assistant Secretary of the Army for Civil Works; Major General Don T. Riley, Director of Civil Works, U.S. Army Corps of Engineers; Anu Mittal, Director, Natural Resources and Environment, Government Accountability Office; Windell A. Curole, South Lafourche Levee District, Galliano, Louisiana; and Peter H. Brink, National Trust for Historic Preservation, Steve Ellis, Taxpayers for Common Sense,

and Scott Faber, on behalf of the Environmental Defense and the National Wildlife Federation, all of Washington, D.C.

BUSINESS MEETING

Committee on Finance: Committee met and approved recommendations relative to proposed legislation implementing the United States Bahrain Free Trade Agreement.

AVIAN INFLUENZA

Committee on Foreign Relations: Committee concluded hearings to examine the need for a response strategy to address the threat of avian influenza, focusing on measures to stop the spread of the virus in Asia and preventing a global pandemic, after receiving testimony from Andrew S. Natsios, Administrator, U.S. Agency for International Development; Paula J. Dobriansky, Under Secretary of State for Democracy and Global Affairs; Julie L. Gerberding, Director, Centers for Disease Control and Prevention, and Anthony S. Fauci, Director, National Institute of Allergy and Infectious Diseases, National Institutes of Health, both of the Department of Health and Human Services; Laurie Garrett, Council on Foreign Relations, New York, New York; and James Newcomb, Bio Economic Research Associates, Cambridge, Massachusetts.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings to examine the nominations of Ronald L. Schlicher, of Tennessee, to be Ambassador to the Republic of Cyprus, Ross Wilson, of Maryland, to be Ambassador to the Republic of Turkey, Carol van Voorst, of Virginia, to be Ambassador to the Republic of Iceland, and Marilyn Ware, of Pennsylvania, to be Ambassador to Finland, who was introduced by Senator Specter, after the nominees testified and answered questions in their own behalf.

COAST GUARD RESPONSE TO HURRICANE KATRINA

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the Coast Guard's response to Hurricane Katrina, focusing on the Continuity of Operations Plan (COOP), preparations for catastrophic events, and communicating through satellite telephones, text messaging, and commercial e-mail accounts during disasters, after receiving testimony from Rear Admiral Robert F. Duncan, Commander, Eighth Coast Guard District, Captain Frank M. Paskewich, Commander, Coast Guard Sector New Orleans, and Captain Bruce C. Jones, Commanding Officer, Coast Guard Air Station New Orleans, all of the U.S. Coast Guard, Department of Homeland Security.

FEDERAL SECURITY CLEARANCE PROCESS

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded hearings to examine the Federal security clearance process, focusing on Office of Personnel Management's plan to address the backlog of security clearance investigations, after receiving testimony from Linda M. Springer, Director, Office of Personnel Management; Clay Johnson III, Deputy Director for Management, Office of Management and Budget; and Derek B. Stewart, Director of Military and Civilian Personnel Issues, Government Accountability Office.

CAMERAS IN THE COURTROOM

Committee on the Judiciary: Committee concluded hearings to examine the use of cameras in the courtroom, focusing on a pilot program providing for electronic media coverage of civil proceedings in certain Federal trial and appellate courts, including the U.S. Supreme Court, and related measures S. 829 and S. 1768, after receiving testimony from Senators Grassley and Schumer; Judge Diarmuid F. O'Scannlain, United States Court of Appeals for the Ninth Circuit, Portland, Oregon; Judge Jan E. DuBois, United States District Court for the Eastern District of Pennsylvania, Philadelphia; Barbara E. Bergman, National Association of Criminal Defense Lawyers, Seth D. Berlin, Levine Sullivan Koch & Schulz, Brian P. Lamb, C–SPAN Networks, and Barbara Cochran, Radio-Television News Directors Association, all of Washington, D.C.; Peter Irons, University of California at San Diego; and Henry S. Schleiff, Court TV Networks, New York, New York.

BUSINESS MEETING

Committee on the Judiciary: Subcommittee on the Constitution, Civil Rights, and Property Rights approved for full committee consideration S.J. Res. 1, proposing an amendment to the Constitution of the United States relating to marriage.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to consider pending intelligence matters.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 29 public bills, H.R. 4261–4289; 1 private bill, H.R. 4290; and 3 resolutions, H. Con. Res. 294 and H. Res. 543–544, were introduced. **Pages H10144–45**

Additional Cosponsors: **Pages H10145–46**

Reports Filed: Reports were filed today as follows:

H. Res. 542, providing for consideration of H.R. 4241, to provide for reconciliation pursuant to section 201(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Rept. 109–281). **Page H10144**

Speaker: Read a letter from the Speaker wherein he appointed Representative Miller of Michigan to act as Speaker pro tempore for today. **Page H10043**

Chaplain: The prayer was offered today by Rev. Mac Hammond, Living Word Christian Center, Brooklyn Park, Minnesota. **Page H10043**

Energy and Water Development Appropriations Act, 2006—Conference Report: The House agreed to the conference report on H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, by a yea-and-nay vote of 399 yeas to 17 nays, Roll No. 580. **Pages H10058–65, H10081–82**

H. Res. 539, the rule providing for consideration of the conference report, was agreed to by a yea-and-nay vote of 412 yeas to 2 nays, Roll No. 577, after agreeing to order the previous question. **Pages H10048–50, H10056**

Presidential Message: Presidential Message: Read a message from the President notifying Congress of the continuation of the national emergency with respect to Iran—referred the Committee on International Relations and ordered to be printed (H. Doc. 109–68). **Page H10065**

Departments of Commerce and Justice, Science, and Related Agencies Appropriations Act, 2006—Conference Report: The House agreed to the conference report on H.R. 2862, making appropriations for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, by a yea-and-nay vote of 397 yeas to 19 nays, Roll No. 581. **Pages H10065–74, H10082–83**

H. Res. 538, the rule providing for consideration of the conference report, was agreed to by a yea-and-nay vote of 410 yeas with none voting "nay", Roll No. 578, after agreeing to order the previous question. **Pages H10050–53, H10056–57**

Suspensions—Proceedings Postponed: The House completed debate on the following measure under suspension of the rules. Further consideration will continue tomorrow, November 10th.

Veterans Housing and Employment Improvement Act of 2005: H.R. 3665, amended, to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide adaptive housing assistance to disabled veterans residing temporarily in housing owned by a family member and to make direct housing loans to Native American veterans. **Pages H10074–81**

Suspensions: The House agreed to suspend the rules and pass the following measure which was debated on Tuesday, November 8th:

Fair Access Foster Care Act of 2005: S. 1894, to amend part E of title IV of the Social Security Act to provide for the making of foster care maintenance payments to private for-profit agencies, by a yea-and-nay vote of 408 yeas to 1 nay, Roll No. 582—clearing the measure for the President. **Page H10083**

USA PATRIOT Improvement and Reauthorization Act of 2005—Motion to go to Conference: The House disagreed to the Senate amendment and agreed to a conference on H.R. 3199, to extend and modify authorities needed to combat terrorism. **Pages H10084–90**

The House agreed to the Boucher motion to instruct conferees by voice vote after agreeing to order the previous question. **Pages H10084–90**

The Chair appointed conferees: from the Committee on the Judiciary for consideration of the House bill (except section 132) and the Senate amendment, and modifications committed to conference: Messrs. Sensenbrenner, Coble, Smith of Texas, Gallegly, Chabot, Jenkins, Conyers, Berman, Boucher, and Nadler. **Page H10090**

Provided that Mr. Scott of Virginia is appointed in lieu of Mr. Nadler for consideration of secs. 105, 109, 111–114, 120, 121, 124, 131, and title II of the House bill, and modifications committed to conference. **Page H10090**

From the Permanent Select Committee on Intelligence, for consideration of secs. 102, 103, 106, 107, 109, and 132 of the House bill, and secs. 2, 3, 6, 7, 9, and 10 of the Senate amendment, and modifications committed to conference: Mr. Hoekstra, Mrs. Wilson of New Mexico, and Ms. Harman. **Page H10090**

From the Committee on Energy and Commerce, for consideration of secs. 124 and 231 of the House

bill, and modifications committed to conference: Messrs. Norwood, Shadegg, and Dingell. **Page H10090**

From the Committee on Financial Services, for consideration of sec. 117 of the House bill, and modifications committed to conference: Messrs. Oxley, Bachus, and Frank of Massachusetts. **Page H10090**

From the Committee on Homeland Security, for consideration of secs. 127–129 of the House bill, and modifications committed to conference: King of New York, Weldon of Pennsylvania, and Ms. Zoe Lofgren. **Page H10090**

Secure Access to Justice and Court Protection Act of 2005: The House passed H.R. 1751, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, by a yea and nay vote of 375 yeas to 45 nays, Roll No. 585. **Pages H10090–H10109**

Rejected the Higgins motion to recommit the bill to the Committee on the Judiciary with instructions to report the same back to the House forthwith with amendments, by a recorded vote of 201 ayes to 221 noes, Roll No. 584. **Pages H10106, H10107–08**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. **Page H10095**

Agreed to:

Sensenbrenner Manager's amendment (no. 1 printed in H. Rept. 109–279) that clarifies that the death penalty shall apply only where death results and covers only those offenders who qualify as principals in the killing. In addition, the amendment makes eligible tribal courts for court security grants. Also corrects drafting of coordination requirement between U.S. Marshals and Administrative Office of the U.S. Courts on security measures; **Page H10099**

Cuellar amendment (no. 4 printed in H. Rept. 109–279) that adds a category of preferential consideration for witness protection grants. The new category will add another tool for border prosecutors to encourage witnesses to testify against cross-border crimes; **Pages H10101–02**

Jackson-Lee of Texas amendment (no. 5 printed in H. Rept. 109–279) that requires the Attorney General to work, through the Office of Justice Programs, to make grants to the highest State courts in States participating in the threat assessment database; **Page H10102**

Filner amendment (no. 6 printed in H. Rept. 109–279) which adds the following grant guideline for young witness assistance, ''support for young witnesses who are trying to leave a criminal gang and information to prevent initial gang recruitment.''; **Pages H10102–03**

Weiner amendment (no. 7 printed in H. Rept. 109–279) that ensures that courts are authorized to apply directly to the Federal government for law enforcement grants; and **Pages H10103–04**

King of Iowa amendment (no. 8 printed in H. Rept. 109–279) that allows any justice or judge of the United States, any judge of a court created under Article I of the United States Constitution, any bankruptcy judge, any magistrate judge, any United States Attorney, and any other officer or employee of the Department of Justice whose duties include representing the U.S. in a court of law, to carry firearms subject to training and regulation as prescribed by the Attorney General. **Pages H10104–05**

Rejected:

Scott of Virginia amendment (no. 2 printed in H. Rept. 109–279) that sought to replace all mandatory minimum sentences with higher maximum sentences; and **Pages H10099–H10101**

Scott of Virginia amendment (no. 3 printed in H. Rept. 109–279) that sought to remove the death penalty for the killing of Federally funded public safety officers (by a recorded vote of 97 ayes to 325 noes, Roll No. 583). **Pages H10101, H10105–06**

The amendment in the nature of a substitute, as amended, was adopted. **Page H10106**

Agreed that the Clerk be authorized to make technical and conforming changes in the engrossment of the bill to reflect the actions of the House. **Page H10109**

H. Res. 540, the rule providing for consideration of the bill was agreed to by a yea-and-nay vote of 412 yeas with none voting ''nay'', Roll No. 579, after agreeing to order the previous question by voice vote. **Pages H10053–56, H10057–58**

Senate Message: Message received from the Senate today appears on page H10058.

Quorum Calls—Votes: Seven yea-and-nay votes and two recorded votes developed during the proceedings today and appear on pages H10056, H10056–57, H10057–58, H10081–82, H10082–83, H10083, H10105–06, H10107–08, and H10108. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:50 p.m.

Committee Meetings

NATURAL GAS

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies and the Subcommittee on Energy and Water Development,

and Related Agencies held a joint hearing on Natural Gas. Testimony was heard from the following officials of the Department of Energy: Guy Caruso, Director, Energy Information Administration; and David K. Garman, Under Secretary, Energy Science and Environment; P. Lynn Scarlett, Assistant Secretary, Policy, OMB, and public witnesses.

DEFENSE LOGISTICS AGENCY'S PRIME VENDOR PROGRAM

Committee on Armed Services: Held a hearing on the Defense Logistics Agency's Prime Vendor Program. Testimony was heard from the following officials of the Department of Defense: Kenneth J. Krieg, Under Secretary, Acquisition, Technology and Logistics; and VADM Keith W. Lippert, USN, Director, Defense Logistics Agency.

REGIONAL POWERS' THREATS TO U.S. INTERESTS

Committee on Armed Services: Regional Powers Panel held a hearing on regional powers' threats to the United States' interests. Testimony was heard from the following former officials of the Department of the Navy: VADM Albert H. Konetzni, Jr., USN (ret.), former Deputy and Chief of Staff, Atlantic Fleet and former Commander Submarine Force, Pacific Fleet; and RADM James F. Sigler, USN (ret.), former Deputy Commander-in-Chief, Pacific Fleet and Former Director, Plans and Policy, U.S. Central Command.

INTERNET PROTOCOL AND BROADBAND SERVICES

Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet held a hearing on a proposal to create a statutory framework for Internet Protocol and Broadband Services. Testimony was heard from public witnesses.

FINANCIAL DATA PROTECTION ACT OF 2005

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing on H.R. 3997, Financial Data Protection Act of 2005. Testimony was heard from Julie Brill, Assistant Attorney General, State of Vermont; and public witnesses.

FEDERAL EMPLOYEES APPEALS COURT

Committee on Government Reform: Subcommittee on Federal Workforce and Agency Organization held a hearing entitled ''Justice Delayed Is Justice Denied: A Case for a Federal Employees Appeals Court.'' Testimony was heard from Neil A. McPhie, Chairman, Merit Systems Protection Board; Dale Cabaniss, Chairman, Federal Labor Relations Authority; and Cari Dominguez, Chair, EEOC; and a public witness.

RESPONDING TO CATASTROPHIC EVENTS

Committee on Homeland Security: Subcommittee on Emergency Preparedness, Science, and Technology and the Subcommittee on Terrorism, Unconventional Threats and Capabilities of the Committee on Armed Services held a joint hearing entitled ''Responding to Catastrophic Events: the Role of the Military and National Guard in Disaster Response.'' Testimony was heard from the following officials of the Department of Homeland Security: Michael P. Jackson, Deputy Secretary; and ADM Thomas H. Collins, USCG, Commandant, U.S. Coast Guard; and the following officials of the Department of Defense: Paul McHale, Assistant Secretary, Homeland Defense; MG Richard J. Rowe, Jr., USA, Director of Operations, U.S. Northern Command; and LTG H. Steven Blum, USA, Chief, National Guard Bureau.

REQUESTING THE PRESIDENT TO PROVIDE DOCUMENTS RELATING TO WHITE HOUSE IRAQ GROUP

Committee on International Relations: Ordered adversely reported H. Res. 505, Requesting the President of the United States and directing the Secretary of State to provide to the House of Representatives certain documents in their possession relating to the White House Iraq Group.

GERMANY AFTER THE ELECTION

Committee on International Relations: Subcommittee on Europe and Emerging Threats held a hearing on Germany After the Election: Implications for Germany, Europe and U.S.-German Relations. Testimony was heard from public witnesses.

ILLICIT DRUG TRANSIT ZONE IN CENTRAL AMERICA

Committee on International Relations: Subcommittee on Western Hemisphere held a hearing on the Illicit Drug Transit Zone in Central America. Testimony was heard from RADM Jeffrey J. Hathaway, USCG, Director, Joint Interagency Task Force South, U.S. Coast Guard, Department of Homeland Security; Michael A. Braun, Chief of Operations, DEA, Department of the Judiciary; and Jonathan D. Farrar, Deputy Assistant Secretary, Bureau for International Narcotics and Law Enforcement, Department of State.

The Subcommittee also held a briefing on this subject. The Subcommittee was briefed by VADM Guillermo E. Barrera, Chief of Naval Operations, National Navy of Colombia.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported the following bills: H.R. 3889, amended, Methamphetamine Epidermic Elimination Act of 2005; H.R. 2791, United States Patent and Trademark Fee Modernization Act of 2005; and H.R. 3729, amended, To provide emergency authority to delay or toll judicial proceedings in United States district and circuit courts.

OVERSIGHT—VOTING RIGHTS ACT

Committee on the Judiciary: Subcommittee on the Constitution held an oversight hearing on The Voting Rights Act: Section 5—Judicial Evolution of the Retrogression Standard. Testimony was heard from public witnesses.

The Subcommittee also held an oversight hearing on the Voting Rights Act: Section 203—Bilingual Election Requirements, Part II. Testimony was heard from public witnesses.

OFF-RESERVATION INDIAN GAMING

Committee on Resources: Held an oversight hearing on the Second Discussion Draft of Legislation Off-Reservation Indian Gaming. Testimony was heard from Mary Kay Papen, member, Senate, State of New Mexico; Steven J. Rauschenberger, member, Senate, State of Illinois; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Water and Power held a hearing on the following bills: H.R. 3626, Arthur V. Watkins Dam Enlargement Act of 2005; H.R. 3967, Pactola Reservoir Reallocation Authorization Act of 2005; and 4195, Southern Oregon Bureau of Reclamation Repayment Act of 2005. Testimony was heard from Jack Garner, Acting Deputy Commissioner, Bureau of Reclamation, Department of the Interior; Jim Shaw, Mayor, Rapid City, South Dakota; and a public witness.

DEFICIT REDUCTION ACT OF 2005

Committee on Rules: Granted, by voice vote, a closed rule providing two hours of debate in the House on H.R. 4241, Deficit Reduction Act of 2005, equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget. The rule waives all points of order against consideration of the bill. The rule provides that the amendment printed in the Rules Committee report accompanying the resolution shall be considered as adopted. The rule waives all points of order against provisions in the bill, as amended. The rule provides one motion to recommit with or without instructions. The rule provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker. Testimony was heard from Chairman Nussle and Representatives Emerson, Moran of Kansas, Flake, Allen, and Moore of Wisconsin.

REQUESTING THE PRESIDENT TO PROVIDE DOCUMENTS ON CLIMATE CHANGE ON THE COASTAL REGIONS OF THE U.S.

Committee on Science: Ordered adversely reported H. Res. 515, Of Inquiry requesting the President of the United States to provide to the House of Representatives certain documents in his possession relating to the anticipated effects of climate change on the coastal regions of the United States.

PENSION PROTECTION ACT OF 2005

Committee on Ways and Means: Ordered reported, as amended, H.R. 2830, Pension Protection Act of 2005.

UNAUTHORIZED DISCLOSURES; PROGRESS OF THE DNI

Permanent Select Committee on Intelligence, executive, hearing entitled ''Unauthorized Disclosures.'' Testimony was heard from departmental witnesses.

The Committee also met in executive session to hold a hearing entitled ''Progress of the Director of National Intelligence.'' Testimony was heard from John D. Negroponte, Director of National Intelligence.

HURRICANE KATRINA—PREPAREDNESS AND RESPONSE BY STATE OF ALABAMA

Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina: Held a hearing entitled ''Hurricane Katrina: Preparedness and Response by the State of Alabama.'' Testimony was heard from Michael Bolch, Federal Coordinating Officer, FEMA, Department of Homeland Security; and the following officials of the State of Alabama: Bob Riley, Governor; Bruce Baughman, Director, Emergency Management Agency; Jim Walker, Director, Department of Homeland Security; Walter Dickerson, Director, Mobile County Emergency Management Agency; and Leigh Anne Ryals, Director, Baldwin County Emergency Management Agency.

Joint Meetings

APPROPRIATIONS: TRANSPORTATION/TREASURY/HUD

Conferees met to resolve the differences between the Senate- and House-passed versions of H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and

independent agencies for the fiscal year ending September 30, 2006, but did not complete action thereon, and will meet again on Thursday, November 10.

COMMITTEE MEETINGS FOR THURSDAY, NOVEMBER 10, 2005

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine the nominations of Charles R. Christopherson, Jr., of Texas, to be Chief Financial Officer, and James M. Andrew, of Georgia, to be Administrator, Rural Utilities Service, both of the Department of Agriculture, 9 a.m., SR–328A.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the development of New Basel Capital Accords, 9:30 a.m., SD–538.

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation, to hold hearings to examine the impact of the Wright amendment, which restricts travel into and out of Dallas Love Field for commercial flights with more than 56 seats, 9:30 a.m., SH–216.

Subcommittee on Disaster Prevention and Prediction, with the Subcommittee on Science and Space, to hold joint hearings to examine S. 517, to establish a Weather Modification Operations and Research Board, 2:30 p.m., SD–562.

Committee on Energy and Natural Resources: to hold hearings to examine the nominations of Jeffrey D. Jarrett, of Pennsylvania, to be Assistant Secretary for Fossil Energy, and Edward F. Sproat III, of Pennsylvania, to be Director of the Office of Civilian Radioactive Waste Management, both of the Department of Energy, 10:30 a.m., SD–366.

Committee on Environment and Public Works: Subcommittee on Clean Air, Climate Change, and Nuclear Safety, to hold hearings to examine the implementation of the existing particulate matter and ozone air quality standards, 9:30 a.m., SD–406.

Committee on Finance: business meeting to consider an original bill pertaining to expiring tax provisions and additional incentives for hurricane affected areas, 10 a.m., SD–215.

Committee on the Judiciary: business meeting to consider pending calendar business, 9:30 a.m., SD–226.

Subcommittee on Constitution, Civil Rights and Property Rights, to hold hearings to examine the state interest in protecting children and families relating to pornography, 2 p.m., SD–226.

Committee on Veterans' Affairs: to hold hearings to examine the rebuilding of VA assets on the Gulf Coast, 2 p.m., SD–138.

House

Committee on Education and the Workforce, Subcommittee on Employer-Employee Relations, hearing on H.R. 1445, Workplace Religious Freedom Act of 2005, 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protections, hearing entitled ''Right to Repair: Industry Discussions and Legislative Options,'' 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Domestic and International Monetary Policy, Trade, and Technology and the Subcommittee on Oversight and Investigations, joint hearing entitled ''Oversight of the Export-Import Bank of the United States,'' 10 a.m., 2128 Rayburn.

Committee on Homeland Security, Subcommittee on Prevention of Nuclear and Biological Attack, executive, briefing on medical countermeasures for nuclear attack, 1 p.m., 311 Cannon.

Committee on International Relations, hearing on An Around-the-World Review of Public Diplomacy, 10:30 a.m., 2172 Rayburn.

Subcommittee on Oversight and Investigations, hearing on Broadcasting Board of Governors and Alhurra Television, 1:30 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Crime, Terrorism, and Homeland Security, hearing on H.R. 3035, Streamlined Procedures Act of 2005, 10 a.m., 2141 Rayburn.

Subcommittee on Immigration, Border Security, and Claims, oversight hearing entitled ''How Illegal Immigration Impacts Constituencies: Perspectives from Members of Congress,'' 2 p.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Forests and Forest Health, hearing H.R. 4200, Forest Emergency Recovery and Research Act, 9:30 a.m., 1334 Longworth.

NEPA Task Force, hearing on NEPA Litigation: The Causes, Effects and Solutions, 10:30 a.m., 1324 Longworth.

Subcommittee on National Parks, hearing on the following bills: H.R. 413, Bleeding Kansas National Heritage Act; H.R. 452, To authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum located in St. Louis, Missouri, as a unit of the National Park System; and H.R. 1307, Musconetcong Wild and Scenic Rivers Act, 1 p.m., 1334 Longworth.

Committee on Science, Subcommittee on Research, hearing on the Role of Social Science Research in Disaster Preparedness and Response, 10 a.m., 2318 Rayburn.

Joint Meetings

Conference: meeting of conferees on H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, 2:30 p.m., HC–5, Capitol.

Next Meeting of the SENATE

9:30 a.m., Thursday, November 10

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 1 hour), Senate will continue consideration of S. 1042, National Defense Authorization, with a vote to occur beginning at 11:30 a.m. on Dorgan Amendment No. 2476; to be followed by a vote on Talent Amendment No. 2477.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, November 10

House Chamber

Program for Thursday: Consideration of H.R. 4241—Deficit Reduction Act of 2005 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

Aderholt, Robert B., Ala., E2306
Bonner, Jo, Ala., E2305, E2309, E2313
Brady, Robert A., Pa., E2305, E2308
Brown, Sherrod, Ohio, E2309
Costa, Jim, Calif., E2306
Cuellar, Henry, Tex., E2316, E2316
Davis, Jim, Fla., E2305, E2308
Emanuel, Rahm, Ill., E2318
Hayes, Robin, N.C., E2309
Israel, Steve, N.Y., E2306
Kaptur, Marcy, Ohio, E2310
Kennedy, Patrick J., R.I., E2319
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