United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRSTSESSION

Vol. 151 WASHINGTON, FRIDAY, NOVEMBER 18, 2005 No. 154

House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
November 18, 2005.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

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

PRAYER

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

Tomorrow is the anniversary of President Abraham Lincoln's famous Gettysburg Address.

Lord, Lincoln spoke of the ''mystic chords of memory.'' He believed the revered dead make distinct demands on us, the living.

In honoring those who gave their lives to preserve the sacred union of this Nation and to uphold the emancipated freedom of all peoples, Lincoln said, ''We take increased devotion to that cause for which they gave the last full measure of devotion.''

So at Gettysburg then, so again, now, we the living are obliged to be ''highly resolved that the dead shall not have died in vain.''

By Your grace, Lord, and only by fulfilling present obligations to strengthen national unity and assure equal justice, will we the living pay fitting tribute to ''the honored dead.'' Each generation of Americans must see to it ''that this Nation under God shall have a new birth of freedom.''

This must be our resolve, Lord, with Your help now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five 1-minute speeches per side.

DEMOCRATS REFUSE TO SEE PROGRESS IN IRAQ

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

Ms. FOXX. Mr. Speaker, I rise today to talk about something that Democrats lately seem incapable of speaking about, and that is the progress that is being made in Iraq.

As of late last month, 210,400 Iraqi security forces have been trained and equipped. Thirty-six Army battalions and three combat support battalions are leading the fight in their areas, a 71 percent increase since March. More than 50,800 Iraqi police have completed the basic training course.

And, adding to that, the progress of the Iraqi people towards democracy has been tremendous. They are now holding free elections instead of the fake ones that Saddam Hussein forced on them for many years.

Yet, I do not hear many Democrats speak of this progress. All they talk about is how we are in a ''quagmire'' and that the war has been a ''grotesque mistake.''

Our men and women are not only fighting terrorists over in Iraq, but they are also setting up roads and schools. But Democrats would rather have us cut and run and, in the process, undo all the good work that has been done.

COURAGE OUTWEIGHS POLITICS

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

Mr. BLUMENAUER. Mr. Speaker, yesterday was the most significant day in the war in Iraq since we first began our attack. As President Bush is learning that our few allies are withdrawing their troops, Congressman JACK MURTHA has publicly concluded it is time to bring our troops home.

Despite attacks by some who never had a hint of his military service, whose own mismanagement, not just of the information that got us into this effort, but whose inept mismanagement of the war itself left us with few good options, JACK MURTHA remains the single most knowledgeable and respected Member of this House dealing with military affairs.

I have not seen eye-to-eye with JACK from the beginning, when I opposed attacking Iraq, to a statement I just posted, after weeks of thought, for a more gradual withdrawal. But I and every Member who is thinking honestly about this sad episode will reconsider my conclusion because of JACK MURTHA's courageous and heartfelt statement. He is the only Member of Congress who has earned the right to be listened to . . .

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AMERICANS ARE DYING BECAUSE OF FLAWED IMMIGRATION POLICY

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

Mr. POE. Mr. Speaker, Officer Brian Jackson loved his job. He had been a member of the Dallas Police Department since 2001. He moved to Dallas from his hometown in Rhode Island because he wanted to ''be a big city cop.''

But in the early morning hours of last Sunday, the last 15 minutes of his shift, Officer Brian Jackson, 28, responded to one last call. His shift was basically over, but he agreed to answer one more emergency.

It was not only his last call of the night, but it was his last call ever. Officer Jackson was responding to a domestic disturbance call when he was murdered, allegedly by an illegal alien from Mexico named Juan Lizcano.

But this crime could have been avoided. This illegal alien had been arrested twice in the last year, but because of safe haven sanctuary laws in Dallas, he was never deported. Because of these preposterous laws, a dedicated police officer, husband, and friend lost his life.

Officer Jackson and his newlywed wife had just returned from a delayed honeymoon in Hawaii.

Americans are dying because the government does not protect our borders. This is yet another example of our Nation's flawed immigration policy. This ought not to be.

REPUBLICANS CUT CRITICAL PROGRAMS

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

Mr. DEFAZIO. Well, the Republicans are preparing for Thanksgiving, like many Americans. But early this morning they slaughtered the turkey. They chopped student loans, school lunch, foster care, long-term care, and Medicaid for struggling families. Now they are preparing to serve a huge portion, with gravy, to Americans with generous new tax breaks and extended tax cuts to those who earn more than $300,000 a year and who clip coupons for a living, hard-working Americans them.

They are a little worried about kind of the mixed metaphor here, whether or not they will be called Scrooge, and some people will confuse Thanksgiving and Christmas. So they might put the bird back in the freezer and wait until closer to Christmas and hope that the struggling students and families forget what was taken from them to help those who earn over $300,000 a year.

So that is the big decision on the Republican side of the aisle today. When does the turkey, composed of benefits that should have gone to struggling families, as a gift to the wealthy, get delivered, Thanksgiving or Christmas? Tough choice. Stay tuned.

WE MUST FINISH OUR MISSION IN IRAQ

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

Mr. WILSON of South Carolina. Mr. Speaker, last month, Ayman Zawahiri, al Qaeda's number two leader, said that the terrorist mission was to ''expel the Americans from Iraq.'' Yesterday, this statement was echoed when Democratic Congressman JOHN MURTHA called for U.S. troops to be withdrawn from Iraq.

Instead of proposing winning solutions for the Global War on Terrorism, some Democrats are throwing up their hands and waving the white flag of surrender. As our brave men and women in uniform continue to protect our country, NANCY PELOSI, JOHN MURTHA, and other Democrats should have learned from last week's mass murders in Jordan that we face a global enemy, following the bus bombings in London and New Delhi.

As a 31-year veteran and the father of a son who served in Iraq, I know our troops and brave Iraqi patriots are making tremendous progress protecting American families. Americans recognize we will face the terrorists on the streets of Iraq or we will face them again in America.

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

DEMONSTRATING THE COURAGE OF OUR CONVICTIONS

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

Mr. MCGOVERN. Mr. Speaker, the American people want this Congress to debate the war in Iraq. We should have had a debate before we entered into this war. Instead, we rushed into it.

Yesterday, Congressman JACK MURTHA, a man of conscience, a decorated Vietnam veteran, one of the leading advocates for the military here in the United States Congress, stood up and told it like it is, that the situation in Iraq is getting worse, not getting better, and we, our huge U.S. presence, is a major part of the problem. We have become the focus. We have become the people who are being attacked.

Congressman MURTHA deserves credit. Rather than engaging in a debate, what we hear from the other side and from the White House is more and more smear tactics, those who claim they are somehow being unpatriotic. Nothing could be farther from the truth. Dissent in the face of policies that you disagree with is patriotism. To remain silent as you see this country going down the wrong path is not patriotism, it is moral cowardice.

I praise Congressman JACK MURTHA for having the courage of his convictions and standing up and leading the way to get us out of this war in Iraq.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2528, MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2006

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 564 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 564

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2528) making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, 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. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

House Resolution 564 waives all points of order against the conference report and against its consideration, and it provides that the conference report shall be considered as read.

Mr. Speaker, I rise today in support of House Resolution 564 and the underlying conference report for H.R. 2528, the Military Construction and Veterans Affairs and Related Agencies Appropriations Act for fiscal year 2006.

Today, this House has the opportunity to pass a conference report that will provide $45.4 billion to fund the very important needs of our servicemen and women, our veterans, and our military infrastructure.

This conference report provides an all-inclusive look at the programs that are related to the quality of life of those who currently serve America in the armed forces, their families, and those men and women who have sacrificed so much for our freedom in the past.

Mr. Speaker, by providing $45.4 billion, this conference report actually marks an increase of $3.1 billion from fiscal year 2005, and it is an increase of $300,000 from the President's request.

The bill funds the Department of Veterans Affairs at $22.5 billion, $1.7 billion above the fiscal year 2005 enacted level, and $575 million above the 2006 budget request by the President. Particularly important is the funding for veterans' medical services that includes for the very first time $2.2 billion strictly allocated for specialty mental health care on top of a doubling for funding of mental health research.

□ 0915

Mr. Speaker, I should note that over the past 2 years, funding for veterans medical care has increased by 18 percent. Let me repeat: Funding for veterans medical care has increased over the past 2 years by 18 percent. The conference provides a particular victory for veterans back home in northwest Georgia, my district, and across the Nation. This bill does not, and I repeat, does not, contain any new fees for veterans medical services or prescription drugs. This conference report provides $6.2 billion for military construction, $5.1 billion for Active Duty construction, and $1.1 billion for Reserve components.

Mr. Speaker, I will conclude my statement by acknowledging Subcommittee Chairman WALSH and Chairman LEWIS for their overall vision and dedication to completing this bill, both here in the House and in the conference, for the sake of our servicemen and women, past and present.

Mr. Speaker, I look forward to this debate. I encourage my colleagues to support the rule and the underlying conference report.

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

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

Mr. Speaker, I want to thank my friend the gentleman from Georgia (Mr. GINGREY) for yielding me the customary 30 minutes.

Mr. Speaker, this is the first conference report that the House will consider as a military quality of life-VA appropriations bill. As we all know, as a result of the subcommittee realignment adopted earlier this year by the Appropriations Committee, military construction, Defense Department health programs and all veterans programs are now contained in this one appropriations bill. I want to express my respect and voice my praise for the work of Chairman WALSH and Ranking Member EDWARDS for their work on this bipartisan-supported conference report.

This final conference report is a significant improvement over the earlier House-passed bill, especially in the areas of medical care and benefits for our veterans. Veterans medical services are funded at $22.5 billion, which has long been the position on this side of the aisle as the minimum amount of funding required to meet our veterans health needs. This total is $575 million above the President's budget request and $1.7 billion more than last year.

Mr. Speaker, over the last 2 years, the funding amount needed to meet veterans medical care has increased by 18 percent, so while I welcome this increase in veterans medical services, I remain concerned about the total amount of funds that will actually be required over the coming year. I predict that we will still need to find additional funds next year to meet the fiscal year 2006 medical needs of our veterans.

Other important actions taken by the conferees are the specific targeting of $2.2 billion for specialty mental health care for our veterans and fully funding the requested amounts for posttraumatic stress disorders. In addition, this bill creates three Centers of Excellence for mental health and PTSD medical care.

Mr. Speaker, last week I was at a forum in western Massachusetts, and I met a Massachusetts father whose son had served in Iraq. He told me about the difficulty his son had attempting to reintegrate himself back into civilian life following his tour of duty. One night during a conversation, his son broke down in tears and laid his head in his father's lap and cried. The father told me at that forum that the next time he held his son's head in his lap was a couple of weeks later when he cut the rope that his son had used to hang himself in their basement.

Mr. Speaker, we need to recognize the vast need, the urgent and increasing need, for counseling services for the men and women returning from Iraq and Afghanistan. The New England Journal of Medicine reported earlier this year that one in five of the soldiers leaving the Iraq war are suffering from posttraumatic stress disorder and other mental health problems. We have to make their ability to receive counseling and support simple and seamless. We have to make sure that they do not run into bureaucratic walls or receive the runaround just when they need help the most.

I know that this is something that the chairman and ranking member think about a great deal, and I simply want to express my support for their efforts to confront this growing crisis.

Mr. Speaker, this conference report also increases the amount of funding for military construction and housing over the President's request and over the amount in the House-passed bill. Even so, at this level of funding, if will take nearly eight decades to meet the needs currently identified by the Pentagon for military housing and modern basing and training facilities.

Mr. Speaker, everyone in this Congress talks about how we support our troops and how we honor their service and sacrifice, but year after year we fail to meet the needs of our veterans, the old and the new, and we fail to provide the funds to provide our uniformed men and women the housing and training facilities that they need in order to prepare for the deadly duties we demand of them.

This is a matter of priorities. This is a statement of values and principles about whether and how we really do believe our troops and our veterans merit the very best this Nation can provide. We just cannot stand here year after year and praise the conferees for doing the best they could within the budget allocation they were given. It is the Congress that determines the amount of that budget allocation for our veterans, for our military housing and construction, for our military's quality of life. As my good friend and colleague from Illinois JESSE JACKSON, JR., said yesterday on the floor of this House, it's like a farmer saying the summer harvest is bad when he failed to plant seeds in the spring.

Mr. Speaker, like all of my House colleagues, I will be supporting this conference report, but we simply have to do better in the future.

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

Mr. GINGREY. Mr. Speaker, I would like to close this morning by saluting those men and women who so proudly and bravely serve our country. Their sacrifices and their families' sacrifices are beyond the average American's comprehension. We must acknowledge that without these individuals, the rest of us could not enjoy the freedoms we so often discuss in this Chamber.

The appropriation conference report that will be passed today should stand as a ''thank you'' to those who have worn the uniform of our Nation. Some will say the bill does not provide enough for those who are veterans of military service. Well, in a way, Mr. Speaker, I would agree with that. I honestly do not believe we can ever do enough to support our military men and women. They deserve so much more than we will ever be able to afford to give. It is truly an unbalanced relationship. They sacrifice everything for our liberties. We can only repay a small portion of that debt.

So, Mr. Speaker, I will finish my remarks simply by saying thank you to our troops, thank you to our veterans, and may God bless you and keep you safe.

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 resolution was agreed to.

A motion to reconsider was laid on the table.

WAVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3058, TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, THE DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 565 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 565

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes. 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 Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the 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. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, House Resolution 565 is a standard, traditional rule for consideration of the conference report for the fiscal year 2006 Departments of Transportation, Treasury, Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies appropriations conference report. The rule waives all points of order against the conference report and against its consideration.

The underlying legislation before us, Mr. Speaker, makes appropriations for the departments that I have mentioned. The bill is fiscally sound. It represents our commitment to provide the necessary resources for programs and projects throughout the Nation ranging from transportation to housing and the judiciary and the Executive Office of the President and the District of Columbia.

It is well-known that our transportation infrastructure is the backbone of the economy. Obviously, its continued strength is essential to economic growth, and the bill ensures that we continue to have a reliable and stable transportation infrastructure that will help the economy continue to grow.

The bill includes almost $37 billion in funds for our highway system, an increase of $1.6 billion. These funds will serve the American people by contributing to a fast, safe, efficient, accessible and convenient highway system that meets the vital national interests and enhances the quality of life.

The underlying legislation includes $13.8 billion for the Federal Aviation Administration. Included in this amount is $25 million to hire and train 595 new air traffic controllers. This is a vitally important aspect of this legislation and is critical as air traffic controllers begin to retire, and, nevertheless, air traffic continues to increase.

Certainly in my district, home to Miami International Airport, the third largest international airport in the country, we are very well aware of how important the air traffic controllers are. Without an increase in the number of air traffic controllers, MIA would not be able to continue its projected growth to serve as really the hub of the Americas.

Housing and Urban Development is funded at $34 billion. That is an increase of $2.1 billion over last year. The funds will permit the Department to administer programs that assist the public with housing needs, economic and community development, fair housing opportunities, and will also empower low- and moderate-income residents toward self-sufficiency. Under HUD, the bill includes funding for such important programs as Tenant Based Rental Assistance, also known as section 8, and other important programs.

H.R. 3058, Mr. Speaker, provides $5.8 billion for the Judiciary. It is an increase of 6 percent. This will fully fund the Judiciary's request for security improvements at Federal facilities and will enable the courts, obviously, to continue to effectively carry out their duties to guarantee the rule of law.

This is a good bill, Mr. Speaker. I think it is essential to our continued commitment to our transportation needs and the needs obviously encompassed, dealt with, by the other departments that we are funding today.

I want to thank Chairman LEWIS, Chairman KNOLLENBERG and everybody who has worked so hard on this legislation. I know it has been a tough, tough bill, and it has required a lot of work. I urge my colleagues to support both the rule and the underlying legislation.

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 Florida for yielding me this time.

Mr. Speaker, we are considering a rule for H.R. 3058, which will appropriate funding for a broad section of the Federal Government, including the Departments of Transportation, Treasury, Housing and Urban Development, as well as the Federal judiciary and the District of Columbia. I commend all the conferees and particularly Chairman KNOLLENBERG and Ranking Member OLVER for their dedication to completing the conference report on this sprawling piece of legislation. It is a tremendous challenge to achieve consensus on such a broad range of priorities, and I believe this bill reflects outstanding leadership, considering the allotted resources for the job.

I was particularly pleased with the final funding for Amtrak, especially when you consider where we started. While the original House bill provided funds at a level that would have decimated the Nation's passenger rail system, the conference report funding level will allow Amtrak to continue running its current operations. In my hometown of Sacramento, Amtrak is heavily relied upon, and I know my constituents will be relieved that the conferees have provided this funding.

From the housing portion of the bill, I would like to highlight the importance of the Community Development Block Grant Program. CDBG is a highly effective program that provides the resources to improve, energize and revitalize communities across the Nation. Like hundreds of cities across the country, in Sacramento CDBG has enabled transformative improvements to downtown and the rest of the city. I thank the appropriators for recognizing the vital nature of CDBG in providing this funding.

□ 0930

Another vital community resource funded in this bill is the housing choice voucher program known as section 8. This program allows low-income families, senior citizens and citizens with disabilities to obtain affordable housing.

On several occasions, my constituents have told me that were it not for these vouchers, they would have faced the fear and uncertainty associated with not knowing if tomorrow you have someplace to call home. It is clear that this program makes a difference in people's lives. I hope that when we come back next year and start to put together the FY 2007 budget, we will remember the positive impact that these programs have on the lives of our constituents and all Americans.

Even though we will again face limited resources, I hope that when the time comes to construct the budget, we will begin by determining who truly needs the government's help the most and which programs are most effective at delivering positive results. If we make that our top priority, I am sure this Congress and the Nation will be satisfied with the results.

Again, I thank the appropriators for their hard work and leadership this year on this conference report and throughout the year. I hope my colleagues will support the rule and the underlying bill.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 307) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 307

Resolved by the House of Representatives (the Senate concurring), that when the House adjourns on the legislative day of Friday, November 18, 2005, or Saturday, November 19, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader

or his designee, it stand adjourned until 2 p.m. on Tuesday, December 6, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, November 18, 2005, through Wednesday, November 23, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, December 12, 2005, or Tuesday, December 13, 2005, or until such other time on either of those days, as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WALSH. Mr. 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. 2528.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from New York?

There was no objection.

CONFERENCE REPORT ON H.R. 2528, MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2006

Mr. WALSH. Mr. Speaker, pursuant to House Resolution 564, I call up the conference report on the bill (H.R. 2528) making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, 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 564, the conference report is considered read.

(For conference report and statement, see proceedings of the House of November 17, 2005, Book II.)

The SPEAKER pro tempore. The gentleman from New York (Mr. WALSH) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

Mr. WALSH. Mr. Speaker, I yield myself such time as I may consume. I do intend to be brief, but this is an important bill for our military and I would like to expand a little bit on some of the points within it.

But before I do that, I would like to describe the conference that we had with the Senate as successful. I would like to thank my ranking member, Mr. EDWARDS of Texas, who has been at my shoulder all the way through this process. We worked very, very closely together. We have had the same priorities and we have tried to work out any disagreements that we had along the way.

I would also like to thank Chairman LEWIS for his leadership and his forethought in realigning the jurisdiction of this subcommittee.

The House bill included the accounts for basic allowance for housing, facilities sustainment, restoration and modernization, environmental restoration and the Defense Health Program. This was designed as a first step toward examining military quality of life as a whole, from active duty through retirement.

We have received nothing but positive feedback from the senior non-commissioned officers all the way up to the four-star service chiefs. I would hope that our colleagues in the other body would take a look at what the House has done and follow suit, but for this year, while the subcommittee retains jurisdiction over these four accounts, the conference report before the House today does not contain that funding. The funding will be included in the Defense appropriations bill and will return to the Military Quality of Life and Veterans Affairs bill next year.

The conference report provides $6.2 billion for military construction, including quality of life facilities such as child care centers, medical facilities and training facilities. It also provides $4 billion for family housing construction and maintenance. This funding will continue moving toward the goal to eliminate inadequate family housing for our military, through both the privatization program and traditional construction. In addition, the bill includes $1.7 billion to maintain readiness and transform the military through the base realignment and closure process, the Army's modularity initiative, and the global repositioning of our forces.

For the Department of Veterans Affairs, the agreement provides a total of $22.547 billion for medical services. This amount includes the original budget request, plus $1.1 billion to reverse policy proposals included in the budget request, but not endorsed by the conference. These are $496 million for long-term care; $202 million for pharmacy copays; and $454 million for enrollment fees.

In addition, the agreement provides for workload increases and corrections of errors as identified in the budget amendment submitted on July 14, 2005. A portion of these additional funds are only available upon submission of a revised budget amendment by the President which declares the funding an emergency. This is necessary for us to effectively provide these funds and still remain within our 302(a) allocation from the Budget Committee.

The conference agreement also includes a number of reporting requirements so that the committees will be fully informed about potential problems that the Department may encounter throughout the year of execution before it is too late.

Other significant changes to the budget request include:

The creation of an Information Technology Systems account to allow us to keep track of information technology programs at the Department of Veterans Affairs.

$2.2 billion of medical services funding is fenced to be used only for specialty mental health care, a priority of many members of the committee and the House. We received testimony after testimony encouraging us to make sure that a minimum amount was provided for mental health care, and that is what we have done.

$15 million for research into Gulf War Illness.

$19 million over the President's request for medical and prosthetic research.

$85 million for grants for State Extended Care facilities. This is $85 million above the President's request.

We have fully funded the cost-of-living allowance of 4.1 percent for veterans compensation.

We also provide an increase of $273 million for medical services for veterans returning from Iraq.

$200 million is included to cover workload growth in priority 1–6 veterans.

$600 million is provided to correct errors in the calculation of funding needed for long-term care.

Mr. Speaker, I will close by saying I think we have a good bill to put before the Congress. I am very grateful to our Appropriations Committee staff for their professional work and their patience as we worked through this process and for the late hours that they spent preparing the bill. I believe it is a bill everyone can support.

MILITARY QUALITY OF LIFE - VETERANS AFFAIRS APPROPRIATIONS BILL - FY 2006 (H.R. 2528)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF DEFENSE						
Military construction, Army	1,981,084	1,479,841	1,652,552	1,640,641	1,775,260	-205,824
Rescissions	-18,976	---	---	---	-19,746	-770
Emergency appropriations (P.L. 109-13)	847,191	---	---	---	---	-847,191
Total	2,809,299	1,479,841	1,652,552	1,640,641	1,755,514	-1,053,785
Military construction, Navy and Marine Corps	1,069,947	1,029,249	1,109,177	1,045,882	1,157,141	+87,194
Rescissions	-24,000	---	---	-92,354	-50,037	-26,037
Emergency appropriations (P.L. 108-324)	138,800	---	---	---	---	-138,800
Additional appropriations (Div. J) (P.L. 108-447)	-4,350	---	---	---	---	+4,350
Emergency appropriations (P.L. 109-13)	139,880	---	---	---	---	-139,880
Total	1,320,277	1,029,249	1,109,177	953,528	1,107,104	-213,173
Military construction, Air Force	866,331	1,069,640	1,171,338	1,209,128	1,288,530	+422,199
Rescission	-21,800	---	---	---	-29,100	-7,300
Emergency appropriations (P.L. 109-13)	140,983	---	---	---	---	-140,983
Total	985,514	1,069,640	1,171,338	1,209,128	1,259,430	+273,916
Military construction, Defense-wide	686,055	1,042,730	976,664	1,072,165	1,008,855	+322,800
Rescission	-22,737	---	---	---	-20,000	+2,737
Total	663,318	1,042,730	976,664	1,072,165	988,855	+325,537
Total, Active components	5,778,408	4,621,460	4,909,731	4,875,462	5,110,903	-667,505
Military construction, Army National Guard	446,748	327,012	410,624	467,146	523,151	+76,403
Military construction, Air National Guard	243,043	165,256	225,727	279,156	316,117	+73,074
Rescission	-5,000	---	---	---	-13,700	-8,700
Total	238,043	165,256	225,727	279,156	302,417	+64,374
Military construction, Army Reserve	92,377	106,077	138,425	136,077	152,569	+60,192
Emergency appropriations (P.L. 108-324)	8,700	---	---	---	---	-8,700
Total	101,077	106,077	138,425	136,077	152,569	+51,492
Military construction, Naval Reserve	44,246	45,226	45,226	46,676	46,864	+2,618
Rescission	---	---	---	---	-16,560	-16,560
Additional appropriations (Div. J) (P.L. 108-447)	4,350	---	---	---	---	-4,350
Total	48,596	45,226	45,226	46,676	30,304	-18,292
Military construction, Air Force Reserve	123,977	79,260	110,847	89,260	105,883	-18,094
Rescission	---	---	---	---	-13,815	-13,815
Total, Reserve components	958,441	722,831	930,849	1,018,315	1,100,509	+142,068
Total, Military construction	6,736,849	5,344,291	5,840,580	5,893,777	6,211,412	-525,437
Appropriations	(5,553,808)	(5,344,291)	(5,840,580)	(5,986,131)	(6,374,370)	(+820,562)
Emergency appropriations	(1,275,554)	---	---	---	---	(-1,275,554)
Rescissions	(-92,513)	---	---	(-92,354)	(-162,958)	(-70,445)
North Atlantic Treaty Organization Security Investment Program	165,800	206,858	206,858	206,858	206,858	+41,058
Rescission	-5,000	---	---	---	-30,000	-25,000
Total	160,800	206,858	206,858	206,858	176,858	+16,058
Family housing construction, Army	636,099	549,636	549,636	549,636	549,636	-86,463
Rescission	-21,000	---	---	---	-16,000	+5,000
Total	615,099	549,636	549,636	549,636	533,636	-81,463

MILITARY QUALITY OF LIFE - VETERANS AFFAIRS APPROPRIATIONS BILL - FY 2006 (H.R. 2528)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
Family housing operation and maintenance, Army	926,507	812,993	803,993	812,993	803,993	-122,514
Emergency appropriations (P.L. 108-324)	1,200	---	---	---	---	-1,200
Total	927,707	812,993	803,993	812,993	803,993	-123,714
Family housing construction, Navy and Marine Corps	139,107	218,942	218,942	218,942	218,942	+79,835
Rescission	-12,301	---	---	---	---	+12,301
Total	126,806	218,942	218,942	218,942	218,942	+92,136
Family housing operation and maintenance, Navy and Marine Corps	696,304	593,660	588,660	593,660	588,660	-107,644
Emergency appropriations (P.L. 108-324)	9,100	---	---	---	---	-9,100
Total	705,404	593,660	588,660	593,660	588,660	-116,744
Family housing construction, Air Force	846,959	1,251,108	1,236,220	1,142,622	1,101,887	+254,928
Rescission	-45,171	---	---	---	-43,900	+1,271
Total	801,788	1,251,108	1,236,220	1,142,622	1,057,987	+256,199
Family housing operation and maintenance, Air Force	853,384	766,939	755,319	766,939	766,939	-86,445
Emergency appropriations (P.L. 108-324)	11,400	---	---	---	---	-11,400
Total	864,784	766,939	755,319	766,939	766,939	-97,845
Family housing construction, Defense-wide	49	---	---	---	---	-49
Family housing operation and maintenance, Defense-wide	49,575	46,391	46,391	46,391	46,391	-3,184
Department of Defense Family Housing Improvement Fund	2,500	2,500	2,500	2,500	2,500	---
Rescission	-19,109	---	---	---	---	+19,109
Total	-16,609	2,500	2,500	2,500	2,500	+19,109
Total, Family housing	4,074,603	4,242,169	4,201,661	4,133,683	4,019,048	-55,555
Appropriations	(4,150,484)	(4,242,169)	(4,201,661)	(4,133,683)	(4,078,948)	(-71,536)
Emergency appropriations	(21,700)	---	---	---	---	(-21,700)
Rescissions	(-97,581)	---	---	---	(-59,900)	(+37,681)
Chemical demilitarization construction, Defense-wide	81,886	---	---	---	---	-81,886
Base realignment and closure:						
Base realignment and closure account, 1990	246,116	377,827	377,827	402,827	254,827	+8,711
Base realignment and closure account, 2005	---	1,880,466	1,570,466	1,479,466	1,504,466	+1,504,466
Emergency appropriations (P.L. 108-324)	50	---	---	---	---	-50
Total, Base realignment and closure	246,166	2,258,293	1,948,293	1,882,293	1,759,293	+1,513,127
General provision (sec. 128)	---	65,000	65,000	---	---	---
Total, title I:						
New budget (obligational) authority	11,300,304	12,116,611	12,262,392	12,116,611	12,166,611	+866,307
Appropriations	(10,198,094)	(12,116,611)	(12,262,392)	(12,208,965)	(12,419,469)	(+2,221,375)
Emergency appropriations	(1,297,304)	---	---	---	---	(-1,297,304)
Rescissions	(-195,094)	---	---	(-92,354)	(-252,858)	(-57,764)
TITLE II - DEPARTMENT OF VETERANS AFFAIRS						
Veterans Benefits Administration						
Compensation and pensions	32,607,688	33,412,879	33,412,879	33,412,879	33,897,787	+1,290,099
Readjustment benefits	2,556,232	3,214,246	3,214,246	3,214,246	3,309,234	+753,002
Veterans insurance and indemnities	44,380	45,907	45,907	45,907	45,907	+1,527
Veterans housing benefit program fund program account (indefinite)	43,784	64,586	64,586	64,586	64,586	+20,802
(Limitation on direct loans)	(500)	(500)	(500)	(500)	(500)	---
Credit subsidy	-144,000	-112,000	-112,000	-112,000	-112,000	+32,000
Administrative expenses	152,842	153,575	153,575	153,575	153,575	+733
Vocational rehabilitation loans program account	47	53	53	53	53	+6
(Limitation on direct loans)	(4,108)	(4,242)	(4,242)	(4,242)	(4,242)	(+134)
Administrative expenses	309	305	305	305	305	

MILITARY QUALITY OF LIFE - VETERANS AFFAIRS APPROPRIATIONS BILL - FY 2006 (H.R. 2528)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
Native American veteran housing loan program account..	566	580	580	580	580	+14
(Limitation on direct loans).....	(50,000)	(30,000)	(30,000)	(30,000)	(30,000)	(-20,000)
Total, Veterans Benefits Administration.....	35,261,848	36,780,131	36,780,131	36,780,131	37,360,027	+2,098,179
Veterans Health Administration						
Medical services.....	19,316,995	19,995,141	20,995,141	21,331,011	21,322,141	+2,005,146
Emergency appropriations.....	---	---	---	1,977,000	1,225,000	+1,225,000
Emergency appropriations (P.L.108-324).....	38,283	---	---	---	---	-38,283
FY 2006 amendment (H. Doc. 109-46, July 18, 2005).	---	1,977,000	---	---	---	---
Supplemental appropriations (P.L. 109-54).....	1,500,000	---	---	---	---	-1,500,000
Subtotal, Medical Services.....	20,855,278	21,972,141	20,995,141	23,308,011	22,547,141	+1,691,863
Medical administration.....	4,667,360	4,517,874	4,134,874	2,858,442	2,858,442	-1,808,918
Emergency appropriations (P.L.108-324).....	1,940	---	---	---	---	-1,940
Information technology.....	---	---	---	1,456,821	---	---
Medical facilities.....	3,715,040	3,297,669	3,297,669	3,297,669	3,297,669	-417,371
Emergency appropriations (P.L.108-324).....	46,909	---	---	---	---	-46,909
Medical and prosthetic research.....	402,348	393,000	393,000	412,000	412,000	+9,652
Medical care cost recovery collections:						
Offsetting collections.....	-1,985,984	-2,170,000	-2,170,000	-2,170,000	-2,170,000	-184,016
Appropriations (indefinite).....	1,985,984	2,170,000	2,170,000	2,170,000	2,170,000	+184,016
Total, Veterans Health Administration.....	29,688,875	30,180,684	28,820,684	31,332,943	29,115,252	-573,623
Departmental Administration						
General operating expenses.....	1,314,155	1,418,827	1,411,827	1,418,827	1,410,520	+96,365
Emergency appropriations (P.L.108-324).....	545	---	---	---	---	-545
Information technology systems.....	---	---	---	---	1,213,820	+1,213,820
National Cemetery Administration.....	147,734	156,447	156,447	156,447	156,447	+8,713
Emergency appropriations (P.L.108-324).....	50	---	---	---	---	-50
Office of Inspector General.....	69,153	70,174	70,174	70,174	70,174	+1,021
Construction, major projects.....	455,130	607,100	607,100	607,100	607,100	+151,970
Construction, minor projects.....	228,933	208,937	208,937	208,937	198,937	-29,996
Emergency appropriations (P.L.108-324).....	36,343	---	---	---	---	-36,343
Grants for construction of State extended care facilities.....	104,322	---	25,000	104,322	85,000	-19,322
Grants for the construction of State veterans cemeteries.....	31,744	32,000	32,000	32,000	32,000	+256
Total, Departmental Administration.....	2,388,109	2,493,485	2,511,485	2,597,807	3,773,998	+1,385,889
Total, title II:						
New budget (obligational) authority.....	67,338,832	69,454,300	68,112,300	70,710,881	70,249,277	+2,910,445
Appropriations.....	(67,214,762)	(69,454,300)	(68,112,300)	(68,733,881)	(69,024,277)	(+1,809,515)
Emergency appropriations.....	(124,070)	---	---	(1,977,000)	(1,225,000)	(+1,100,930)
(Limitation on direct loans).....	(54,608)	(34,742)	(34,742)	(34,742)	(34,742)	(-19,866)
Discretionary.....	32,230,748	32,828,682	31,486,682	34,085,263	33,043,763	+813,015
Mandatory.....	35,108,084	36,625,618	36,625,618	36,625,618	37,205,514	+2,097,430
TITLE III - RELATED AGENCIES						
American Battle Monuments Commission						
Salaries and expenses.....	40,771	35,250	35,750	36,250	36,250	-4,521
Foreign currency fluctuations account.....	11,904	15,250	15,250	15,250	15,250	+3,346
Total, American Battle Monuments Commission.....	52,675	50,500	51,000	51,500	51,500	-1,175
U.S. Court of Appeals for Veterans Claims						
Salaries and expenses.....	17,112	18,295	18,295	18,795	18,795	+1,683

MILITARY QUALITY OF LIFE - VETERANS AFFAIRS APPROPRIATIONS BILL - FY 2006 (H.R. 2528)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
Department of Defense - Civil						
Cemeterial Expenses, Army						
Salaries and expenses	29,363	28,050	29,550	28,550	29,050	-313
Armed Forces Retirement Home						
Operation and maintenance	57,163	57,033	57,033	57,033	57,033	-130
Capital program	3,968	1,248	1,248	1,248	1,248	-2,720
Total, Armed Forces Retirement Home	61,131	58,281	58,281	58,281	58,281	-2,850
Total, title III:						
New budget (obligational) authority	160,281	155,126	157,126	157,126	157,626	-2,655
Grand total, all titles:						
New budget (obligational) authority	78,799,417	81,726,037	80,531,818	82,984,618	82,573,514	+3,774,097
Appropriations	(77,573,137)	(81,726,037)	(80,531,818)	(81,099,972)	(81,601,372)	(+4,028,235)
Emergency appropriations	(1,421,374)	---	---	(1,977,000)	(1,225,000)	(-196,374)
Rescissions	(-195,094)	---	---	(-92,354)	(-252,858)	(-57,764)

MILITARY QUALITY OF LIFE - VETERANS AFFAIRS APPROPRIATIONS BILL - FY 2006 (H.R. 2528)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
CONGRESSIONAL BUDGET RECAP						
Scorekeeping adjustments:						
Emergency appropriations defense	-1,297,304	---	---	---	---	+1,297,304
Emergency appropriations non-defense	-124,070	---	---	-1,977,000	-1,225,000	-1,100,930
Senate Defense items	---	---	---	-41,430,750	---	---
Total, adjustments	-1,421,374	---	---	-43,407,750	-1,225,000	+196,374
Total (including adjustments)	77,378,043	81,726,037	80,531,818	39,576,868	81,348,514	+3,970,471
Amounts in this bill	(78,799,417)	(81,726,037)	(80,531,818)	(82,984,618)	(82,573,514)	(+3,774,097)
Scorekeeping adjustments	(-1,421,374)	---	---	(-43,407,750)	(-1,225,000)	(+196,374)
Prior year outlays	---	---	---	---	---	---
Total mandatory and discretionary	77,378,043	81,726,037	80,531,818	39,576,868	81,348,514	+3,970,471
Mandatory	(35,108,084)	(36,625,618)	(36,625,618)	(36,625,618)	(37,205,514)	(+2,097,430)
Mandatory (prior year)	---	---	---	---	---	---
Mandatory (total)	(35,108,084)	(36,625,618)	(36,625,618)	(36,625,618)	(37,205,514)	(+2,097,430)
Discretionary	(42,269,959)	(45,100,419)	(43,906,200)	(2,951,250)	(44,143,000)	(+1,873,041)
Discretionary (prior year)	---	---	---	---	---	---
Discretionary (total)	(42,269,959)	(45,100,419)	(43,906,200)	(2,951,250)	(44,143,000)	(+1,873,041)
RECAP BY FUNCTION						
Mandatory	35,108,084	36,625,618	36,625,618	36,625,618	37,205,514	+2,097,430
Prior year outlays	---	---	---	---	---	---
Total, Mandatory	35,108,084	36,625,618	36,625,618	36,625,618	37,205,514	+2,097,430
General purpose discretionary:						
Defense	10,003,000	12,116,611	12,262,392	-29,314,139	12,166,611	+2,163,611
Prior year outlays	---	---	---	---	---	---
Total, Defense	10,003,000	12,116,611	12,262,392	-29,314,139	12,166,611	+2,163,611
Nondefense	32,266,959	32,983,808	31,643,808	32,265,389	31,976,389	-290,570
Prior year outlays	---	---	---	---	---	---
Total, Nondefense	32,266,959	32,983,808	31,643,808	32,265,389	31,976,389	-290,570
Subtotal, General purpose discretionary	42,269,959	45,100,419	43,906,200	2,951,250	44,143,000	+1,873,041
Prior year outlays	---	---	---	---	---	---
Total General purpose discretionary	42,269,959	45,100,419	43,906,200	2,951,250	44,143,000	+1,873,041
Grand total, Mandatory and Discretionary	77,378,043	81,726,037	80,531,818	39,576,868	81,348,514	+3,970,471
DISCRETIONARY 302B ALLOCATION						
GENERAL PURPOSE	42,269,959	45,100,419	43,906,200	2,951,250	44,143,000	+1,873,041
302B ALLOCATION	---	---	85,158,000	41,962,000	44,143,000	+44,143,000
OVER/UNDER	42,269,959	45,100,419	-41,251,800	-39,010,750	---	-42,269,959

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

Mr. OBEY. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, let me say, first of all, I want to congratulate the gentleman from New York. He always does a fine job. On this bill, he has not only done a good job on substance, he has dealt with the ranking minority member, Mr. EDWARDS, with fairness and openness and we appreciate it.

In contrast to the Labor-Health-Education bill which caused so much trouble yesterday, I am happy to support this bill today, and I know Mr. EDWARDS will be, too. But before we vote, I would simply like to recite some facts about the history of veterans health care, because I think it is important that no matter how divided we might be on any given military action, whether it be Vietnam in the past or Iraq in the present, we should not be divided on the question of what we owe to each and every person who has worn the uniform of the United States and defended the national interests of the United States, often at great risk to their own lives and at great risk to the future economic security of their own families. That is why this bill is so important.

I want to recite what has happened on veterans health care in the hopes that the divisions which we have had over the level of funding for veterans health care in the past will not be repeated in the future. Here is that history.

In March of 2003, House Republicans voted for a budget resolution that called for cutting veterans health care by $14 billion over 10 years.

In July 2003, after agreeing to reduce some of those budget cuts in the House, the GOP reneged on its promise to increase funding for VA health care and passed an appropriation bill providing $1.8 billion less than what was called for in their fiscal 2004 budget. Mr. EDWARDS tried to offer an amendment to that bill to add $2.2 billion for veterans health care, but he was blocked.

In October 2003, I offered a motion to recommit on the Iraqi supplemental that called for an additional $1.3 billion for veterans health care. The majority rejected it.

We continued to push for veterans in fiscal 2005. For 2005, the administration requested $18.3 billion for veterans medical services. In subcommittee, the House recommended $19.5 billion. At that time, veterans groups and many Members on this side of the aisle indicated we felt that those numbers fell far short. The Republican chairman of the Veterans Committee agreed. Unfortunately for him, a year later, he was removed from his position as chairman and he was removed from the committee by the Republican leadership because he had the temerity to agree with us and with veterans groups that more funding was needed in order to meet our obligations to veterans on the health care front.

In full committee, Mr. EDWARDS in July 2004 offered an amendment to try to do the right thing and bring the VA medical services account up another $1.3 billion. He was defeated on a party-line vote. Of course, the bill had so many problems that the majority could not even bring it to the House floor. It ended up getting wrapped up into the omnibus.

On September 29, 2004, I again offered a motion to recommit on the first CR, trying to add $1.3 billion for veterans health care, and that effort was rejected.

On June 23, 2005, we learned how wrong that original mark had been. The administration admitted they were a billion dollars short and even admitted that they had known about it for months. The next day, Mr. EDWARDS tried to offer an amendment to the Labor-Health bill on the House floor to try to use that vehicle to make up the $1 billion shortfall in VA health care, but again we were blocked by the majority.

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After that failed, I offered a motion to recommit with instructions to include the $1 billion for veterans. Again, I was blocked.

On June 29, the gentleman from Texas (Mr. EDWARDS) was blocked again from bringing up an amendment to add to the veterans budget $1 billion. This time we tried to use the transportation appropriation bill as the vehicle. And now we come to the subject of this conference for 2006.

When the request came at the beginning of the year, the administration was only asking for $20 billion for medical services. On the other hand, veterans organizations' independent budgets said that $22.5 billion would be needed.

In May 2005, the subcommittee increased the medical care account to $21 billion, a half step in the right direction. In full committee, I offered an amendment that would have added $1.5 billion to this medical care account, plus increased funding to some other areas. That would have brought us pretty much to where we are today, except that my amendment would have been paid for because I proposed reducing somewhat the tax cut that was scheduled for the wealthiest of Americans, those making over $400,000 a year. This agreement before us uses an emergency designation so the costs will go directly to the deficit. The majority defeated my amendment.

Then, in July of this year, the administration finally admitted that the 2006 bill was short as well. They amended the VA budget request, asking for an additional $2 billion.

Some of the carryover funds from the additional $1.5 billion that was provided last summer is being used, and the conference agreement before us includes, guess what, $22.5 billion for VA medical services. I hope that number sounds familiar. I will repeat it, $22.5 billion in medical services. That is what the veterans organizations said they needed. It is what we were trying to get on this side of the aisle. I simply say ''Welcome Aboard'' to our friends on the majority side.

I want to make clear, I believe every Member of this House, regardless of party, recognizes their commitment to the veterans. The problem is that all too often in this place we wind up with pressures of party or party program getting in the way of our better judgment and making choices that really do not measure up to the facts.

I believe that was the case over the past 3 years, because I believe that fealty to the Republican budget resolution and to the Republican leadership's desire for tax cuts, especially tax cuts that were aimed at the very high-income people, I believe that that fealty prevented the House from doing what it really knew needed to be done on both sides of the aisle, or at least had a strong suspicion needed to be done, and when the numbers finally were revealed, it has become difficult for people to avoid reality, and so I think this bill reflects reality.

I will say that with one caveat. I hope that we can count on the numbers that are coming from OMB and the Veterans Administration on this bill. I hope we can count on them, because if we cannot, then we will have to be back here again asking for yet more money. It is not enough for us to applaud the troops when they are leaving to go to war, when the bands are playing, when everyone's blood is up. What we have to be willing to do is to remember our fundamental obligation to those troops when they return.

I do not believe that we are doing enough to meet our obligations to those troops, but this bill is certainly a good-faith effort, and I congratulate the gentleman from New York for the role he has played in trying to get here.

I most especially want to congratulate the gentleman from Texas (Mr. EDWARDS), the subcommittee ranking member. There is no one in this House who has had a more dedicated history of fighting for the needs of veterans on the health care front and on so many other fronts than has the gentleman from Texas (Mr. EDWARDS), and I am pleased to stand in for him temporarily this morning.

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

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

I appreciate very much the kind comments of the ranking member of the Appropriations Committee regarding our work product today, and I note that the gentleman from Texas (Mr. EDWARDS), my colleague, has joined us, and I look forward to his comments also.

I think that the gentleman from Wisconsin made some points that I would like to give my reflection on.

First of all, we agree. Both parties and every individual Member of the

House holds our veterans in the highest regard, and the House, having the power of the purse, establishes its priorities by setting funding levels. Clearly, there is no budget within the Federal Government which has grown faster or been more plentifully supplied with funds than the Veterans' Affairs health care budget.

It is the fastest growing budget, I believe, within the entire Federal budget, and that is as it should be because we have a growing number of veterans from the Iraq War. We have a number of aging veterans whose health care becomes more and more expensive, and we have struggled every year to meet those needs.

Now, the gentleman from Wisconsin (Mr. OBEY) pointed out that within the last year and a half or so there have been some disagreements about the dollar amount required to meet those needs, and he is right about that. What we found was that the model that was being used by the Veterans Administration was wrong. It was inaccurate, and the resultant changes in the budget, the funding level over that period reflect that, but I would like to add that each and every year that I have chaired this appropriations bill for veterans, we have had similar disagreements about how much money is actually needed to meet the needs of the Veterans Health Administration.

I can cite year after year when the gentleman from California (Mr. FILNER) and others came to the floor and said there is just not enough money for the veterans budget, for veterans health care, and I remember saying over and over and over we are providing record increases for the Veterans Health Administration.

I think out of this 6, I believe now 7, years that I have chaired this subcommittee, we have had that debate every time, and other than this year, I think it is pretty clearly documented that we have been right, that the dollar amounts that we have provided have been sufficient, in some cases more than sufficient, to meet the needs of our veterans health care.

So while we did have a glitch in the model, we have actually put language in the bill and provided resources to try to remedy that situation so that does not happen again. That was an aberration. We have been very solid in our estimates and very supportive of it through our budgeting of the Veterans Health Administration, and that always is the key aspect of this budget because of our concern about keeping the commitments that this Nation has made to our veterans.

So, I do not think the gentleman from Wisconsin (Mr. OBEY) was saying that we do not care enough about our veterans to provide those resources. I do not think he was saying that the White House does not care enough. I think he is saying, quite to the contrary, bipartisanly, bicamerally, and compared by the differences between the executive branch and legislative branch, we are all in agreement: Our veterans are our highest priority, and we have funded our veterans benefits and our veterans health care accordingly.

There have been disagreements in the past. There will be disagreements in the future, but not over our commitment to keeping our commitments to our veterans.

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

Mr. EDWARDS. Mr. Speaker, I ask unanimous consent to claim the time controlled by the gentleman from Wisconsin (Mr. OBEY).

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. EDWARDS. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, at long last we are supporting America's veterans with our deeds and not just with our words, and in that process, I want to salute the gentleman from New York (Mr. WALSH), my colleague, friend and chairman of the Veterans' Affairs, Military Quality of Life Subcommittee in that effort.

This is a good bill that takes positive steps to redress the wrongs done to veterans over the last several years when, in fact, we were cutting veterans services during a time of war, something that many of us on the floor of this House time and again said was immoral.

This bill increases VA medical services by $2.5 billion over the President's original request. I salute this committee and the House and its leadership for doing that. I also would point out that that itself suggests that the administration has woefully underfunded veterans health care needs during a time of war. Never again should our country send young Americans into war and then scrimp on supporting those who have sacrificed the most to their service during that war.

This bill specifically sets aside $2.2 billion for VA mental health care medical services, and on that particular point, the gentleman from New York (Mr. WALSH) deserves special recognition for taking the initiative to see that the VA does put more resources into helping those young Americans, men and women alike, who have paid a serious mental health care price for their love of country and service to country. The fact is that we have and the VA has been underfunding mental health care services to our veterans.

Third, this bill restores funding of $85 million for State nursing home construction. We have an aging of the veterans population. I guess I had a great difference with the administration in its original proposal to cut by as much as two-thirds the number of veterans that we provide for in long-term nursing home care. This bill corrects that mistake of the administration.

I salute the bipartisan effort in this bill to reject the administration's proposal to have a $250 enrollment fee for every veteran wanting to sign up for VA health care services. Many of us have long felt that our veterans have paid their enrollment fee when they put on our country's uniform and went into harm's way in protection of all of us. I am glad this committee rejected the administration proposal to double prescription copays for veterans, veterans who are struggling every month to make ends meet.

I think a very important part of this bill that was put together somewhat at my urging, but truly on a bipartisan basis, and that is, that no longer are we going to be just completely dependent upon the VA Secretary or OMB to tell us whether we are cutting veterans services during a time of war. This bill has some very stringent reporting requirements to be done on a quarterly basis, where the VA must provide this Congress with information about whether we are reducing staff, cutting services, underfunding health care for veterans, especially during a time of war. I think this Congress has a moral responsibility to make its own independent judgment about whether we are adequately supporting our veterans and not have to be completely dependent upon what the Director of OMB or the Secretary of the VA have said.

Having said all of that about the very positive things in this bill for veterans, I must just for a brief moment add to what the gentleman from Wisconsin (Mr. OBEY) said about this process.

I hope this step forward for America's veterans in a tangible way ends what I think has been a sad chapter over the last 2 years. How ironic it is that the funding for veterans health care in this bill is equivalent to the funding called for over 2 years ago by Republican Congressman CHRIS SMITH of New Jersey who chaired the Veterans' Affairs Committee. How did the House Republican leadership, not this committee, how did the House Republican leadership respond to the gentleman from New Jersey's call to adequately support veterans health care? Did they thank him? Did they salute him? Did they award him? No. They fired him. They took away his chairmanship of the Veterans' Affairs Committee and even took him off the committee itself. That was a sad moment in the history of this House in our service to veterans, and I hope never again will a chairman of the Veterans' Affairs Committee be fired for standing up for veterans and putting his commitment to veterans above his commitment to partisan loyalty.

□ 1000

I salute this bill and the chairman of this subcommittee for the step forward in military construction. It provides about $2 billion more than we spent on military construction last year. These are training ranges. These are houses and barracks and much-needed quality-of-life improvements for our service men and women.

I am proud of what this committee has done under the leadership of the chairman and on a bipartisan basis for military construction commitments and improving the quality of life for Americans who are sacrificing so very much every day for our Nation.

Finally, Mr. Speaker, I would just express two concerns, not about this committee's work, but about the future for veterans and our military. One is the VA is still grossly underestimating the net number of new veterans coming into the VA health care system. The latest numbers I saw said they projected 84,000 net new veterans this year in the VA medical system. That is in total contrast to a net increase of about 250,000 each year for the last 2, 3, or 4 years. I think it is going to be important for our subcommittee and for the full Appropriations Committee in this House to monitor every month in the months ahead whether the increase in the number of veterans into the VA medical care system makes even this substantially improved medical budget inadequate. I look forward to carrying out that responsibility on a bipartisan basis.

Finally, in terms of military construction, I am not sure we yet have from the administration or the Department of Defense a full cost accounting for the cost of construction, military construction, as a result of the base closing and realignment process and the redeployment of our troops from Germany and South Korea. My own prediction is that the administration has grossly underestimated the actual cost of military construction. So while this bill does have a very significant increase in MILCON projects, and, again, I enthusiastically support that increase, I think it is going to be important for this House to monitor what the true cost of military construction will be so that over the next 12 to 24 months, we are not cutting corners for better housing for our service men and women and their families even as they sacrifice for all of us during time of war.

This is a good bill, Mr. Speaker. I salute the chairman of the committee, Mr. WALSH; the leadership of the full Committee on Appropriations, Mr. LEWIS and Mr. OBEY, for asking the question of what is right for America's veterans. I think this bill is a great step in the right direction, and I urge my colleagues on a bipartisan basis to support this legislation.

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

Mr. WALSH. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. LEWIS), chairman of the full Appropriations Committee, a gentleman who had the great vision to assemble new jurisdiction for this committee and create this subcommittee and a personal mentor of mine.

Mr. LEWIS of California. Mr. Speaker, to the chairman and to my colleague, Mr. EDWARDS, from beautiful downtown Texas, I want to congratulate both of them for this very fine piece of legislation. It reflects a great deal of the variety of mix that we needed to be able to focus upon in a very special way in the arena that involves not just veterans, certainly our veterans, but beyond that, the families of the men and women who serve us and ofttimes put their lives on the line, questions like their housing, other kinds of benefits that are very important to their being able to have decent lives while they serve us. Focusing on all those issues within one subcommittee, I think, is going to produce real results down the line. The bipartisan spirit that is a part of this committee, and we can see it reflected in the House today, is very much a part of that.

I would like to mention just one thing to my colleagues, an item that has been of concern to me for most of my career here. In the past, Mr. Speaker, I had the privilege of chairing the subcommittee that did the funding for our veterans. One of my concerns during those years was that ofttimes within the community that is Washington, DC, we expressed great support for our veterans, raised funds to try to improve the funding flows, and then did not do very much about following the money when it went down to the communities where veterans are served.

Particularly, I have been concerned over the years with the kind of treatment that ofttimes took place at the hospitals, and I have been urging the veterans service organizations to do more than be proud of the money that is appropriated here, but rather make sure that money is used in a quality way in terms of the service at the other end of the line.

We are beginning to do some things like involving clinics in rural areas where there are open spaces and the hospitals are not close by. All of that, I think, portends well for the future here.

But I would raise just one cautionary note: It is very important that we continue to put pressure on those organizations whose design and purpose is to support our veterans, to help us follow the money down to the local communities, make sure that it is being spent well. It is great to have increased dollar flows, but throwing money at problems is not always the solution. We all know that. So in this instance, I would say to my ranking member, Mr. OBEY, as well as to the chairman and ranking member of the subcommittee, together we ought to form a partnership to make certain every one of those dollars is spent well on behalf of our veterans at the local community.

With that, congratulations on your work. It is a very fine product.

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

Mr. EDWARDS. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I thank the gentleman from Texas (Mr. EDWARDS) for yielding me this time.

When we left here last night, we had spent the evening in bitter rancor over serious political issues, however we arrived this morning, and the first thing we do is take up a bill where we all agree on something. And I think that is the beauty of the United States Congress. We can disagree and we can have partisan fights, but there is one thing we have in common, and that is that we all support the people who volunteer to serve in our United States military and support the veterans who have served in that military, and the benefits that they should receive afterwards. It is sort of promises made and promises kept.

I think, also, that the reason why we do not have any rancor on this legislation is, we have two of the finest Members of Congress, Mr. EDWARDS and Mr. WALSH, Mr. EDWARDS as ranking member and Mr. WALSH as Chair, of a committee where the divergent members come together. We still have strong political differences on either side. We have different backgrounds, life experiences that we bring to the committee. In fact, I think it is kind of ironic that Mr. WALSH and I, who are former Peace Corps volunteers, are now very active in the committee that deals with the quality of life for the military, but I think that the things we have learned in the Peace Corps about service to human beings are very important to the subject matter in this committee.

I also would like to thank the chairman of the committee, Mr. LEWIS, and the ranking member, Mr. OBEY, because they have given us sort of that parental consent to go ahead and do the best we can do with the money allocated.

There are a lot of good things in this bill mainly because we have added money to it, and Congress has been more supportive than the administration to our veterans, and I think that that ought to be made very clear. We are providing a second increment of $1.5 billion in addition to what Congress has already passed, $1.2 billion in emergency money. But now there is still some talk that there is going to be an across-the-board cut. We cannot provide the services that Mr. LEWIS just talked about one day and then come back here later and provide a cut to those services. That is total hypocrisy, and we do not want to see that across-the-board cut affect our veterans and our active duty members of our services.

This committee has a lot of issues that we have to deal with. Are we providing enough care for our returning service members? I have been out to Bethesda and to Walter Reed Hospital, talking to the people who have been injured. We have seen a difference between the rehabilitation care that is given to spinal cord injury soldiers than that of the ones that are amputees, and we ought to try to bring coordination to one place, that they both

get the same kind of rehabilitative care.

Are we doing enough to reduce the waiting period for veterans for health care? Is there enough money to meet the staggering mental health care, something that we have never really put enough focus on? Posttraumatic syndrome, how long does it take sometimes? Veterans and active Reservists and National Guardsmen who have served in Iraq and Afghanistan may not develop their mental problems from serving for many years after they leave the service. Is there going to be adequate mental health care for them?

How about the price tag for prosthetics? Our centers for our wounded military are quality centers of excellence in trying to develop the latest technology in prosthetics. Yet we do not spend enough time looking at it and making sure that those things are funded well, because the private sector just cannot meet that responsibility. This is a responsibility of the United States Congress. And are we hiring enough people to make sure that we can serve those who need that service, whether it be in a health care clinic or whether it be at the military hospitals? These are questions that we have got to address.

We also have got to address the fact that we have closed military bases, and in those bases we have a lot of unexploded ordnance. Those are ordnances that could only be cleaned up by people that have Federal special training, a very limited specialty field, and yet it is one of the lowest priorities of the military. Obviously, their duty is to train people to defend our country, not necessarily to do environmental cleanup, but we cannot turn that real estate over for subsequent use to the community unless there are enough funds to clean it up, and we have been sorely lacking in enough funds. Fortunately, the chairman and ranking member of this committee have really worked with me in trying to get additional funds for cleanup, although we are way short of the billions of dollars that are needed.

So today is the day where we bring together the differences that we had last night and show that Congress can, indeed, unanimously support the needs of the men and women in uniform and all voluntary service.

I am very proud to have served on this committee. I am proud of its leadership, and I would urge that all my colleagues support the men and women in uniform, support the quality of life that we provide for our services, and help the veterans of the United States by approving this appropriations bill. Thank you.

Mr. EDWARDS. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I will conclude with several comments. First, I could not agree more with Mr. LEWIS, the chairman of the full Appropriations Committee, that it would be a positive step for all of us to work in carrying out our responsibility for congressional oversight over VA health care programs, and I would add to that, over military construction programs. I know that is something the chairman of the subcommittee has worked on and actually started the process on, and I look forward to continuing that effort. It is important that we not only adequately fund veterans health care and other veterans programs, the quality-of-life programs for military servicemen and women and their families, we need to be sure those dollars are being spent in the way that Congress intended them to be spent.

I want to thank several groups. First, I want to thank our veterans service organizations, made up of millions of men and women who have served our country proudly in uniform during time of war and peace. And yet like so many veterans, when they take that uniform off, their love of country does not wane, and their continuing commitment to service is an inspiration to all of us.

Without the strong leadership over the last 2 years of the veterans service organizations who have never let up in saying it would be wrong, and it is wrong, to cut veterans health care services during a time of war, I am not sure we would be at this funding level today. So I salute them.

I also want to salute the incredibly able staff of this subcommittee. On the Democratic side: Tom Forhan and Bob Bonner. On the Republican side, hardworking, dedicated employees as well: Carol Murphy, the staff director of this committee; Tim Peterson; Sarah Young; Walter Hearne; and Mary Arnold. What a privilege it is for the chairman and me to be able to work with a staff that at every step of the way is simply asking one question: What is the right thing to do for our servicemen and women and their families and what is the right thing to do for our veterans?

Like so many of our veterans that are not honored with memorials in this Nation's Capitol, this subcommittee staff is working every day behind the scenes to make a positive difference for very, very deserving people, and I want to thank them for all they do, day in and day out, without any expectation of public acclaim.

My final note is left to honor a veteran. As we approach Thanksgiving and in a few minutes pass this bill, I cannot help but think, Mr. Speaker, about a young veteran, 20 years old, that I met at Walter Reed Army Hospital on Thanksgiving morning 2 years ago. He had come back from Iraq with an amputated leg, sitting in his room alone with the exception of being there with his mother. When I walked in and saw his condition, the first thing he said to me was, ''Sir, I don't want anyone to feel sorry for me. I'm proud to have served my country, and I would be proud to serve it again.''

□ 1015

I hope we will always remember that is what this bill is all about, standing up for those who have stood up for our Nation and the American family.

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

Mr. WALSH. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. HEFLEY), chairman of the Subcommittee on Military Construction for the Armed Services Committee.

Mr. HEFLEY. Mr. Speaker, I apologize for interrupting the progress here. I know all of us want to move forward and conclude as early as possible today.

I just wanted to take a moment to say thank you to Mr. WALSH for working with the authorizing committee so well. For years we have established, I think, an example for this House in how the authorizers and appropriators should work together, and the gentleman has followed in that tradition.

If Members remember, when we first began to look at this early in the year, we had those early meetings together, and we thought the outcome, because of the reorganization, might be very, very different than what we have today. The outcome, I think, is a good outcome. I think we are taking care of infrastructure needs that need to be taken care of in an area where so often these kinds of things become billpayers for other things.

Particularly when we are in the midst of a war and there are all kinds of demands, it is awfully easy to say with military construction and these feel-good things for our soldiers that we just put those off another year. We can put them off another year, and then we will do it, and next year maybe we do it and maybe we do not.

In this case all of the way around you have done an excellent job. We have provided for the soldier. We have provided for the infrastructure needs, and I am very, very pleased with the kind of relationship we have had in working with this. Your staff has been just terrific. With that, I will just say thank you and let you get back to your normal schedule here.

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

In closing, I would like to associate myself with the remarks of my colleague Mr. EDWARDS, especially regarding our staff who have done a really great job and worked through all of the issues with us. They do so much of the detail work and just leave a few things for us to resolve. We are very grateful for that.

To the veteran service organizations, I have often said pressure is a good thing. We need that. It creates a dynamic tension within this legislative process, and it is always constructive. We may not agree on every single detail, but for the most part we are on the same page.

And lastly to our Nation's soldiers, Active Duty sailors, airmen and to our

marines, thank you for your service, God bless you, and come home safe and sound.

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

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Without objection, the previous question is ordered on the 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.

GENERAL LEAVE

Mr. KNOLLENBERG. Mr. 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. 3058.

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

There was no objection.

MESSAGE FROM THE SENATE

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

H.J. Res. 72. Joint Resolution making further continuing appropriations for the fiscal year 2006, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which concurrence of the House is requested:

S. 467. An act to extend the applicability of the Terrorism Risk Insurance Act of 2002.

S. 1418. An act to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States.

CONFERENCE REPORT ON H.R. 3058, TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, THE DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006

Mr. KNOLLENBERG. Mr. Speaker, pursuant to House Resolution 565, I call up the conference report on the bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 565, the conference report is considered read.

(For conference report and statement, see prior proceedings of the House of November 17, 2005.)

The SPEAKER pro tempore. The gentleman from Michigan (Mr. KNOLLENBERG) and the gentleman from Massachusetts (Mr. OLVER) each will control 30 minutes.

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

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

I bring to the House the first-ever conference report for Transportation, Treasury, Housing and Urban Development, the Judiciary, the independent agencies, plus the District of Columbia. This is a complex bill, but an important bill, making appropriations for our Nation's important infrastructure: roads, airports and rail, for our Nation's capital, for our Nation's housing needs, and for our Nation's judiciary. We have met the needs for fiscal year 2006, all the while staying within our 302(b) allocation of $65.9 billion, and total spending of $133.4 billion.

I would like to thank my friend and ranking member, the gentleman from Massachusetts (Mr. OLVER), for all of the hard work and the keen interest in the programs in this bill. He has proven to be a valuable partner, and I want to commend him. He has made significant contributions to this bill, and I thank him for his support.

I would also like to thank the members of the subcommittee for their hard work during the hearing process and in creating the bill. I certainly want to mention and point out that this staff, the entire staff, has really done some extraordinary things over the last several days, and they have had some sleepless nights, and so they are prepared to leave here tonight and catch up on some needed sleep.

This is a good bill, a clean bill, and one that I urge a ''yes'' vote to pass the Transportation, Treasury, Housing and Urban Development, the Judiciary, and the District of Columbia bill.

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HOUSING AND URBAN DEVELOPMENT,
THE JUDICIARY, DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES, FY 2006 (H.R.3058)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF TRANSPORTATION						
Office of the Secretary						
Salaries and expenses	86,536	87,046	67,824	86,000	84,900	-1,636
Immediate Office of the Secretary	(2,202)	---	(2,198)	(2,198)	(2,198)	(-4)
Immediate Office of the Deputy Secretary	(699)	---	(698)	(698)	(698)	(-1)
Office of the General Counsel	(15,272)	---	(15,433)	(15,183)	(15,183)	(-89)
Office of the Under Secretary of Transportation for Policy	(12,526)	---	(11,680)	(12,650)	(11,650)	(-876)
Office of the Assistant Secretary for Budget and Programs	(8,504)	---	(7,593)	(8,585)	(8,485)	(-19)
Office of the Assistant Secretary for Governmental Affairs	(2,297)	---	---	(2,293)	(2,293)	(-4)
Office of the Assistant Secretary for Administration	(23,249)	---	(23,139)	(22,031)	(22,031)	(-1,218)
Office of Public Affairs	(1,914)	---	---	(1,910)	(1,910)	(-4)
Executive Secretariat	(1,444)	---	(20)	(1,442)	(1,442)	(-2)
Board of Contract Appeals	(698)	---	(697)	(697)	(697)	(-1)
Office of Small and Disadvantaged Business Utilization	(1,268)	---	(1,265)	(1,265)	(1,265)	(-3)
Office of Intelligence and Security	(2,037)	---	(2,033)	(2,033)	(2,033)	(-4)
Office of the Chief Information Officer	(11,301)	---	---	(11,895)	(11,895)	(+594)
Office of emergency transportation	(3,125)	---	(3,128)	(3,120)	(3,120)	(-5)
Undesignated reduction	---	---	(-60)	---	---	---
User fees	(-2,500)	(-2,500)	(-2,500)	(-2,500)	(-2,500)	---
Spending of user fees	(2,500)	(2,500)	(2,500)	(2,500)	(2,500)	---
Subtotal	(86,536)	(87,046)	(67,824)	(86,000)	(84,900)	(-1,636)
Office of Civil Rights	8,630	8,550	8,550	8,550	8,550	-80
Rescission of excess compensation for air carriers	-235,000	---	---	---	---	+235,000
Transportation planning, research, and development	19,840	9,030	9,030	15,000	15,000	-4,840
Working capital fund	(149,846)	---	(120,014)	(120,014)	(118,014)	(-31,832)
Minority business resource center program	893	900	900	900	900	+7
(Limitation on guaranteed loans)	(18,367)	(18,367)	(18,367)	(18,367)	(18,367)	---
Minority business outreach	2,976	3,000	3,000	3,000	3,000	+24
New headquarters building	67,456	100,000	55,000	50,000	50,000	-17,456
Payments to air carriers (Airport & Airway Trust Fund)	51,584	---	54,000	60,000	60,000	+8,416
General Aviation and Fixed Based Operator Reimbursement (sec. 186)	---	---	---	---	17,000	+17,000
Total, Office of the Secretary	237,915	208,526	198,304	223,450	239,350	+1,435
Federal Aviation Administration						
Operations	7,712,800	8,201,000	8,396,920	8,176,000	8,186,000	+473,200
Air traffic organization	---	(6,647,305)	---	(6,627,010)	---	---
Aviation Safety	---	(941,742)	---	(956,242)	---	---
Research and Acquisitions	---	---	---	---	---	---
Commercial Space Transportation	---	(11,759)	---	(11,759)	---	---
Financial Services	---	---	---	(50,983)	---	---
Human Resource Management	---	---	---	(69,943)	---	---
Region and Center Operations	---	---	---	(150,744)	---	---
Staff Offices	---	(450,194)	---	(141,909)	---	---
Information Services	---	---	---	(36,112)	---	---
Flight Service Stations A-76 transition	---	(150,000)	(91,000)	(150,000)	(150,000)	(+150,000)
Undistributed reduction	---	---	---	(-18,702)	---	---
Subtotal	7,712,800	8,201,000	8,396,920	8,176,000	8,186,000	+473,200
Facilities & equipment (Airport & Airway Trust Fund)	2,519,680	2,448,000	3,053,000	2,448,000	2,540,000	+20,320
Emergency appropriations (P.L. 108-324)	5,100	---	---	---	---	-5,100
Research, engineering, and development (Airport and Airway Trust Fund)	129,880	130,000	130,000	134,500	138,000	+8,120
Grants-in-aid for airports (Airport and Airway Trust Fund)(Liquidation of contract authorization)	(2,800,000)	(3,300,000)	(3,600,000)	(3,390,000)	(3,399,000)	(+599,000)
(Limitation on obligations)	(3,472,000)	(3,000,000)	(3,600,000)	(3,500,000)	(3,550,000)	(+78,000)
Small community air service development program	(19,840)	---	(20,000)	(20,000)	(10,000)	(-9,840)
Airport Cooperative Research Program	---	(10,000)	(10,000)	---	(10,000)	(+10,000)
2006 F&E Pop-up contract authority	---	605,000	---	605,000	513,000	+513,000
Rescission of contract authority (2006 F&E Pop-up)	---	-605,000	---	-605,000	-513,000	-513,000
Rescission of contract authority (2006 AIP)	---	-600,000	---	-100,000	-50,000	-50,000
Rescission of contract authority (prior yr Pop-up)	-265,000	-469,000	-469,000	-469,000	-469,000	-204,000
Emergency assistance to airports (Airport and Airway Trust Fund) (P.L. 108-324)	25,000	---	---	---	---	-25,000
Subtotal	(3,232,000)	(1,931,000)	(3,131,000)	(2,931,000)	(3,031,000)	(-201,000)

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HOUSING AND URBAN DEVELOPMENT,
THE JUDICIARY, DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES, FY 2006 (H.R.3058)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
War risk insurance program extension	-50,000	---	-80,000	-80,000	-80,000	-30,000
Total, Federal Aviation Administration	10,342,460	11,384,000	11,499,920	11,283,500	11,297,000	+954,540
(Limitations on obligations)	(3,472,000)	(3,000,000)	(3,600,000)	(3,500,000)	(3,550,000)	(+78,000)
Rescissions of contract authority	-265,000	-1,674,000	-469,000	-1,174,000	-1,032,000	-767,000
Total budgetary resources	(13,549,460)	(12,710,000)	(14,630,920)	(13,609,500)	(13,815,000)	(+265,540)
Federal Highway Administration						
Limitation on administrative expenses	(343,728)	(367,638)	(359,529)	(364,638)	(364,638)	(+20,910)
Federal-aid highways (Highway Trust Fund):						
(Liquidation of contract authorization)	(35,000,000)	(35,000,000)	(36,000,000)	(40,194,259)	(36,032,344)	(+1,032,344)
(Limitation on obligations)	(34,422,400)	(34,700,000)	(36,287,100)	(40,194,259)	(36,032,344)	(+1,609,944)
(Exempt contract authority)	(739,000)	(739,000)	(739,000)	(739,000)	(739,000)	---
(Transfer to NHTSA)	(-156,127)	---	---	---	(-122,457)	(+33,670)
Rescission of contract authority (Highway Trust Fund)	-520,277	---	---	---	---	+520,277
Appalachian development highway system	79,360	---	---	80,000	20,000	-59,360
Emergency relief programs (Highway Trust Fund)	735,072	---	---	---	---	-735,072
Emergency appropriations (P.L. 108-324)	1,202,000	---	---	---	---	-1,202,000
Rescission of contract authority (Hwy Trust Fund)	-741,000	---	---	-2,300,000	-1,999,999	-1,258,999
TIFIA (rescission of contract authority)	-100,000	---	---	---	---	+100,000
Belleair causeway bridge	33,728	---	---	---	---	-33,728
Unobligated balances(rescission of contract authority)	-14,408	---	---	---	---	+14,408
Unobligated balances (rescission)	-2,000	---	---	---	---	+2,000
Total, Federal Highway Administration	2,050,160	---	---	80,000	20,000	-2,030,160
(Limitations on obligations)	(34,422,400)	(34,700,000)	(36,287,100)	(40,194,259)	(36,032,344)	(+1,609,944)
(Transfer out)	-156,127	---	---	---	-122,457	+33,670
(Exempt contract authority)	(739,000)	(739,000)	(739,000)	(739,000)	(739,000)	---
Rescissions	-2,000	---	---	---	---	+2,000
Rescissions of contract authority	-1,375,685	---	---	-2,300,000	-1,999,999	-624,314
Total budgetary resources	(35,677,748)	(35,439,000)	(37,026,100)	(38,713,259)	(34,668,888)	(-1,008,860)
Federal Motor Carrier Safety Administration						
Motor carrier safety (limitation on administrative expenses)(liquidation of contract authorization)	(257,547)	---	---	---	---	(-257,547)
(Limitation on obligations)	(255,487)	---	---	---	---	(-255,487)
Motor carrier safety operations and programs (Highway Trust Fund)(Liquidation of contract authorization)	---	(233,000)	(215,000)	(211,400)	(213,000)	(+213,000)
(Limitation on obligations)	---	(233,000)	(215,000)	(211,400)	(213,000)	(+213,000)
National motor carrier safety program (Highway Trust Fund)(Liquidation of contract authorization)	(190,000)	---	(286,000)	---	---	(-190,000)
(Limitation on obligations)	(188,480)	---	(286,000)	---	---	(-188,480)
Motor carrier safety grants (Highway Trust Fund) (Liquidation of contract authorization)	---	(232,000)	---	(278,620)	(282,000)	(+282,000)
(Limitation on obligations)	---	(232,000)	---	(278,620)	(282,000)	(+282,000)
Total, Federal Motor Carrier Safety Admin.	---	---	---	---	---	---
(Limitations on obligations)	(443,967)	(465,000)	(501,000)	(490,020)	(495,000)	(+51,033)
Total budgetary resources	(443,967)	(465,000)	(501,000)	(490,020)	(495,000)	(+51,033)
National Highway Traffic Safety Administration						
Operations and research	---	---	152,367	6,000	---	---
Operations and research (Highway trust fund) (Liquidation of contract authorization)	(72,000)	(227,367)	(75,000)	(226,688)	(110,000)	(+38,000)
(Limitation on obligations)	(71,424)	(227,367)	(75,000)	(226,688)	(110,000)	(+38,576)
(Transfer from FHWA)	(156,127)	---	---	---	(122,457)	(-33,670)
National Driver Register (Highway trust fund) (Liquidation of contract authorization)	(3,600)	(4,000)	(4,000)	(4,000)	(4,000)	(+400)
(Limitation on obligations)	(3,571)	(4,000)	(4,000)	(4,000)	(4,000)	(+429)

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HOUSING AND URBAN DEVELOPMENT,
THE JUDICIARY, DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES, FY 2006 (H.R.3058)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
Highway traffic safety grants (Highway Trust Fund)						
(Liquidation of contract authorization)	(225,000)	(465,000)	(551,000)	(548,182)	(578,176)	(+353,176)
(Limitation on obligations):						
Highway safety programs (Sec. 402)	(163,680)	(172,000)	(229,000)	(209,218)	(217,000)	(+53,320)
Formula grants (Sec. 402(k))	---	(183,000)	---	---	---	---
Formula grants (Sec. 402(l))	---	(50,000)	---	---	---	---
Occupant protection incentive grants (Sec. 405)	(19,840)	---	(136,000)	(149,667)	(25,000)	(+5,160)
Safety belt performance grants (Sec. 406)	---	---	---	---	(124,500)	(+124,500)
Demonstration program grants	---	---	---	(7,400)	---	---
Alcohol-impaired driving countermeasures grants (Sec. 410)	(39,680)	---	(129,000)	(115,721)	(120,000)	(+80,320)
Emergency medical services grants (Sec. 407)	---	(10,000)	---	(5,000)	---	---
State traffic safety information system improvement grants (Sec. 412)	---	(50,000)	(30,000)	(45,000)	(34,500)	(+34,500)
High visibility enforcement	---	---	(15,000)	---	(29,000)	(+29,000)
Child safety and booster seat grants	---	---	(6,000)	---	(6,000)	(+6,000)
Motorcyclist safety	---	---	(6,000)	---	(6,000)	(+6,000)
Grant administration	---	---	---	(16,176)	(16,176)	(+16,176)
Subtotal	(223,200)	(465,000)	(551,000)	(548,182)	(578,176)	(+354,976)
Total, National Highway Traffic Safety Admin.	---	---	152,367	6,000	---	---
(Limitations on obligations)	(298,195)	(696,367)	(630,000)	(778,870)	(692,176)	(+393,981)
(By transfer)	156,127	---	---	---	122,457	-33,670
Total budgetary resources	(454,322)	(696,367)	(782,367)	(784,870)	(814,633)	(+360,311)
Federal Railroad Administration						
Safety and operations	138,651	145,949	145,949	146,000	145,949	+7,298
Railroad research and development	35,737	46,325	---	41,000	55,075	+19,338
Railroad rehabilitation and improvement program	6,000	---	---	---	---	-6,000
Next generation high-speed rail	19,493	---	10,165	11,500	---	-19,493
Alaska Railroad rehabilitation	24,800	---	---	20,000	10,000	-14,800
National Railroad Passenger Corporation						
Operating subsidy grants to the National Railroad Passenger Corporation	---	---	---	---	495,000	+495,000
Capital and debt service grants to the National Railroad Passenger Corporation	---	---	---	---	780,000	+780,000
Efficiency incentive grants to National Railroad Passenger Corporation	---	---	---	---	40,000	+40,000
Grants to the National Railroad Passenger Corporation	1,207,264	360,000	1,176,248	1,450,000	---	-1,207,264
Total, National Railroad Passenger Corporation	---	---	---	---	1,315,000	+1,315,000
Total, Federal Railroad Administration	1,431,945	552,274	1,332,362	1,668,500	1,526,024	+94,079
Federal Transit Administration						
Administrative expenses, general fund	---	83,500	---	---	80,000	+80,000
Administrative expenses	9,672	---	12,000	13,411	---	-9,672
Administrative expenses (Highway Trust Fund, Mass Transit Account)(limitation on obligations)	(67,704)	---	(68,000)	(66,133)	---	(-67,704)
Office of the Administrator	(892)	---	(989)	(925)	(925)	(+33)
Office of Chief Counsel	(4,067)	---	(4,140)	(4,200)	(4,058)	(-9)
Office of Civil Rights	(2,989)	---	(3,113)	(3,000)	(3,153)	(+164)
Office of Communications and Congressional Affairs	(1,233)	---	(1,276)	(1,300)	(1,359)	(+126)
Office of Budget and Policy	(6,874)	---	(7,123)	(7,200)	(8,733)	(+1,859)
Office of Planning	(4,138)	---	(4,155)	(4,200)	(4,127)	(-11)
Office of Program Management	(7,337)	---	(7,916)	(7,500)	(7,986)	(+649)
Office of Demonstration and Innovation	(4,608)	---	(4,712)	(4,700)	(4,764)	(+156)
Office of Administration	(6,468)	---	(7,284)	(6,800)	(7,325)	(+857)
Central Account	(16,302)	---	(17,884)	(16,219)	(16,816)	(+514)
Regional offices	(19,988)	---	(21,408)	(21,000)	(20,754)	(+766)
National Transit database	(2,480)	---	---	(2,500)	---	(-2,480)
Subtotal	(77,376)	---	(80,000)	(79,544)	(80,000)	(+2,624)
Formula grants	499,990	---	662,550	734,117	---	-499,990
Formula grants (Highway Trust Fund, Mass Transit Account)(limitation on obligations)	(3,499,928)	---	(3,754,450)	(3,620,074)	---	(-3,499,928)
Subtotal	(3,999,918)	---	(4,417,000)	(4,354,191)	---	(-3,999,918)

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES, FY 2006 (H.R.3058)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
Formula grants and research (Highway Trust Fund, Mass Transit Account)(limitation on obligations)	---	(6,135,000)	---	---	(6,979,931)	(+6,979,931)
Subtotal	(3,999,918)	(6,135,000)	(4,417,000)	(4,354,191)	(6,979,931)	(+2,980,013)
University transportation research	744	---	1,200	981	---	-744
University transportation research (Highway Trust Fund Mass Transit Account)(limitation on obligations)	(5,208)	---	(6,800)	(4,837)	---	(-5,208)
Subtotal	(5,952)	---	(8,000)	(5,818)	---	(-5,952)
Transit planning and research	15,872	---	24,049	26,350	75,200	+59,328
Transit planning and research (Highway Trust Fund, Mass Transit Account)(limitation on obligations)	(111,104)	---	(136,276)	(129,937)	---	(-111,104)
Rural transportation assistance	(5,208)	---	---	(5,208)	---	(-5,208)
National transit institute	(3,968)	---	---	(3,967)	---	(-3,968)
Transit cooperative research	(8,184)	---	---	(8,992)	---	(-8,184)
Planning (TEA-LU)	---	---	(103,325)	(104,004)	---	---
Research (TEA-LU)	---	---	(57,000)	---	---	---
Metropolitan planning	(59,903)	---	---	---	---	(-59,903)
State planning	(12,513)	---	---	---	---	(-12,513)
National planning and research	(37,200)	---	---	(34,116)	---	(-37,200)
Subtotal	(126,976)	---	(160,325)	(156,287)	---	(-126,976)
Trust fund share of expenses (Highway Trust Fund) (liquidation of contract authorization)	(6,744,500)	(689,700)	(7,209,700)	(6,824,667)	(6,979,931)	(+235,431)
Capital investment grants	414,014	---	546,251	588,578	---	-414,014
Capital investment grants (Highway Trust Fund, Mass Transit Account)(limitation on obligations)	(2,898,100)	---	(3,095,424)	(2,902,394)	---	(-2,898,100)
Major capital investment grants	---	872,800	---	---	1,455,234	+1,455,234
Major capital investment grants (Highway Trust Fund, Mass Transit Account)(limitation on obligations)	---	(689,700)	---	---	---	---
Subtotal	(3,312,114)	(1,562,500)	(3,641,675)	(3,490,972)	(1,455,234)	(-1,856,880)
Fixed guideway modernization	(1,204,684)	(1,531,250)	(1,386,670)	(1,307,473)	---	(-1,204,684)
Buses and bus-related facilities	(669,600)	---	(693,335)	(796,977)	---	(-669,600)
New starts	(1,437,830)	---	(1,561,670)	(1,386,522)	---	(-1,437,830)
Metropolitan and statewide planning activities	---	(31,250)	---	---	---	---
Subtotal	(3,312,114)	(1,562,500)	(3,641,675)	(3,490,972)	---	(-3,312,114)
Job access and reverse commute grants	15,500	---	26,250	20,541	---	-15,500
Job access and reverse commute grants (Hwy Trust Fund, Mass Transit Account)(limitation on obligations)	(108,500)	---	(148,750)	(101,292)	---	(-108,500)
Subtotal	(124,000)	---	(175,000)	(121,833)	---	(-124,000)
Total, Federal Transit Administration	955,792	956,300	1,272,300	1,383,978	1,610,434	+654,642
(Limitations on obligations)	(6,690,544)	(6,824,700)	(7,209,700)	(6,824,667)	(6,979,931)	(+289,387)
Total budgetary resources	(7,646,336)	(7,781,000)	(8,482,000)	(8,208,645)	(8,590,365)	(+944,029)
Saint Lawrence Seaway Development Corporation						
Operations and maintenance (Harbor Maintenance Trust Fund)	15,773	8,000	16,284	16,284	16,284	+511
Spending from proposed mandatory user fee	---	8,284	---	---	---	---
Total, Saint Lawrence Seaway Development Corp.	15,773	16,284	16,284	16,284	16,284	+511
Maritime Administration						
Maritime security program	97,910	156,000	156,000	156,000	156,000	+58,090
Operations and training	108,602	113,650	112,336	118,649	122,249	+13,647
Ship disposal	21,443	21,000	21,000	21,000	21,000	-443
Maritime Guaranteed Loan (Title XI) Program Account: Administrative expenses	4,726	3,526	3,526	4,726	4,126	-600
National defense tank vessel construction program	74,400	---	---	25,000	---	-74,400
Rescission	---	-74,400	---	---	---	---
Ship construction (rescission)	-1,979	---	-2,071	-2,071	-2,071	-92
Total, Maritime Administration	305,102	219,776	290,791	323,304	301,304	-3,798

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HOUSING AND URBAN DEVELOPMENT,
THE JUDICIARY, DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES, FY 2006 (H.R.3058)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
Pipeline and Hazardous Materials Safety Administration						
Hazardous materials safety	---	26,324	26,183	26,138	26,138	+26,138
Administrative expenses	---	16,382	16,382	16,232	16,232	+16,232
Pipeline Safety Fund	---	645	645	645	645	+645
Subtotal	---	17,027	17,027	16,877	16,877	+16,877
Pipeline safety:						
Pipeline Safety Fund	54,679	54,165	57,860	58,165	58,010	+3,331
Oil Spill Liability Trust Fund	14,882	19,000	15,000	15,000	15,000	+118
Subtotal	69,561	73,165	72,860	73,165	73,010	+3,449
Emergency preparedness grants:						
Emergency preparedness fund	198	200	200	200	200	+2
Limitation on emergency preparedness fund	(14,300)	---	(14,300)	(14,300)	(14,300)	---
Total, Pipeline and Hazardous Materials Safety Administration	69,759	116,716	116,270	116,380	116,225	+46,466
Research and Innovative Technology Administration						
Research and development	---	6,274	4,326	4,326	5,774	+5,774
Research and special programs	46,738	---	---	---	---	-46,738
(By transfer)	(645)	---	---	---	---	(-645)
Total, Research and Innovative Technology Admin.	46,738	6,274	4,326	4,326	5,774	-40,964
Office of Inspector General						
Salaries and expenses	58,528	62,499	62,499	62,499	62,499	+3,971
Surface Transportation Board						
Salaries and expenses	21,080	24,388	26,622	24,388	26,450	+5,370
Offsetting collections	-1,050	-1,250	-1,250	-1,250	-1,250	-200
Total, Surface Transportation Board	20,030	23,138	25,372	23,138	25,200	+5,170
Total, title I, Department of Transportation	13,656,517	11,871,787	14,501,795	11,717,359	12,188,095	-1,468,422
Appropriations	(14,304,081)	(13,620,187)	(14,972,866)	(15,193,430)	(15,222,165)	(+918,084)
Rescissions	(-238,979)	(-74,400)	(-2,071)	(-2,071)	(-2,071)	(+236,908)
Rescission of contract authority	(-1,640,685)	(-1,674,000)	(-469,000)	(-3,474,000)	(-3,031,999)	(-1,391,314)
Emergency appropriations	(1,232,100)	---	---	---	---	(-1,232,100)
Offsetting collections	---	---	---	---	---	---
(Limitations on obligations)	(45,327,106)	(45,686,067)	(48,227,800)	(51,787,816)	(47,749,451)	(+2,422,345)
(Exempt contract authority)	(739,000)	(739,000)	(739,000)	(739,000)	(739,000)	---
(By transfer)	(156,772)	---	---	---	(122,457)	(-34,315)
(Transfer out)	(-156,127)	---	---	---	(-122,457)	(+33,670)
Net total budgetary resources	(59,722,623)	(58,296,854)	(63,468,595)	(64,244,175)	(60,676,546)	(+953,923)
Transportation discretionary total	13,656,517	11,871,787	14,501,795	11,717,359	12,188,095	-1,468,422
TITLE II - DEPARTMENT OF THE TREASURY						
Departmental Offices						
Salaries and expenses	156,299	195,253	157,452	197,591	196,592	+40,293
Executive direction	(7,216)	(16,656)	(7,216)	(8,642)	(8,642)	(+1,426)
General Counsel	(7,142)	---	(7,521)	(7,852)	(7,852)	(+710)
Economic policies and and programs	(31,405)	(32,011)	(32,011)	(32,011)	(32,011)	(+606)
Financial policies and programs	(25,863)	(24,721)	(24,721)	(27,221)	(26,574)	(+711)
Financial crimes	(10,548)	(39,938)	(35,409)	(39,938)	(39,939)	(+29,391)
Treasury wide management	(16,626)	(16,843)	(16,843)	(16,843)	(16,843)	(+217)
Administration	(57,499)	(65,084)	(63,731)	(65,084)	(63,731)	(+6,232)
currency manipul	---	---	---	---	(1,000)	(+1,000)
Undesignated reduction	---	---	(-30,000)	---	---	---
Subtotal	(156,299)	(195,253)	(157,452)	(197,591)	(196,592)	(+40,293)
Office of Foreign Assets Control	22,113	---	---	---	---	-22,113
Department-wide systems and capital investments programs	32,002	24,412	21,412	24,412	24,412	-7,590
Office of Inspector General	16,368	16,722	17,000	16,722	17,000	+632
Treasury Inspector General for Tax Administration	128,093	133,286	133,286	133,286	133,286	+5,193

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES, FY 2006 (H.R.3058)
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	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
Air transportation stabilization program account	1,984	2,942	---	2,942	2,750	+766
Community development financial institutions fund program account	55,078	7,900	55,000	55,000	55,000	-78
Treasury building and annex repair and restoration	12,217	10,000	10,000	10,000	10,000	-2,217
Expanded access to financial services (rescission)	-4,000	---	---	---	---	+4,000
Violent crime reduction program (rescission)	-1,200	---	---	---	---	+1,200
Financial Crimes Enforcement Network	71,922	73,630	73,630	73,630	73,630	+1,708
Total, Departmental Offices	490,876	464,145	467,780	513,583	512,670	+21,794
Financial Management Service	229,083	236,243	236,243	236,243	236,243	+7,160
Alcohol and Tobacco Tax and Trade Bureau:						
Salaries and expenses	82,336	62,486	91,126	91,126	91,126	+8,790
Spending from proposed mandatory user fees	---	28,640	---	---	---	---
Subtotal	82,336	91,126	91,126	91,126	91,126	+8,790
Bureau of the Public Debt	173,765	176,923	176,923	176,923	176,923	+3,158
Payment of government losses in shipment	1,000	1,000	1,000	1,000	1,000	---
Total, Dept. of Treasury, non-IRS	977,060	969,437	973,072	1,018,875	1,017,962	+40,902
Internal Revenue Service						
Tax administration and operations	---	10,460,051	---	---	---	---
Adjusted appropriation	---	(446,496)	---	(446,000)	---	---
Processing, assistance, and management	4,056,857	---	4,181,520	4,136,578	4,136,578	+79,721
Tax law enforcement	4,363,539	---	4,580,216	4,725,756	4,725,756	+362,217
Information systems	1,577,768	---	1,575,146	1,597,717	1,598,967	+21,199
Subtotal	9,998,164	10,460,051	10,336,882	10,460,051	10,461,301	+463,137
Business systems modernization	203,360	199,000	199,000	199,000	199,000	-4,360
Health Insurance Tax Credit Administration	34,562	20,210	20,210	20,210	20,210	-14,352
Rescission	---	---	---	---	-9,000	-9,000
Total, Internal Revenue Service	10,236,086	10,679,261	10,556,092	10,679,261	10,671,511	+435,425
Total, title II, Department of the Treasury	11,213,146	11,648,698	11,529,164	11,698,136	11,689,473	+476,327
Appropriations	11,218,346	11,648,698	11,529,164	11,698,136	11,698,473	+480,127
Rescissions	-5,200	---	---	---	-9,000	-3,800
TITLE III - DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
Public and Indian Housing						
Tenant-based Rental Assistance:						
Direct appropriation	10,599,520	11,645,194	11,431,400	11,436,064	11,373,656	+774,136
Renewals	(13,355,285)	(14,089,756)	(14,189,756)	(14,089,756)	(14,089,756)	(+734,471)
Tenant protection vouchers	(161,696)	(354,081)	(165,700)	(192,000)	(180,000)	(+18,304)
Family self-sufficiency coordinators	(45,632)	(55,000)	(45,000)	(48,000)	(48,000)	(+2,368)
Administrative fees	(1,200,426)	(1,295,408)	(1,225,000)	(1,295,408)	(1,250,000)	(+49,574)
Working capital fund	(2,881)	(5,949)	(5,900)	(5,900)	(5,900)	(+3,019)
Additional rental subsidy	---	(45,000)	---	---	---	---
Technical assistance fund	---	---	---	(5,000)	---	---
Advance appropriations provided in previous acts	4,166,400	4,200,000	4,200,000	4,200,000	4,200,000	+33,600
Subtotal	14,765,920	15,845,194	15,631,356	15,636,064	15,573,656	+807,736
Advance appropriations provided in current year	4,200,000	4,200,000	4,200,000	4,200,000	4,200,000	---
Total, Tenant-based rental assistance	18,965,920	20,045,194	19,831,400	19,836,064	19,773,656	+807,736
Project-based rental assistance	5,298,272	5,072,100	5,088,300	5,072,100	5,088,300	-209,972
Renewals	(5,195,203)	(4,923,100)	(4,940,100)	(4,918,100)	(4,939,700)	(-255,503)
Contract administrators	(101,085)	(147,200)	(147,200)	(147,200)	(147,200)	(+46,115)
Working capital fund	(1,984)	(1,800)	(1,000)	(1,800)	(1,400)	(-584)
Public housing:						
Capital fund	2,579,200	2,327,200	2,600,000	2,327,200	2,463,600	-115,600
Operating fund	2,438,336	3,407,300	3,600,000	3,557,300	3,600,000	+1,161,664
Revitalization of severely distressed public housing	142,848	---	60,000	150,000	100,000	-42,848
Native American housing block grants	621,984	582,600	600,000	622,000	630,000	+8,016
Indian housing loan guarantee fund program account	4,960	2,645	2,645	5,000	4,000	-960
(Limitation on guaranteed loans)	(145,345)	(98,967)	(98,967)	(145,345)	(116,276)	(-29,069)

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HOUSING AND URBAN DEVELOPMENT,
THE JUDICIARY, DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES, FY 2006 (H.R.3058)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
Native Hawaiian housing:						
Block grant	---	8,815	8,815	---	8,815	+8,815
Loan guarantee fund	992	882	882	1,000	900	-92
(Limitation on guaranteed loans)	(37,403)	(35,000)	(35,000)	(37,403)	(37,403)	---
Total, Public and Indian Housing	30,052,512	31,446,736	31,792,042	31,570,664	31,669,271	+1,616,759
Current year advance appropriations	4,200,000	4,200,000	4,200,000	4,200,000	4,200,000	---
Net Total (excluding current year advances)	25,852,512	27,246,736	27,592,042	27,370,664	27,469,271	+1,616,759
Community Planning and Development						
Housing opportunities for persons with AIDS	281,728	268,000	290,000	287,000	289,000	+7,272
Rural housing and economic development	23,808	---	10,000	24,000	17,000	-6,808
Empowerment zones / enterprise communities	9,920	---	---	---	---	-9,920
Community development fund	4,671,328	---	4,243,000	4,323,610	4,220,000	-451,328
Community development fund (sec. 424)	30,752	---	---	---	---	-30,752
Emergency appropriations (P.L.108-324)	150,000	---	---	---	---	-150,000
Section 108 loan guarantees:						
(Limitation on guaranteed loans)	(275,000)	---	---	(275,000)	(137,500)	(-137,500)
Credit subsidy	5,952	---	---	6,000	3,000	-2,952
Administrative expenses	992	---	---	1,000	750	-242
Brownfields redevelopment	23,808	---	---	15,000	10,000	-13,808
HOME investment partnerships program	1,899,680	1,941,000	1,900,000	1,900,000	1,775,000	-124,680
Homeless assistance grants	1,240,511	1,440,000	1,340,000	1,415,000	1,340,000	+99,489
Self-help homeownership opportunity program	---	30,000	60,800	---	61,000	+61,000
Total, Community Planning and Development	8,338,479	3,679,000	7,843,800	7,971,610	7,715,750	-622,729
Housing Programs						
Housing for the elderly	741,024	741,000	741,000	742,000	742,000	+976
Housing for persons with disabilities	238,080	119,900	238,100	240,000	239,000	+920
Housing counseling assistance	---	39,700	---	---	---	---
Technical assistance (by transfer)	---	---	---	(45,000)	---	---
Manufactured housing fees trust fund	13,000	13,000	12,896	13,000	13,000	---
Offsetting collections	-13,000	-13,000	-12,896	-13,000	-13,000	---
Rental housing assistance	---	26,400	26,400	26,400	26,400	+26,400
Total, Housing Programs	979,104	927,000	1,005,500	1,008,400	1,007,400	+28,296
Federal Housing Administration						
FHA - Mutual mortgage insurance program account:						
(Limitation on guaranteed loans)	(185,000,000)	(185,000,000)	(185,000,000)	(185,000,000)	(185,000,000)	---
(Limitation on direct loans)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	---
Administrative expenses	354,051	355,000	355,000	355,000	355,000	+949
Offsetting receipts	-2,234,000	-1,309,000	-1,309,000	-1,309,000	-1,309,000	+925,000
Offsetting receipts (legislative proposal)	---	18,000	---	---	---	---
Administrative contract expenses	77,376	62,600	62,600	62,600	62,600	-14,776
Additional contract expenses	992	1,000	1,000	1,000	1,000	+8
FHA - General and special risk program account:						
(Limitation on guaranteed loans)	(35,000,000)	(35,000,000)	(35,000,000)	(35,000,000)	(35,000,000)	---
(Limitation on direct loans)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	---
Administrative expenses	225,945	231,400	231,400	231,400	231,400	+5,455
Offsetting receipts	-248,000	-300,000	-339,000	-339,000	-339,000	-91,000
Credit subsidy	9,920	8,800	8,800	8,800	8,800	-1,120
Non-overhead administrative expenses	85,312	71,900	71,900	71,900	71,900	-13,412
Additional contract expenses	3,968	4,000	4,000	4,000	4,000	+32
Total, Federal Housing Administration	-1,724,436	-856,300	-913,300	-913,300	-913,300	+811,136
Government National Mortgage Association (GNMA)						
Guarantees of mortgage-backed securities loan guarantee program account:						
(Limitation on guaranteed loans)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	---
Administrative expenses	10,609	11,360	10,700	11,360	10,700	+91
Offsetting receipts	-368,000	-368,000	-368,000	-368,000	-368,000	---
Total, Gov't National Mortgage Association	-357,391	-356,640	-357,300	-356,640	-357,300	+91
Policy Development and Research						
Research and technology	45,136	69,738	60,600	48,000	56,350	+11,214
Fair Housing and Equal Opportunity						
Fair housing activities	46,128	38,800	46,500	46,000	46,000	-128
Office of Lead Hazard Control						
Lead hazard reduction	166,656	119,000	166,656	167,000	152,000	-14,656

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES, FY 2006 (H.R.3058)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
Management and Administration						
Salaries and expenses	542,819	579,000	579,000	570,000	579,000	+36,181
Transfer from:						
Limitation on FHA corporate funds	(560,673)	(562,400)	(562,400)	(562,400)	(562,400)	(+1,727)
GNMA	(10,695)	(10,695)	(10,700)	(11,360)	(10,700)	(+5)
Community Development Loan Guarantees Program	(1,000)	---	---	(1,000)	(750)	(-250)
Native American Housing Block Grants	(150)	(146)	(150)	(150)	(150)	---
Indian Housing Loan Guarantee Fund Program	(250)	(244)	(250)	(250)	(250)	---
Native Hawaiian Housing Loan Guarantees	(35)	(34)	(35)	(35)	(35)	---
Subtotal	(1,115,622)	(1,152,519)	(1,152,535)	(1,145,195)	(1,153,285)	(+37,663)
Working capital fund	267,840	265,000	62,000	265,000	197,000	-70,840
Office of Inspector General	79,360	79,000	79,000	82,000	82,000	+2,640
(By transfer, limitation on FHA corporate funds)	(24,000)	(24,000)	(24,000)	(24,000)	(24,000)	---
Subtotal	(103,360)	(103,000)	(103,000)	(106,000)	(106,000)	(+2,640)
Office of Federal Housing Enterprise Oversight	59,209	60,000	60,000	60,000	60,000	+791
Offsetting receipts	-59,209	-60,000	-60,000	-60,000	-60,000	-791
Total, Management and Administration	890,019	923,000	720,000	917,000	858,000	-32,019
Rescissions:						
Housing certificate fund	-1,557,000	-2,500,000	-2,493,600	-1,500,000	-2,050,000	-493,000
Public housing elimination grants	-5,000	---	---	---	---	+5,000
Revitalization of severely distressed public housing	---	-142,848	---	---	---	---
Title VI credit subsidy	-21,000	---	---	---	---	+21,000
Indian housing credit subsidy	-33,000	---	---	---	---	+33,000
Brownfields Redevelopment	---	---	---	---	-10,000	-10,000
Rental housing assistance	-675,000	---	---	---	---	+675,000
GI/SRI credit subsidy	-30,000	---	---	---	---	+30,000
Subtotal	-2,321,000	-2,642,848	-2,493,600	-1,500,000	-2,060,000	+261,000
Total, title III, Department of Housing and Urban Development	36,115,207	33,347,486	37,870,898	38,958,734	38,174,171	+2,058,964
Current year advance appropriations	4,200,000	4,200,000	4,200,000	4,200,000	4,200,000	---
Net total, excluding current year advance	31,915,207	29,147,486	33,670,898	34,758,734	33,974,171	+2,058,964
Appropriations	(32,842,016)	(29,622,334)	(34,053,394)	(34,147,734)	(33,923,171)	(+1,081,155)
Rescissions	(-2,321,000)	(-2,642,848)	(-2,493,600)	(-1,500,000)	(-2,060,000)	(+261,000)
Emergency appropriations	(150,000)	---	---	---	---	(-150,000)
Offsetting receipts	(-2,850,000)	(-1,959,000)	(-2,016,000)	(-2,016,000)	(-2,016,000)	(+834,000)
Offsetting collections	(-72,209)	(-73,000)	(-72,896)	(-73,000)	(-73,000)	(-791)
Previously enacted advances	(4,166,400)	(4,200,000)	(4,200,000)	(4,200,000)	(4,200,000)	(+33,600)
(By transfer)	---	---	---	45,000	---	---
(Limitation on direct loans)	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)	---
(Limitation on guaranteed loans)	(420,457,748)	(420,133,967)	(420,133,967)	(420,457,748)	(420,291,179)	(-166,569)
(Limitation on corporate funds)	(596,803)	(597,519)	(597,535)	(599,195)	(598,285)	(+1,482)
TITLE IV - THE JUDICIARY						
Supreme Court of the United States						
Salaries and expenses:						
Salaries of justices	1,985	2,000	2,000	2,000	2,000	+15
Other salaries and expenses	55,387	58,730	58,730	58,730	58,730	+3,343
Subtotal	57,372	60,730	60,730	60,730	60,730	+3,358
Care of the building and grounds	9,846	5,624	5,624	5,624	5,624	-4,222
Total, Supreme Court of the United States	67,218	66,354	66,354	66,354	66,354	-864
United States Court of Appeals for the Federal Circuit						
Salaries and expenses:						
Salaries of judges	2,257	2,000	2,000	2,000	2,000	-257
Other salaries and expenses	19,263	24,462	22,613	21,489	22,000	+2,737
Total, US Court of Appeals for the Fed Circuit	21,520	26,462	24,613	23,489	24,000	+2,480

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HOUSING AND URBAN DEVELOPMENT,
THE JUDICIARY, DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES, FY 2006 (H.R.3058)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
United States Court of International Trade						
Salaries and expenses:						
Salaries of judges	1,757	2,000	2,000	2,000	2,000	+243
Other salaries and expenses	12,956	13,480	13,480	13,480	13,480	+524
Total, US Court of International Trade	14,713	15,480	15,480	15,480	15,480	+767
Courts of Appeals, District Courts, and Other Judicial Services						
Salaries and expenses:						
Salaries of judges and bankruptcy judges	289,877	305,312	301,000	301,000	305,312	+15,435
Judges COLA	---	5,000	---	5,000	5,000	+5,000
Other salaries and expenses	3,835,444	4,168,432	4,047,780	4,068,959	4,038,468	+203,024
Subtotal, Salaries and expenses	4,125,321	4,478,744	4,348,780	4,374,959	4,348,780	+223,459
Vaccine Injury Compensation Trust Fund	3,254	3,833	3,833	3,833	3,833	+579
Defender services	667,351	768,064	721,919	710,785	717,000	+49,649
Fees of jurors and commissioners	60,713	71,318	60,053	61,318	61,318	+605
Court security	327,565	390,316	379,461	372,426	372,000	+44,435
Total, Courts of Appeals, District Courts, and Other Judicial Services	5,184,204	5,712,275	5,514,046	5,523,321	5,502,931	+318,727
Administrative Office of the United States Courts						
Salaries and expenses	67,289	72,198	70,262	72,198	70,262	+2,973
Federal Judicial Center						
Salaries and expenses	21,447	22,876	22,249	22,350	22,350	+903
Judicial Retirement Funds						
Payment to judiciary trust funds	36,700	40,600	40,600	40,600	40,600	+3,900
United States Sentencing Commission						
Salaries and expenses	13,126	14,700	14,046	14,700	14,400	+1,274
Total, title IV, the Judiciary	5,426,217	5,970,945	5,767,650	5,778,492	5,756,377	+330,160
Mandatory appropriations	332,576	351,912	347,600	347,600	351,912	+19,336
Discretionary appropriations	5,093,641	5,619,033	5,420,050	5,430,892	5,404,465	+310,824
TITLE V - DISTRICT OF COLUMBIA						
FEDERAL FUNDS						
Federal payment for Resident Tuition Support	25,395	33,200	33,200	33,200	33,200	+7,805
Federal payment for Emergency Planning and Security Costs in the District of Columbia	14,880	15,000	15,000	12,000	13,500	-1,380
Federal payment to the District of Columbia Courts	189,274	221,693	221,693	218,912	218,912	+29,638
Defender Services in District of Columbia Courts	38,192	45,000	45,000	45,000	44,000	+5,808
Federal payment to the Court Services and Offender Supervision Agency for the District of Columbia	178,560	203,388	203,388	201,388	201,388	+22,828
Federal payment to the District of Columbia Water and Sewer Authority	4,762	---	10,000	5,000	7,000	+2,238
Federal payment for the Anacostia Waterfront Initiative	2,976	5,000	5,000	3,000	3,000	+24
Federal payment to the Criminal Justice Coordinating Council	1,290	1,300	1,300	1,300	1,300	+10
Federal payment for the Unified Communications Center	5,952	---	---	---	---	-5,952
Federal payment for Public School Libraries	5,952	---	---	---	---	-5,952
Federal payment for the Family Literacy Program	992	---	---	---	---	-992
Federal payment for Transportation Assistance	2,480	---	---	1,000	1,000	-1,480
Federal payment for Foster Care Improvements in the District of Columbia	4,960	---	---	2,000	2,000	-2,960
Federal payment to the Office of the Chief Financial Officer of the District of Columbia	32,240	---	20,000	16,500	29,200	-3,040
Federal payment for School Improvement	39,680	41,616	41,616	40,000	40,000	+320
Federal payment for Bioterrorism and Forensics Labs	7,936	7,200	7,200	5,200	5,000	-2,936
Federal payment for the National Guard Youth Challenge in the District of Columbia	---	---	---	500	500	+500
Federal payment for Marriage Development Accounts	---	---	---	3,000	3,000	+3,000

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES, FY 2006 (H.R.3058)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
Federal payment for Latino youth Initiative	---	---	---	2,000	---	---
Federal payment for Prisoner Reentrant Housing	---	---	---	3,000	---	---
Total, Federal funds to the District of Columbia	555,521	573,397	603,397	593,000	603,000	+47,479
Total, Title V, District of Columbia	555,521	573,397	603,397	593,000	603,000	+47,479
TITLE VI - EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT						
The White House						
Salaries and expenses	---	183,271	---	---	---	---
Compensation of the President and the White House Office:						
Compensation of the President	450	---	450	450	450	---
Salaries and expenses	61,504	---	52,330	56,581	53,830	-7,674
Executive Residence at the White House:						
Operating expenses	12,658	---	12,436	12,436	12,436	-222
White House repair and restoration	1,885	---	1,700	1,700	1,700	-185
Council of Economic Advisers	4,008	---	4,040	4,040	4,040	+32
Office of Policy Development	2,282	---	3,500	---	3,500	+1,218
National Security Council	8,861	---	8,705	8,705	8,705	-156
Privacy and Civil Liberties Board	---	---	1,500	1,500	---	---
Office of Administration	91,531	---	89,322	98,609	89,322	-2,209
Total, The White House	183,179	183,271	173,983	184,021	173,983	-9,196
Office of Management and Budget	67,864	68,411	67,930	68,411	76,930	+9,066
Office of National Drug Control Policy:						
Salaries and expenses	26,784	24,224	26,908	24,224	26,908	+124
Counterdrug Technology Assessment Center	41,664	30,000	30,000	30,000	30,000	-11,664
Total, Office of National Drug Control Policy	68,448	54,224	56,908	54,224	56,908	-11,540
High intensity drug trafficking areas program	226,523	---	236,000	227,000	227,000	+477
Other Federal drug control programs	211,990	213,300	238,292	191,400	194,900	-17,090
Unanticipated needs	992	1,000	1,000	1,000	1,000	+8
Emergency appropriations (P.L. 108-324)	70,000	---	---	---	---	-70,000
Special Assistance to the President	4,534	4,455	4,455	4,455	4,455	-79
Official Residence of the Vice President: Operating expenses	330	325	325	325	325	-5
Total, title VI, Executive Office of the President and Funds Appropriated to the President	833,860	524,986	778,893	730,836	735,501	-98,359
Appropriations	(763,860)	(524,986)	(778,893)	(730,836)	(735,501)	(-28,359)
Emergency appropriations	(70,000)	---	---	---	---	(-70,000)
TITLE VII - INDEPENDENT AGENCIES						
Architectural and Transportation Barriers Compliance Board	5,641	5,941	5,941	5,941	5,941	+300
Consumer Product Safety Commission	62,149	62,499	62,449	63,000	63,000	+851
Election Assistance Commission	13,888	17,612	15,877	13,888	14,200	+312
Federal Deposit Insurance Corporation: Office of Inspector General (transfer)	(29,884)	(29,965)	(29,965)	(31,000)	(31,000)	(+1,116)
Federal Election Commission	51,742	54,600	54,700	54,600	54,700	+2,958
Federal Labor Relations Authority	25,468	25,468	25,468	25,468	25,468	---
Rescission	-3,000	---	---	---	---	+3,000
Federal Maritime Commission	19,340	20,499	20,499	20,499	20,499	+1,159
General Services Administration						
Federal Buildings Fund:						
Limitations on availability of revenue:						
Construction and acquisition of facilities	(708,542)	(708,106)	(630,817)	(829,056)	(792,056)	(+83,514)
Repairs and alterations	(980,222)	(961,376)	(392,967)	(961,376)	(861,376)	(-118,846)
Installment acquisition payments	(161,442)	(168,180)	(168,180)	(168,180)	(168,180)	(+6,738)
Rental of space	(3,657,315)	(4,046,031)	(4,033,531)	(4,046,031)	(4,046,031)	(+388,716)
Building operations	(1,709,522)	(1,885,102)	(1,641,602)	(1,885,102)	(1,885,102)	(+175,580)
Subtotal	7,217,043	7,768,795	6,867,097	7,889,745	7,752,745	+535,702
Repayment of debt	(41,000)	(40,000)	(40,000)	(40,000)	(40,000)	(-1,000)

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES, FY 2006 (H.R.3058)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
Government-wide policy	61,603	52,796	52,796	52,796	52,796	-8,807
Operating expenses	91,438	99,890	82,179	99,890	99,890	+8,452
Office of Inspector General	42,012	43,410	43,410	43,410	43,410	+1,398
Electronic Government Fund	2,976	5,000	3,000	5,000	3,000	+24
Allowances and Office Staff for Former Presidents	3,081	2,952	2,952	2,952	2,952	-129
Federal Buildings Fund (rescission)	-106,000	---	---	---	---	+106,000
Federal Citizen Information Center Fund	14,788	15,030	15,030	15,000	15,000	+212
Total, General Services Administration	109,898	219,078	199,367	219,048	217,048	+107,150
Merit Systems Protection Board						
Salaries and expenses	34,400	34,400	35,600	35,600	35,600	+1,200
Limitation on administrative expenses	2,605	2,605	2,605	2,605	2,605	---
Total, Merit Systems Protection Board	37,005	37,005	38,205	38,205	38,205	+1,200
Morris K. Udall Foundation						
Morris K. Udall Trust Fund	1,980	---	2,000	2,000	2,000	+20
Environmental Dispute Resolution Fund	1,299	700	1,900	1,000	1,900	+601
Total, Morris K. Udall Foundation	3,279	700	3,900	3,000	3,900	+621
National Archives and Records Administration						
Operating expenses	264,809	280,975	283,975	280,975	283,045	+18,236
Electronic records archive	35,627	35,914	35,914	38,914	37,914	+2,287
Reduction of debt	-7,810	-8,488	-8,488	-8,488	-8,488	-678
Repairs and restoration	13,325	6,182	6,182	11,682	9,682	-3,643
National Historical Publications and Records Commission: Grants program	4,960	---	7,500	5,000	7,500	+2,540
Total, National Archives and Records Admin	310,911	314,583	325,083	328,083	329,653	+18,742
National Credit Union Administration:						
Central liquidity facility:						
(Limitation on direct loans)	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)	---
(Limitation on admin expenses, corporate funds)	(310)	(323)	(323)	(323)	(323)	(+13)
Community development revolving loan fund	992	950	950	950	950	-42
National Transportation Safety Board:						
Salaries and expenses	76,086	76,700	76,700	76,700	76,700	+614
Rescission of unobligated balances	-8,000	-1,000	-1,000	-1,000	-1,000	+7,000
Neighborhood Reinvestment Corporation	114,080	118,000	118,000	115,000	118,000	+3,920
Office of Government Ethics	11,148	11,148	11,148	11,148	11,148	---
Office of Personnel Management						
Salaries and expenses	124,496	124,521	119,952	124,521	122,521	-1,975
Limitation on administrative expenses	127,434	100,017	102,679	100,017	100,017	-27,417
Office of Inspector General	1,614	1,614	1,614	1,614	2,071	+457
Limitation on administrative expenses	16,329	16,329	16,786	16,329	16,329	---
Govt Payment for Annuitants, Employees Health Benefits	8,135,000	8,393,000	8,393,000	8,393,000	8,393,000	+258,000
Govt Payment for Annuitants, Employee Life Insurance	35,000	36,000	36,000	36,000	36,000	+1,000
Payment to Civil Svc Retirement and Disability Fund	9,772,000	10,072,000	10,072,000	10,072,000	10,072,000	+300,000
Total, Office of Personnel Management	18,211,873	18,743,481	18,742,031	18,743,481	18,741,938	+530,065
Office of Special Counsel	15,325	15,325	15,325	15,325	15,325	---
Selective Service System	26,090	25,650	24,000	25,650	25,000	-1,090
United States Interagency Council on Homelessness	1,499	1,800	1,499	1,800	1,800	+301
United States Postal Service						
Payment to the Postal Service Fund	28,768	---	43,350	29,000	43,350	+14,582
Advance appropriation provided in previous acts	36,229	61,709	61,709	61,709	61,709	+25,480
Subtotal, FY2006 funding	64,997	61,709	105,059	90,709	105,059	+40,062
Advance appropriation provided in current year	61,709	87,350	73,000	87,350	73,000	+11,291
Emergency preparedness	496,000	---	---	---	---	-496,000
Mail irradiation facility (emergency)	6,944	---	---	---	---	-6,944
Total, United States Postal Service	629,650	149,059	178,059	178,059	178,059	-451,591

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HOUSING AND URBAN DEVELOPMENT,
THE JUDICIARY, DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES, FY 2006 (H.R.3058)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
United States Tax Court	40,851	48,998	48,998	47,998	47,998	+7,147
Total, title VII, Independent Agencies	19,755,915	19,948,096	19,967,199	19,986,843	19,988,532	+232,617
Appropriations	(19,768,033)	(19,800,037)	(19,833,490)	(19,838,784)	(19,854,823)	(+86,790)
Emergency appropriations	(6,944)	---	---	---	---	(-6,944)
Rescissions	(-117,000)	(-1,000)	(-1,000)	(-1,000)	(-1,000)	(+116,000)
Advance appropriation provided in previous act	(36,229)	(61,709)	(61,709)	(61,709)	(61,709)	(+25,480)
Advance appropriation provided in current year	(61,709)	(87,350)	(73,000)	(87,350)	(73,000)	(+11,291)
(By transfer)	(29,884)	(29,965)	(29,965)	(31,000)	(31,000)	(+1,116)
(Limitation on direct loans)	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)	---
(Limitation on corporate funds)	(310)	(323)	(323)	(323)	(323)	(+13)
Title VIII - General Provisions, This Bill						
HHS info match- new hires	-125,000	---	---	---	---	+125,000
Total, General provisions, This Bill	-125,000	---	---	---	---	+125,000
Grand total (net)	87,431,383	83,885,395	91,018,996	89,463,400	89,135,149	+1,703,766
Appropriations	(84,753,074)	(81,760,584)	(87,538,854)	(87,980,412)	(87,793,510)	(+3,040,436)
Emergency appropriations	(1,459,044)	---	---	---	---	(-1,459,044)
Offsetting collections	(-72,209)	(-73,000)	(-72,896)	(-73,000)	(-73,000)	(-791)
Rescissions	(-2,682,179)	(-2,718,248)	(-2,496,671)	(-1,503,071)	(-2,072,071)	(+610,108)
Rescission of contract authority	(-1,640,685)	(-1,674,000)	(-469,000)	(-3,474,000)	(-3,031,999)	(-1,391,314)
Negative subsidy receipts	(-2,850,000)	(-1,959,000)	(-2,016,000)	(-2,016,000)	(-2,016,000)	(+834,000)
Advance appropriation provided in previous act	(4,202,629)	(4,261,709)	(4,261,709)	(4,261,709)	(4,261,709)	(+59,080)
Advance appropriation provided in current year	(4,261,709)	(4,287,350)	(4,273,000)	(4,287,350)	(4,273,000)	(+11,291)
(Limitation on obligations)	(45,327,106)	(45,686,067)	(48,227,800)	(51,787,816)	(47,749,451)	(+2,422,345)
(Exempt contract authority)	(739,000)	(739,000)	(739,000)	(739,000)	(739,000)	---
(By transfer)	(186,656)	(29,965)	(29,965)	(76,000)	(153,457)	(-33,199)
(Transfer out)	(-156,127)	---	---	---	(-122,457)	(+33,670)
Net total budgetary resources	(133,497,489)	(130,310,462)	(139,985,796)	(141,990,216)	(137,623,600)	(+4,126,111)

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

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

Mr. Speaker, I am surprised, I think we must be on the train headed for Turkey or something like that, because I expected to have my chairman to have a good many more comments to say than he has done.

Mr. Speaker, at the outset I would like to thank the staff on both sides for their exceedingly diligent work in putting this conference report together. I want to recognize our committee clerk Dena Baron and her excellent majority staff, including Cheryle Tucker, Dave Gibbons, Steve Crane, Dave Napoliello, Christian Jones and Tammy Hughes.

And for the minority, I thank the committee staff Mike Malone and Michelle Burkett, and Shalanda Young; and from my own staff, Matt Washington and Nora Kaitfors.

All worked under particularly difficult circumstances to complete this bill and deserve our gratitude for a job well done.

I also want to thank Chairman KNOLLENBERG for his hard work and dedication, and for the constructive relationship that we have forged thus far as the chairman and the ranking member of this complicated jurisdiction. I particularly congratulate Chairman KNOLLENBERG for the collaborative way in which the majority and the minority staffs worked to bring this bill forward, and congratulate the chairman because he has not simply allowed, but encouraged that collaboration, and the collaboration has gotten stronger and more effective throughout the workings of the subcommittee in the hearings, then the Appropriations Committee process, then floor consideration, then the conference, and today the conference report. So I am particularly grateful to him for that collaboration.

This is a very complex bill. There are nine titles to this bill really covering two different divisions, because the jurisdiction is a little bit different in the other body than it is in this House. The portion of our jurisdiction which is the District of Columbia makes up a separate subcommittee on the other side.

The allocation for this overall subcommittee was below both the House and the Senate, by more than a billion dollars below the House number and more than a half a billion dollars below the Senate's number. All or part of a billion dollars would have made a great difference where holes remain in this bill. But that was the allocation that we were given, and so we had to deal with it.

With that I want to just point out first that in the matter of the District of Columbia, which is a separate division within this bill, as I mentioned, it is an important and sometimes overlooked portion of the bill, perhaps partly so because of the different jurisdictions in the House and the Senate. It makes up only a small portion of the appropriation in the combined bill, but the value of the initiatives funded through this bill cannot be understated.

I am pleased that we were able to provide valuable funding for important initiatives that include the Anacostia River Trail, the Water and Sewer Authority and for elementary and secondary and postsecondary education. I particularly regret the continuing rider forbidding the use of local funds for needle exchange programs. I think they are an important tool in a city such as our Capital which has a high HIV incidence. But I do commend the chairman for ensuring no new social riders were placed on the District of Columbia.

Mr. Speaker, if one looks at this legislation because of the allocations being low, I think if you have a primary interest in the judiciary, you are going to find good and bad provisions within the title relating to the judiciary. If your primary interest is in housing, you may find good and bad there. If it is in transportation, you may find good and bad there. But I believe that no one can legitimately find the effect of the low and, in my view, inadequate allocation is disproportionately borne by any one title or subtitle within the bill.

In housing, for instance, the sections that were so hotly contested on the floor when the House bill was under consideration here back in July, that section, most of those hotly contested items have been included simply by balancing halfway, reaching halfway between the two branches. One in particular, if I remember in particular, the shop program, it was in the House bill and not in the Senate, and the House number is the one that is used in the final report. So these provisions are fairly dealt with.

In the transportation section, probably the most hotly contested issue was the issue of Amtrak. And in this conference report, we have provided the largest total number of dollars for Amtrak that has ever been provided by going halfway between the House and the Senate numbers.

□ 1030

But at the same time, we have used what I think are very valuable fire walls between capital spending and debt financing and operating subsidy, and provided also language that should lead to important and significant reforms in the operation of Amtrak. So, I think that too is very fair. In fact, my comments about there being, for those who might be interested in only one title, or primarily in one title, could also apply to the good and bad in the titles which are the part of the 60 or 70 or so outside sections, those sections are included in the two titles that are general provisions for the agencies in this bill alone, and then general provisions that apply to all of government.

I want to mention just a couple of those because in one case, the case of Cuba language, we fought a war in Vietnam against the Communist North Vietnamese, the Viet Cong, in which more than 50,000 American young men and women died. Yet we have normalized relations with Vietnam by following an engagement communication trade and travel policy.

Similarly, we fought a war against China, which is virtually to the day now 55 years ago, started 55 years ago on the Korean peninsula, and we have again followed the engagement communication trade and travel policy with Communist China. And China, it goes so far as to now have China with the largest trade surplus with respect to us. Obviously our largest trade deficit is with Communist China, and China holds the second largest amount of our national debt that is held by a foreign nation.

Again, this year, the House and the Senate passed, by roll call votes in each branch, identical language to bring us to a rational engagement communication trade and travel policy in Cuba, which has been so successful in the case of Vietnam and China. You will not find any such language in this conference report. I regret that deeply because what I think that means is that America will continue its hyperventilated tantrum against Cuba for another year, and that is unfortunate that we are putting off the normalization of our relations with Cuba.

But at the same time, while I regret that, I see elsewhere other provisions that are in the so-called general provisions, which are very good. The conference report includes corporate expatriates language that was in the Senate bill which prohibits Federal agencies which are part of this act from contracting with corporations that located outside the United States to avoid paying corporate taxes. This language has been fought over year after year in this House of Representatives, and I am glad that we have gone along with the Senate's language and included it in this conference report.

This report provides a level playing field for our dedicated Federal employees by including language that deals with the Federal employee contracting out protections often referred to as ''A–76.'' This is the third straight year that conferees negotiated a compromise provision; however, this year the provision remains, and once again the intent of this House is carried out. And I thank Chairman KNOLLENBERG for that.

On balance, I believe that this is a very good bill. Under Chairman KNOLLENBERG's guidance the staff has produced a fair and proportionate bill, and I hope that the conference report will be adopted overwhelmingly.

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

Mr. KNOLLENBERG. Mr. Speaker, I yield 3½ minutes to the gentleman from Wisconsin (Mr. PETRI), the ranking member on the Transportation and Infrastructure Committee.

Mr. PETRI. Mr. Speaker, I want to express my outrage that this conference report substantially weakens provisions providing greater consumer protection for victims of unscrupulous movers that were part of the transportation bill that was signed into law less than 4 months ago.

Let me first say thank you to Chairman KNOLLENBERG and also to the Speaker. And I want to thank the staff, as well, for the consideration that they have given to the authorizing committees and for providing such strong support for as long as was possible. I appreciate your efforts.

But it is simply wrong that this conference report contains provisions that were specifically rejected by the Senate when it was considering its transportation bill earlier this year and that were rejected during the conference on the transportation bill this past summer.

For years I have worked to provide relief to the many citizens from all across this country who call my office and other offices around here seeking help because they have been victimized and find they have nowhere to turn. The most egregious of these situations is where a moving company holds all of their earthly possessions until they pay thousands of dollars in excess of the original estimate, basically extortion. These people find themselves in a strange city with no goods and no recourse.

The Department of Transportation is simply not suited to police the 1.5 million interstate moves that occur each year. Until recently, a total of three people were assigned to handle complaints, and they could do little about them. States which want to get involved and oversee intrastate moves with little controversy have been told by the courts that they have no jurisdiction since this is interstate commerce. So SAFETEA–LU created a partnership with the States by allowing them to enforce Federal consumer protection rules, a model that works well in other areas.

It is disheartening that only a few months after these new authorities were put in place, before they could really even take effect, some in the Senate have seen fit to reopen these provisions and basically neuter the consumer protection provisions included in SAFETEA–LU. Most shockingly, State authorities will only be able to initiate actions against certain carriers, and all others are protected no matter what their actions may be. We are putting up roadblocks when we should be tearing them down.

Mr. Speaker, inclusion of these provisions is wrong on so many levels. It is an affront to all authorizing committees that language just negotiated after years of discussion can be cast aside and changed in an appropriation bill. It is wrong that those who did not get what they wanted and were rejected both in the Senate and in conference can then get another bite at the apple and basically hijack the consumer protection provisions this Congress approved in July. What we are doing is, once again, leaving the little guy unprotected with nowhere to turn, with no recourse, as their lives are in ruins.

Could we not, for a change, stand up for the consumer against industry and correct the injustice? It is a sad day when we make it more difficult, and not less, for our citizens to get the recourse that they deserve.

This was not a move on the part of this body. Again, thanks to Chairman KNOLLENBERG, the leadership, the Senate Commerce Committee and others who fought this hijacking. It is unfortunate for consumers across the Nation that we were not able to beat back this assault.

Mr. OLVER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Michigan (Ms. KILPATRICK), a member of the subcommittee.

Ms. KILPATRICK of Michigan. Mr. Speaker, I thank my ranking member for yielding. Thank you very much.

I say to the gentleman from Michigan (Mr. KNOLLENBERG), I am so very proud of his leadership, as he has taken this bill, a very difficult bill with many agencies and multimillions of dollars, and am very proud of the gentleman as a Congressman, and certainly for our State, for his leadership.

I thank Ranking Member OLVER for, as well, working to see that we got through this and did our best to fund the roads, the bridges, the transit agencies and all that goes with that. I appreciate how the gentlemen work together and how you allow all of us, the subcommittee members, to participate. I think we were unique in that, and I want to thank the gentlemen.

I want to give special thanks to the staffs on both sides of the aisle. We know how important staff is, and I tell you, from Mike Malone, and I am going to mess up if I start naming names, but I want to name a couple of them. Just thank you very much for all the work that you do. Our staffs, we could not do half the work we do as efficiently if it were not for the staffs on both sides of the aisle, so I thank you for that as well.

I am a little concerned that in the HUD budget we did not assess and continue to work to change what was changed a few years ago, for the snapshot for receiving section 8 vouchers from the 3-month look to a 12-month look. At a time when housing needs are most pressing, I do believe that still we need to be able to take a 12-month snapshot of the housing authorities and then determine what their funding ought to be.

In my own State of Michigan, and my district particularly, we are losing 1,500 slots because we use a 3-month snapshot of expenses rather than a full 12 months. So, as a result, some housing authorities will get more money. Others, like mine, will get less and we will find many, many people out in the cold literally because they do not have adequate housing.

Metro Airport, at our Detroit Metro Airport, it is a brand new airport. FAA is finding, and we had in our report language last year and it did not happen, and we tried to do it again this year, to make it a little stronger. Black mold is in there with the air traffic controllers; we need to alleviate that so that they can be healthy and do their jobs as well, and I hope the FAA will take another look at that. It is most important; a new facility, air traffic controllers are working in black mold, and we all know how toxic black mold can be.

Overall, I love the bill. It is a good bill. I urge my colleagues to support it, with two exceptions. With HUD, I want us to work more on that and I look forward to working with both the chairman and ranking member on better HUD funding and a better snapshot of the expenses so that all the housing authorities can get their equal share of that.

Again, I thank the chairman and the ranking member and your staffs for bringing forth a wonderful transportation bill.

Mr. Speaker, I rise in support of the bill, and I want to commend Chairman KNOLLENBERG, Ranking Member OLVER and the staff of the Transportation, Treasury, Housing and Urban Development, the District of Columbia and Independent Agencies Subcommittee for their hard work in getting this bill to the House floor.

This bill provides a total of $137 billion in total budgetary resources and $65.9 billion in discretionary spending for the Departments of Transportation, Treasury, Housing and Urban Development, the District of Columbia, and Independent Agencies. This is $5.2 billion above the request and $2.7 billion more than the previous year.

SURFACE TRANSPORTATION

Under the bill, highways and transit receive healthy increases under the conference report. The bill follows the guidelines under SAFETEA–LU for surface transportation projects. It provides a $36.0 billion highway obligation limitation, which is a $1.6 billion increase over FY05 and a $1.3 billion increase over the President's request.

Like SAFETEA–LU, the bill provides significant increases in the transit accounts, and funds New Starts programs $1.5 billion.

The increases in transportation will help cities like Detroit to invest in and maintain their transportation infrastructure and enhance the mobility of the traveling public to move to their jobs and make our communities more livable.

SC AMTRAK

Amtrak is funded at $1.313 billion, which will enable the national passenger rail system to maintain current operational requirements. The bill contains a number of mandates on the system: find savings in food and beverage service, first class service, and commuter rail fees. Amtrak also would be barred from marketing ticket discounts of more than 50 percent in peak hours: includes a new discretionary account, the Efficiency Incentive Fund, which the Secretary of Transportation can parse out as grants to fund priority capital improvements that are directly tied to short-term operating savings.

The bill funds the Federal Aviation Administration at $13.8 billion—$276 million above the fiscal year 2005 level and $1.105 billion above the President's request. This includes $3.55 billion for the Airport Improvement Program. The bill includes $25 million to hire and train 595 new air traffic controllers, and an additional $12 million above the request to hire and train safety inspectors in the office of aircraft certification and flight standards.

The House report contained language that requires the FAA to provide the Committee with a report on its effort to remediate a Black Mold problem in the control tower at the Detroit Metropolitan and Wayne County Airport. My colleagues in Southeast Michigan have received complaints from the people who work in the tower that this problem is causing workers to become ill and unfit for work. I am looking forward to receiving FAA's response.

HOUSING AND URBAN DEVELOPMENT

The Department of Housing and Urban Development (HUD) is funded at $34.0 billion; $2.1 billion above last year's level and $4.9 billion above the President's request.

I am disappointed that the conference failed to address the problem of the unfair distribution of renewal funding for the Section 8 Housing Choice Voucher Program.

The trend of the past few years has been to base budget allocations on a 3–month ''snapshot.'' This arbitrary snap-shot creates a disparity where some housing agencies wind up with more money than they need and others have to turn families out into the cold because their under-estimated budgets could no longer support the same number of vouchers.

At a time when rising energy costs are driving utility costs up, and job markets are fluctuating, particularly in areas like Michigan, we cannot ignore the impact of yearly market changes on subsidy needs.

TREASURY

Department of Treasury is funded at $11.7 billion, $400 million above FY05 and $50 million above the President's request.

The Internal Revenue Service is funded at request level of $10.7 billion, $434 million above FY05.

The bulk of the increase is for the tax enforcement activities of the IRS.

Federal Election Commission is funded at the budget request of $55 million, $3 million above FY05 and the Election Assistance Commission is funded at $16 million.

Mr. KNOLLENBERG. Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. LEWIS), the chairman of the full Appropriations Committee.

Mr. LEWIS of California. Mr. Speaker, Chairman KNOLLENBERG, my colleague from Massachusetts (Mr. OLVER) I rise simply to express my deepest appreciation for the work that you have been about on this newly organized subcommittee that has a variety, a mix, of complex issues that can conflict with each other, issues that if taken the wrong way, can cause bills to be stymied and no progress made. You have done a very, very fine job of establishing a tone that says that we can work together. And where Appropriations does its best work is when we reach across the aisle and recognize that while we do not have to agree 100 percent of the time, there is little doubt that a real solution comes when we do think about these alternatives, talking to one another as human beings and people who represent citizens across the country as well.

The bill is a very fine bill, a great job. I want to congratulate the staff, especially, as we have gone through this transition. They have done wonderful work. I congratulate the entire subcommittee.

Mr. OLVER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK), the ranking member of the Financial Services Committee.

Mr. FRANK of Massachusetts. Mr. Speaker, I appreciate the good work that was done by members of the subcommittee, and I am going to vote for the bill in recognition of the very good efforts. I believe the chairman, operating within the constraints that he had to operate within, did a reasonable job. I very much agree with the gentlewoman from Michigan who lamented some of the decisions that were made with regard to HUD, and I appreciate the work that has been done by my colleague from Massachusetts in a number of areas.

Just briefly, I want to comment on one subject, and that is the question of earmarks in transportation. The Governor of my State put out a transportation plan for the entire State earlier this year. The only two highway projects for the entire region of the State in southeastern Massachusetts that several of us represent came because our colleagues in the committees did what we asked and earmarked some funding.

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That is, not only were those earmarks very important for the local areas, but the State then adopted them as their only projects. So for people who think that earmarks somehow are some excrescence imposed from without, in my judgment, they often reflect better the local priorities; and one of the ones where I have gotten some help from the ranking member and others is to create the first handicapped-accessible commuter rail station on an important commuter route going into Boston from the west. I make no apologies for that earmark.

Unfortunately, this subcommittee, however, had to operate within the constraints of a terrible budget, and while they did the best they could, with one exception, I would join the gentleman from Michigan in regretting the choice that was made about the voucher funding formula; they did not, I think, take the right choice there. They adopted a formula that locks into the past, and let me predict now that Members, once again, are going to start hearing from their local communities as the year goes on about problems with vouchers, about the waiting list being too long, about people being upset; and it is probably because of what we have been coerced into doing here.

The other problem, though, is that in some cases we simply have too little money for the programs. Community Development Block Grants is cut I am told about 9 percent, $362 million. That is a very important program. It is not the fault of the subcommittee. They have been given an allocation. Well, I take it back. It is not the fault of those members of the subcommittee that did not vote for the budget. Members of the subcommittee that voted for the budget I think are hard-pressed to complain about what it did to their allocation. That is a self-inflicted wound.

But we ought to be clear that as a result of the spending constraints, I take it back, not spending constraints, the misallocated priorities, because there is certainly plenty of money being spent elsewhere in this budget that need not have been spent; but because of these terrible priorities, Community Development Block Grants gets about a 9 percent cut, and there is not much money for brownfields.

Hope VI is a very important program. Three years ago it was at $574 million. Today it is at $100 million because we have an administration ideologically opposed to it, despite an overwhelming bipartisan consensus that it is a good way to deal with housing.

Home funds, one of the few sources left now for construction, is cut further.

So I understand that the subcommittee did a good job within the constraints that they were given, although some of them gave themselves those constraints, but the consequence of these spending priorities of this Congress is underfunding of several important housing and community development priorities.

Mr. KNOLLENBERG. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. TIAHRT), a member of the subcommittee.

Mr. TIAHRT. Mr. Speaker, I want to bring to light an issue that several of my colleagues on the subcommittee and the gentleman from California (Mr. DOOLITTLE) feel should be a critical concern of the American taxpayer. I want to ensure that the IRS understands the intent of Congress that is stated in the report language of this bill.

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

Mr. TIAHRT. I yield to the gentleman from California.

Mr. DOOLITTLE. Mr. Speaker, I thank the chairman very much; he has been extremely generous in listening to our concerns. I thank the gentleman from Kansas (Mr. TIAHRT) as a member of the subcommittee for working on this and working with me as well.

This ''Return-Free'' tax filing system, Mr. Speaker, would create a conflict of interest by making the IRS not only the tax collector and the enforcer, but also the tax preparer. The loser in such a scenario would be the American

taxpayer. Return-free creates, by definition, a fundamental conflict of interest by making the same agency that collects the taxes, writes the tax regulations, collects the revenues, performs audits, and enforces compliance, now also becomes the tax preparer.

Mr. TIAHRT. Mr. Speaker, reclaiming my time, is it the chairman's understanding that the IRS is bound from setting up tax preparation services, and does the chairman agree that it is the intent of the subcommittee that the Treasury and the IRS must abide by the Free File agreement and not go into the business of preparing taxes for taxpayers?

Mr. KNOLLENBERG. Mr. Speaker, if the gentleman will yield, I do indeed. There is language in the bill addressing the Free File Alliance stating that ''the conferees are aware that the IRS and the FFA have signed a new 4-year agreement under which the IRS continues to agree not to enter the tax preparation market.''

The conferees direct IRS to abide by the terms and conditions of the agreement.

We believe that this will ensure that the IRS adheres to the agreement and will not enter the tax preparation market.

Mr. TIAHRT. Mr. Speaker, reclaiming my time, I would like to thank the gentleman from California (Mr. DOOLITTLE) for addressing this important issue to the American taxpayer. If the IRS does deviate from this agreement, then we will seek to stop them through statutory language to prevent tax preparation originating within the IRS.

Mr. OLVER. Mr. Speaker, I yield 5 minutes to a member of the subcommittee and the minority whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, today we consider the conference report on the Treasury, Transportation, HUD bill. That in and of itself is a remarkable achievement, given that in recent years the tendency has been to circumvent the established appropriation process.

I want to commend Chairman KNOLLENBERG and Ranking Democrat Olver for working diligently and cooperatively on a bill that is profoundly important to every American. We have seen much conflict over the last few days, and it is, I think, a happy event that we can come to the floor and be supportive of a bill that was worked on in a bipartisan, cooperative way; and I think that is a testament to Mr. KNOLLENBERG and to Mr. OLVER, and thanks to them as well.

Now, they would agree, and we all agree, this is not a perfect conference report, hardly any conference report is, and there are limited resources. Critical social programs are hurt. Public housing, Hope VI, people with AIDS, rural housing and economic development, Community Development Block Grants, brownfields, and the HOME program all face, frankly, fewer resources than I would hope they would have. But that is the reality of the dollars that were given to Mr. KNOLLENBERG and Mr. OLVER to deal with.

I am pleased that the transportation bill report includes an adjustment for our Federal civilian employees in their cost of living consistent with the pay adjustment proposed for the military personnel. It is essential that we provide this adjustment as recognition of the contribution made by both Federal civilian employees and military personnel to the safety and security of the Nation. It also allows us to recruit and indeed retain those that we need to carry out important and vital services for our citizens.

I am also pleased that the President's request for the FDA consolidation is in this bill. These funds will go a long way in helping to relocate FDA employees from their current substandard facilities into modern, state-of-the-art facilities.

I am enormously grateful, and I want to say this publicly, I have said it privately, to Chairman KNOLLENBERG for his leadership in making possible reimbursement to small business people who operated small airports and, for security reasons, were shut down by the Federal Government and sustained substantial losses. We have been working on this for many years, and Mr. KNOLLENBERG and Mr. OLVER have now ensured that we resolve this, and I thank the chairman for that. The failure to provide these small businessmen with compensation in the years past has caused great difficulty, and this will be a welcome addition to this bill.

I also want to commend the conferees for withstanding pressure from the White House, including the Bond-Mikulski reform provision, which will correct fundamental flaws in the contracting-out provisions. Simply put, the provision will eliminate waste and save taxpayer money while, at the same time, preserving appropriate competition by employees with the private sector to get the most efficient and effective results for our taxpayers.

I want to close by saying that I am concerned about what I believe to be one very significant provision that is not in this bill, or funding that is not in this bill. As the sponsor of the Help America Vote Act with the gentleman from Ohio (Mr. NEY), and it was overwhelmingly supported on this side, Senator MCCONNELL and Senator DODD on the Senate side, strong support, we promised the States some $3.8 billion in funding. We have given $3 billion to get our technology up to date, to ensure that every voter has access to the polls, that our registration rolls are up to date and accurate, that no American is precluded from voting because of inefficiencies in the registration system, and we required the States to have statewide registration systems, a centralized database so that no Marylander, no Massachusetts resident, no Michigander would be shut out of the process because they were not properly included on the rolls.

That is an expensive process, and the States are required to have it in place by January 1 of 2006. We have shortchanged them to this date $800 million of the promised $3.8 billion. Mr. Speaker, $3 billion is a large sum of money; but when you spread it throughout 50 States, it diminishes.

Mr. Speaker, I would hope that we could work together with the White House that has been helpful in the past and Speaker HASTERT, who has been very helpful in the past; Mr. OBEY and Mr. OLVER have both been helpful in making sure that next year we can work with the administration to try to get this funding at the level that it really ought to be, because that is what we promised the States and, but for that, it will be an unfunded mandate.

So, again, in closing, I thank the chairman, I thank Mr. OLVER, Mr. OBEY and Mr. LEWIS for working together to bring this bill to the floor, and I will certainly be supportive.

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

Mr. OLVER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the distinguished ranking member from Massachusetts for a tough job, a tough task, and very good work. I add my appreciation to the chairman, the gentleman from Michigan (Mr. KNOLLENBERG). I could not imagine a more combined challenge than the appropriations bill that we have before us. Unfortunately, in tough times we have tough choices, and many times some along the way are affected by those tough choices.

So, Mr. Speaker, I add my appreciation for a number of aspects of this bill. First of all, I want to thank the combined Texas delegation and, as I said, the ranking member and chairman of the subcommittee, and the gentleman from Texas (Mr. CULBERSON) in particular, on at least providing for New Start monies for Metro in Houston.

Mr. OLVER knows that this has been a long journey. We have had discussions on the floor in sessions past when we have not made it. We have had conflicting views coming out of the Houston delegation. But I can stand proudly and say that the Houston money, $12 million for New Starts, will not go unused and unappreciated.

We have a system that is one of the most used New Starts in America, with very large numbers of utilization; and it is important that we get started and continue to commit.

Might I also say, however, it is important for Metro to listen to community input so that we will have light rail and not have BRT. Light rail is what we voted on, and light rail is what we want.

I am gratified that the judiciary, or the Justice Department, has been funded in aspects where the staff has been

kept. I do raise a point about an overuse of the national security letters by the FBI and hope that we may look at that in the future.

But the real issue, Mr. Speaker, is to talk about HUD, which really has become a bank for this bill, as hard as my colleagues have worked. The bad news is that CDBG funds have been cut; that is the very heart of many of our communities, and we see that it has been cut by 9 percent.

The voucher question is severe. The section 8 vouchers have been cut. Unfortunately, public housing authorities will come up short this year. Even though we have used the House formula of a snapshot of a few years back, we are going to face a crisis because Houston is an example where we have thousands of Hurricane Katrina survivors and Rita survivors, and we are short of vouchers for housing as we speak. FEMA has shut off the doors for the hotels by December 1. We hope to press them to realize that that is an untenable position.

I also hope the elderly repair housing dollars are protected because the elderly are some of our most vulnerable populations.

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Then we do not even have Section 8 vouchers for the 25,000 backlog list that we already have in Houston.

I am disappointed that the brownfields are effectively zeroed out. That has, of course, been an effort to clean up many of the dastardly conditions in urban and rural areas, particularly some of the chemical plants that have been in our inner cities.

This is a bill that took a lot of choices and I know a lot of hard work. I wish we could have done better the housing area, Mr. Speaker, and I hope we do so in the future.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I submit the following: Statement of Managers Correction for H.R. 3058 Relating to the Economic Development Initiative Submitted by the Chairman of the Committee on Appropriations of the House of Representatives November 18, 2005.

The following corrects, and constitutes a complete substitute for, the provisions of the statement of managers of the committee of conference accompanying H.R. 3058 relating to the Economic Development Initiative of the Department of Housing and Urban Development's Community Development Fund.

The conference agreement includes $310,000,000 for the Economic Development Initiative with specific requirements on how these funds can be used. The conference agreement directs HUD to implement the Economic Development Initiatives program as follows:

1. $100,000 to the Salvation Army, City of Anchorage, Alaska for facilities construction associated with the SAFE Center at Chester Creek;
2. $400,000 for Bean's Café, in Anchorage, Alaska for the expansion of its kitchen;
3. $150,000 for the Alaska Botanical Garden in Anchorage, Alaska for expansion and renovation of its infrastructure;
4. $750,000 for the Bering Straits Native Corporation in Nome, Alaska for Cape Nome Quarry upgrades;
5. $950,000 for the Western Alaska Council, Boy Scouts of America in Anchorage, Alaska for construction of the Boy Scouts High Adventure Base Camp near Talkeetna, Alaska;
6. $750,000 for the construction of the Tongass Coast Aquarium;
7. $750,000 for Alaska Pacific University for the construction of a building;
8. $250,000 for the construction of the Alyeska Roundhouse in Girdwood, Alaska;
9. $500,000 for the People's Regional Learning Center in Bethel, Alaska to construct a vocational school and dormitories;
10. $500,000 for the Dillingham City School District in Dillingham, Alaska, to repair the gymnasium in the Dillingham middle/high school;
11. $250,000 to the National Children's Advocacy Center in Huntsville, Alabama for facilities planning and improvements to the advocacy center;
12. $200,000 to Chambers County, Alabama for the development of the Chambers County industrial park;
13. $400,000 to Clarke County Commission, Alabama for an ongoing economic development project by the Clark Co. commission;
14. $150,000 to Jefferson State Community College in Alabama for facilities renovation of an existing building;
15. $200,000 to the City of Ashland, Alabama for the purchase of land for Ashland industrial development;
16. $300,000 to the City of Bear Creek, Alabama for industrial park expansion;
17. $500,000 to the City of Decatur, Alabama for the Ingalls Harbor/Day Park Riverfront Renovation;
18. $200,000 to the city of Fort Payne, Alabama for facilities renovation of a building as part of the downtown revitalization project;
19. $100,000 to the City of Guntersville, Alabama for renovations to the Whole Backstage Theater;
20. $100,000 to the City of Huntsville, Alabama for land acquisition for downtown redevelopment;
21. $100,000 to the City of Montevallo, Alabama for sidewalks, street furniture, and façade improvements;
22. $1,000,000 to the City of Opelika, Alabama for the Northeast Opelika Industrial Park;
23. $150,000 to the City of Prattville, Alabama for the Prattville Waterfront Development Project to provide access to local waterways;
24. $100,000 to the City of Robertsdale, Alabama for upgrades to the PZK Civic Center;
25. $100,000 to the City of Shorter, Alabama for facilities construction and renovation of the Old Shorter School building to a community center;
26. $150,000 to the City of Thomasville, Alabama to construct a worker training center at Alabama Southern Community Center;
27. $100,000 to the Huntsville Museum of Art, Alabama for facility renovations;
28. $75,000 to the Town of Mooresville, Alabama for rehabilitation, facility improvements, and build out of three buildings;
29. $250,000 to the University of Montevallo, Alabama for facilities renovation and expansion of the Ramsay Conference Center at the University of Montevallo in Alabama;
30. $275,000 to Troy University, Alabama for small business training;
31. $400,000 for Construction and outfitting of the University of South Alabama's Mitchell School of Business Library in Mobile, Alabama;
32. $400,000 for construction and outfitting of the New Centurions, Inc. New Life for Women Shelter in Etowah County, Alabama;
33. $250,000 for the Greenville Family YMCA for child care facility acquisition, renovation, and construction in Greenville, Alabama;
34. $300,000 for the City of Evergreen for expansion of the Evergreen Conecuh County Library in Evergreen, Alabama;
35. $400,000 for the Fayette County Commission for the Fayette County Industrial Park in Fayette County, Alabama;
36. $200,000 for the Hayneville/Lowndes County Library Foundation for construction of a new library in Hayneville, Alabama;
37. $350,000 for the Jasper Area Family Services Center for construction of the Center in Jasper, Alabama;
38. $300,000 for the City of Tuskegee for Downtown Revitalization in Tuskegee, Alabama;
39. $400,000 for the Alabama Institute for the Deaf and Blind's Tuscaloosa Regional Center in Tuscaloosa, Alabama;
40. $250,000 for the City of Montgomery to develop the Montgomery Riverwalk in Montgomery, Alabama;
41. $250,000 for the Cleveland Avenue YMCA for facility expansion in Montgomery, Alabama;
42. $200,000 for the Wilcox County Industrial Development Authority for planning and development of its Industrial/Commercial Park;
43. $300,000 for the City of Guin for planning and development of its Industrial/Commercial Park;
44. $150,000 to Grand Prairie Center for the Arts and Allied Health, Phillips County Community College in Stuttgart, Arkansas for facility construction;
45. $150,000 to the City of Little Rock, Arkansas for facilities renovation and improvements to the community center at Granite Mountain;
46. $150,000 to the El Dorado Public Schools in El Dorado, Arkansas for the expansion of a recreational field;
47. $150,000 to the North Arkansas College, Harrison County, Arkansas for renovations to a Conference and Training facility;
48. $250,000 to Vada Sheid Community Development Center, ASU in Mountain Home, Arkansas for the community development center auditorium;
49. $800,000 for the Central Arkansas Resource Conservation and Development Council in Helena, Arkansas for the construction of the Phillips County Agricultural Storage Facility;
50. $200,000 for the Boys and Girls Club of Ouachita County, Arkansas for the construction of recreational facilities;
51. $200,000 for the City of Conway, Arkansas for downtown revitalization;
52. $200,000 for Audubon Arkansas for the development of the Audubon Nature Center at Gillam Park in Little Rock, Arkansas;
53. $600,000 to Chicanos Por La Causa in Phoenix, Arizona for redevelopment of the Nuestro Barrio Community;
54. $250,000 to Chicanos Por La Causa in Phoenix, Arizona for land acquisition and redevelopment of the East Washington Fluff site;
55. $250,000 to Pinal County, Arizona for the renovation and repair of the Pinal County Courthouse;
56. $650,000 to the Boys & Girls Club of Sierra Vista, City of Sierra Vista, Arizona for construction of the Boys & Girls Club in Sierra Vista;
57. $500,000 to the City of Eloy, Arizona for construction of a community center;
58. $250,000 to the City of Globe, Arizona for land acquisition and streetscape improvements;
59. $180,000 to the City of Scottsdale, Arizona for the renovation of the Vista del Camino Community Center;
60. $350,000 to the Douglas Arts and Humanities Association, City of Douglas, Arizona for facilities renovation of the Grand Theater;

61. $150,000 to the Dunbar Coalition in Tucson, Arizona for the Dunbar Project;
62. $350,000 to Valley of the Sun YMCA in Phoenix, Arizona for facilities construction of a YMCA;
63. $500,000 to Camp Ronald McDonald for the Good Times, California for building cabins and dining hall improvements;
64. $150,000 to Chualar, California for construction of a multipurpose cultural room on the Chualar Elementary School campus;
65. $125,000 to Esperanza Mercado Project, California for the Esperanza Community Maple-Mae Project;
66. $1,000,000 to Los Angeles County, California for the ongoing construction of a new library;
67. $50,000 to LOVARC in the City of Lompoc, California for construction of an elevator for a building that serves the disabled;
68. $150,000 to Merced County, California for renovation of the George Washington Carver Community Center in Dos Palos, California;
69. $150,000 to Mono County Library Authority Board/Board of Ed., Mono County, California for the Library Authority Board of Education for construction of a building;
70. $100,000 to San Bernardino County, CA for the development of the Santa Ana River Regional Park;
71. $200,000 to Solano County, California for renovation of two structures used by local veterans groups;
72. $250,000 to SVDP Management-Father Joe's Villages, City of Lake Morena, California for the design of a residential facility for homeless youth;
73. $150,000 to Taylor Yard Park in Los Angeles, California for recreational equipment and other park upgrades that will serve at-risk youth;
74. $100,000 to the Antelope Valley Boys and Girls Club, City of Lancaster, California for improvements to the Boys and Girls Club of Antelope Valley;
75. $150,000 to the Aquarium of the Pacific, City of Long Beach, California to develop an exhibit to educate the public on the importance of ports;
76. $500,000 to the Boys and Girls Club of East County, City of Santee, California for construction of a new facility at East County;
77. $250,000 to the City of Alhambra, California for development and construction of a park;
78. $1,000,000 to the City of Apple Valley, California for Civic Center Park development;
79. $250,000 to the City of Banning, CA for city pool improvements;
80. $350,000 to the City of Beaumont, CA for the construction of the Beaumont Sports Park;
81. $200,000 to the City of Bell Gardens, California for renovation and update of facilities;
82. $100,000 to the City of Bishop, California for improvements to City housing;
83. $150,000 to the City of Chowchilla, California for reconstruction of an industrial park;
84. $80,000 to the City of Colfax, California for an expansion of the Youth Center;
85. $150,000 to the City of Colton, California for improvements to Veterans Park;
86. $100,000 to the City of Corona, California for the renovation of the Old City Hall;
87. $150,000 to the City of East Palo Alto, California for the construction of facilities for community services;
88. $350,000 to the City of El Monte, California for construction of a community gymnasium;
89. $250,000 to the City of Greenfield, California for construction of a multipurpose community facility;
90. $100,000 to the City of Huntington Beach, California for the planning and design phase of a senior center;
91. $200,000 to the City of Huntington Park, California for renovation of a recreation center building;
92. $200,000 to the City of Inglewood, California for construction of a new senior center;
93. $150,000 to the City of La Mirada, California for construction of an aquatic center;
94. $250,000 to the City of Lancaster, California for installations related to the baseball complex;
95. $400,000 to the City of Los Angeles, California for site acquisition and development;
96. $100,000 to the City of Madera, California to construct a youth center for at risk youth;
97. $150,000 to the County of Fresno, California for construction of the Rural Vocational Training Facility (RVTF);
98. $150,000 to the City of Oakland, California for renovation of historic Fruitvale Masonic Temple;
99. $200,000 to the City of Oceanside, California for a Senior Center facility to serve seniors from Oceanside, Vista, Carlsbad and San Marcos;
100. $100,000 to the City of Oroville, California for Vega Center renovations;
101. $200,000 to the City of Pico Rivera, California for the expansion of the California senior center;
102. $200,000 to the City of Placerville, California for Gold Bug Park Renovations;
103. $100,000 to the City of Riverside, California for the development of a Technology Center within University Research Park;
104. $100,000 to the City of Riverside, California for construction of a pedestrian bridge in the California Citrus State Park;
105. $100,000 to the City of San Fernando, California for revitalization of downtown San Fernando;
106. $300,000 to the City of San Jacinto, California for improvements to city musuem/Estudillo property;
107. $150,000 to the City of San Jose, California to the construction of a community center in a low and moderate-income area;
108. $350,000 to the City of San Leandro, California for streetscape and pedestrian safety improvements;
109. $150,000 to the City of San Pedro, California for streetscape and other improvements along Gaffey Street;
110. $100,000 to the City of Thousand Oaks, California to construct a community aquatics complex on the campus of California Lutheran University;
111. $250,000 to the City of Twentynine Palms, California for Development of a Visitors Center;
112. $350,000 to the City of Yucaipa, California for development and construction of the Yucaipa/Crafton Hills College Recreational Facility;
113. $350,000 to the City of Yucaipa, California for development of the Yucaipa Valley Regional Sports Complex;
114. $150,000 to the Community Action partnership of Orange County in Garden Grove, California for acquisition, construction, or rehabilitation of a service facility;
115. $200,000 to the Department of Economic Development in Rancho Cordova, California for Cordova Senior Center Expansion;
116. $250,000 to the Department of Parks and Recreation, Encinitas, California for the construction of a visitor center in the San Elijo Lagoon Open Space Preserve;
117. $250,000 to the Diamond Bar High School and Community Sports Field, City of Diamond Bar, California for the renovation of the Diamond Bar High School and Community Sports Field;
118. $250,000 to the Earle Baum Center of the Blind, Inc. in Santa Rosa, California to build a center for the visually impaired;
119. $75,000 to the Hillview Acres Children's Home, City of Chino, California for construction of a facility for the Hillview Acres Children's Home;
120. $100,000 to the International AgriCenter, City of Tulare, California to expand educational activities with the College of Sequoias and the California Polytechnic University;
121. $75,000 to the La Habra Vista Grande Park, City of La Habra, California to rehabilitate the La Habra Vista Grande Park;
122. $250,000 to the Lake County Arts Council in Lakeport, California for renovation of the Lakeport Cinema to a Performing Arts Center;
123. $100,000 to the Lompoc Healthcare District, California for the construction of a new C.N.A. training center;
124. $500,000 to the Museum of Latin American Art in Long Beach, California to complete the renovation of the Museum;
125. $100,000 to the National Orange Show, City of San Bernardino, California for Renovations to National Orange Show stadium;
126. $100,000 to the North County Solutions for Change, City of Vista, California Solutions Family Intake/Access Center for homeless families and their children;
127. $100,000 to the Oasis of Hope Community Development Corporation, City of Stockton, California for the Oasis of Hope Community Development Corporation education project;
128. $200,000 to the Preservation of CA State Mining & Mineral Museum, City of Mariposa, California for preservation of the CA Mining and Mineral Museum;
129. $100,000 to the Riverside Community College, California for facility construction of the School for Nursing;
130. $400,000 to the Sacramento Food Bank, California for construction of the food bank;
131. $150,000 to the San Diego Housing Commission in San Diego, California for the HOPE Village Project to construct a 20–unit housing complex to house homeless individuals;
132. $150,000 to the Santa Barbara County Food bank in Santa Barbara, California for expansion and upgrades to its facility;
133. $550,000 to the Skirball Cultural Center in Los Angeles, California for development and construction of Noah's pArk;
134. $250,000 to the Stillwater Business Park, City of Redding, California to develop the Stillwater business park;
135. $125,000 to the Tehachapi Performing Arts Center Foundation, City of Tehachapi, California for design and construction of a performing arts center;
136. $250,000 to the Town of Yucca Valley, California for development and construction of the South Side Community Center;
137. $40,000 to the Tulare Veterans Memorial District, City of Tulare, California for modernization of the veterans hall;
138. $350,000 to the U of CA's Shafter Research and Extension Center, City of Davis, California; to complete the design and construction of Shafter Research and Extension Center at the University of California, Davis;
139. $200,000 to the Valley Alliance for the Arts in San Fernando Valley, California for construction of a performing arts center;
140. $100,000 to the Visalia Rescue Mission, City of Visalia, California for construction of a new facility to provide shelter for homeless women and children;
141. $200,000 to the Youth Science Institute Center in San Jose, California for building renovations;
142. $50,000 to Ventura County, California for rehabilitation of the multi-purpose room and kitchen of the Oak View Park and Resource Center;

143. $250,000 for the 10th and Mission Affordable Family Housing & Commercial Space Project, for the development of housing units and commercial space, Mercy Housing, San Francisco;
144. $200,000 for the City of Inglewood to construct a Senior Center;
145. $200,000 for the San Francisco Museum and Historical Society Old Mint Restoration Project for planning, design and construction, San Francisco;
146. $150,000 for the Fresno County Economic Opportunities Commission, Fresno, CA, for construction of the Neighborhood Youth Center;
147. $600,000 for the City of Oakland, CA for the Fox Theater Restoration;
148. $200,000 for the City of Redding, CA for the Stillwater Business Park;
149. $200,000 for the West Angeles Community Development Corporation, CA for the development of the West Angeles Plaza;
150. $100,000 to the Housing Trust of Santa Clara County, CA, for the First Time Home Buyer Loan Program;
151. $175,000 for the San Francisco Fine Arts Museums, CA, for M.H. de Young Memorial Museum construction;
152. $175,000 for the Agua Caliente Cultural Museum, Palm Springs, CA for construction;
153. $160,000 to the City of Montrose, Colorado for expansion of a research park for the Mesa State University;
154. $240,000 to the City of Pueblo, Colorado for redevelopment of recreation and park facilities;
155. $150,000 to the Denver Rescue Mission in Denver, Colorado for acquisition and renovation of an emergency shelter;
156. $250,000 to the Denver Rescue Mission, City of Wellington, Colorado for construction and renovation of rehabilitation facilities;
157. $300,000 for the City of Denver, Denver Rescue Mission for the Acquisition and Renovation of Emergency and Transitional Housing for Colorado's Homeless population;
158. $100,000 to the Cardinal Shehan Center, City of Bridgeport, Connecticut to complete the renovation of the former CT state armory facility;
159. $100,000 to the Charles Smith Foundation, City of Bridgeport, Connecticut for planning and implementation of a Neighborhood Revitalization Zone (NRZ);
160. $150,000 to the City of Ansonia, Connecticut for construction of a new community space;
161. $100,000 to the Friendship Service Center of New Britain, City of New Britain, Connecticut for the renovation of 85 Arch Street by the Friendship Service Center of New Britain;
162. $250,000 to the Hill-Stead Museum, City of Farmington, Connecticut for Hill-Stead Museum Renovation and Security Improvements;
163. $100,000 to the Human Services Council, City of Norwalk, Connecticut for the Human Services Council to redevelop facilities for affordable housing;
164. $100,000 to the Mattatuck Museum, City of Waterbury, Connecticut for renovations to the Mattatuck Museum to create an exhibit on the history of Brass Valley;
165. $350,000 to the Music and Arts Center for the Humanities, City of Bridgeport, Connecticut for relocation of the Music and Arts Center for the Humanities to a now-vacant department store;
166. $450,000 to the Naugatuck YMCA in Naugatuck, Connecticut for upgrades and other facilities expansion;
167. $100,000 to the Sherman Library Board of Trustees, Town of Sherman, Connecticut for reconstruction of the Sherman town library;
168. $250,000 to the Stamford Center for the Arts, City of Stamford, Connecticut for renovations to the Palace Theatre;
169. $350,000 to the Town of Stonington, Connecticut for the construction of south pier at Stonington Town Dock Complex;
170. $350,000 to the Town of Willington, Connecticut for the expansion of low-income senior housing;
171. $300,000 to the University of Hartford in Hartford, Connecticut for facilities construction and renovation of the Hartt Performing Arts Center;
172. $100,000 to the Yerwood Community Center, City of Stamford, Connecticut for repairs to the Yerwood Community Center;
173. $100,000 to the YMCA, City of Ellington, Connecticut for construction of a new YMCA in an underserved area;
174. $450,000 for the City of Hartford for the Hartford Homeownership Initiative;
175. $200,000 for the City of Hartford for the renovation of the Mark Twain House Building;
176. $300,000 for the City of Ansonia for the renovation of the Ansonia Armory;
177. $250,000 for the City of West Haven, CT, for the redevelopment of residential housing;
178. $250,000 for the City of Stamford, CT, for renovations to the Yerwood Community Center;
179. $250,000 for the Town of Southbury, CT, for renovations to the Bent of the River Audubon Center;
180. $200,000 for the City of Hartford, CT, for neighborhood restoration activities undertaken by the Southside Institutions Neighborhood Alliance;
181. $250,000 to the African American Civil War Museum in Washington, DC for capital improvements to the facility and visitors center;
182. $250,000 to Beebe Medical Center, Delaware for renovations;
183. $200,000 to the Wilmington Senior Center, Delaware for renovations;
184. $250,000 for the Ministry of Caring, House of Joseph II, in Wilmington, DE for the renovation/operation of the facility;
185. $200,000 to the St. Michaels School and Nursery, Wilmington, DE, for expansion of the school;
186. $200,000 to the Wilmington Senior Center, Wilmington, DE, for the completion of the renovation of the Lafayette Court Senior Apartments project;
187. $250,000 for Easter Seals Delaware & Maryland's Eastern Shore for the construction of the new Easter Seals Facility in Georgetown, Delaware;
188. $200,000 for the Wilmington Music School for the Music School Expansion in Wilmington, Delaware;
189. $200,000 to the City of Lewes for the Lewes Canal front Park in Lewes, Delaware;
190. $75,000 to Crosswinds, Brevard County, Florida for the construction of Crosswinds youth center;
191. $200,000 to Goodwill of North Florida, Inc. in Jacksonville, Florida for the expansion of its facility;
192. $350,000 to Hubbs/Sea World, Brevard County, Florida for construction of a marine and coastal research center at Hubbs/Sea World;
193. $200,000 to Lake County, FL for construction of a library;
194. $100,000 to Little Manatee Housing Corporation, Hillsborough County, FL for construction of an agricultural worker center;
195. $150,000 to Miami-Dade County, Florida for upgrades to the Dade County water and sewer infrastructure;
196. $250,000 to Pinellas County Board of County Commissioners, Pinellas County, Florida for the renovation of Palm Harbor Public Library;
197. $96,300 to the Biltmore Hotel, City of Coral Gables, Florida for the renovation of historic Biltmore Hotel;
198. $250,000 to the Camillus House, Florida to construct a facility;
199. $300,000 to the Central Florida Community College, City of Ocala, Florida for improvements to the Fine Arts Center at Central Florida Community College;
200. $500,000 to the Centro Mater Foundation, Florida for construction of a new building;
201. $25,000 to the City of Alachua, Florida for the construction of the Veterans' Memorial at City Hall;
202. $250,000 to the City of Bartow, Florida for the redevelopment of downtown Bartow;
203. $500,000 to the City of Dunedin, FL construction of a new community center;
204. $200,000 to the City of Ft. Myers, Florida for the redevelopment of Edison & Ford Estates;
205. $400,000 to the City of Gainsville, Florida for renovations and historic preservation of James Norman Hall at the University of Florida, Gainesville;
206. $200,000 to the City of Gulfport, Florida for renovations to City of Gulfport Scout Hall;
207. $200,000 to the City of Hollywood, Florida for the construction and development of the Young Circle Arts Park project;
208. $75,000 to the City of Marathon, Florida for the redevelopment of Boot Key Municipal Harbor;
209. $250,000 to the City of Miami Gardens, Florida for revitalization of the business district;
210. $100,000 to the City of Miami Springs, Florida for the construction of a hurricane shelter;
211. $250,000 to the City of Miami, Florida for the elderly assistance program;
212. $250,000 to the City of Ocoee, Florida for construction of a senior citizens veterans service center;
213. $300,000 to the City of Riviera Beach, Florida for site acquisition and improvements for commercial revitalization;
214. $250,000 to the City of Sarasota, Florida for renovations to the Robert L. Taylor Community Center;
215. $250,000 to the City of St. Petersburg Beach, Florida for construction of a new Community Center;
216. $100,000 to the City of St. Petersburg, Florida for planning and design of Albert Whitted Waterfront Park;
217. $125,000 to the City of Treasure Island, Florida for construction of beach walkovers;
218. $250,000 to the City of Winter Haven, Florida for improvements to the downtown business district;
219. $250,000 to the Community Aging & Retirement Services, Inc., Florida to replace a building;
220. $250,000 to the Good Samaritan Health Clinic of Pasco, Inc., Florida for the renovation of Good Samaritan Health Clinic of Pasco, Inc;
221. $100,000 to the Osceola County Homeless Shelter, City of Osceola County, Florida for the completion of Osceola County Homeless Shelter;
222. $100,000 to the Osceola County Senior Center, City of Osceola County, Florida for the construction of a senior citizen center;
223. $250,000 to the Pearl City Masterplan, City of Boca Raton, Florida for infrastructure improvements for Pearl City;
224. $250,000 to the Pinellas County Board of County Commissioners, City of Pinellas County, Florida for construction of Joe's Creek Greenway Park;
225. $250,000 to the Santa Fe Community College, City of Gainesville, Florida for the expansion of the Fine and Applied Arts Educational Building at Santa Fe Community College;
226. $200,000 to the St. Petersburg College, City of Seminole, Florida for the development of a Science and Nature Park at St. Petersburg College;

227. $150,000 to the Tangerine Avenue Community Redevelopment Area in St. Petersburg, Florida for the redevelopment of the Tangerine Avenue Community Area;
228. $100,000 to the DeBary Art League, City of DeBary, Florida for construction of a Gateway Center for the Arts;
229. $100,000 to the YMCA of Greater Pensacola, City of Pensacola, Florida for construction of the YMCA of Greater Pensacola;
230. $400,000 to Wakulla County, Florida for construction of the multi-purpose community center;
231. $500,000 for Orange County, FL for Central Receiving Center to renovate single occupancy rooms;
232. $500,000 for the Lowry Park Zoological Society, Tampa, FL for business development initiative;
233. $300,000 for the Central Florida YMCA to expand and renovate the Wayne Densch YMCA Family Center;
234. $250,000 for Miami Dade College and the construction of a library at their Hialeah, Florida campus;
235. $250,000 for Nova Southeastern University for the Center for Collaborative Bio-Medical Research;
236. $600,000 for the City of Coral Gables, Florida for the Biltmore Complex Restoration Project;
237. $400,000 for the City of Orlando, Florida for the Parramore Neighborhood Revitalization Project;
238. $250,000 for Miami Dade County, Florida for the Miami Performing Arts Center;
239. $250,000 for the American Beach Property Owners' Association, Fernandina Beach, Florida for the Historic Evans Rendezvous Cultural Center Restoration Project;
240. $200,000 for the City of Gainesville, Florida for the Downtown Revitalization Project;
241. $200,000 for the Florida Memorial University, Miami, Florida: West Augustine Initiative;
242. $200,000 to Clarkston Community Center in Dekalb County, Georgia for renovation of Clarkston Community Center;
243. $150,000 to Clayton County, Georgia for renovation of the Clayton Senior Center;
244. $275,000 to Con-Ed, Inc., City of Savannah, Georgia for the renovation of a building annex to house a library and computer lab;
245. $400,000 to Morehouse School of Medicine in Atlanta, Georgia for land acquisition to revitalize its West End neighborhood;
246. $250,000 to Paulding County, Georgia for site preparations;
247. $175,000 to SOWEGA Council on Aging in Albany, Georgia for facility construction;
248. $100,000 to the City of Covington, Georgia for renovation and construction of a resource center;
249. $75,000 to the Coastal Heritage Society, City of Savannah, Georgia for revitalization of the Central Georgia Railway for Coastal Heritage Society;
250. $250,000 to the Community Service Board of Middle Georgia for construction of a girls crisis center;
251. $100,000 to the George E. Ford Center, in Powder Springs, Georgia to refurbish the Ford Center;
252. $75,000 to the Georgia 4–H Foundation, City of Tybee Island, Georgia for a new facility for the Georgia 4–H Foundation;
253. $150,000 to the Hope House Inc., City of Augusta, Georgia for a Hope House facility for therapeutic childcare;
254. $225,000 to the Infantry Museum and Heritage Park in Columbus, Georgia for construction/development of National Infantry Museum and Heritage Park;
255. $100,000 to the Marietta Growth Fund, Georgia for the city redevelopment of Marietta Growth Fund;
256. $100,000 to the Morehouse School of Medicine, City of Atlanta, Georgia for development of land for Morehouse School of Medicine;
257. $50,000 to the Morehouse School of Medicine, City of Atlanta, Georgia for development of land for Morehouse School of Medicine;
258. $250,000 to the Museum of Aviation, City of Warner Robins, Georgia for the construction of a WWII exhibit and depot flight line for the Museum of Aviation;
259. $200,000 for Mercer University, Macon, Georgia for Critical Personnel Development Program (CPDP);
260. $200,000 Atlanta, Georgia Intergenerational Resource Center for a senior housing project;
261. $200,000 Warner Robins, Georgia Museum of Aviation, expansion of aviation flight and technology center;
262. $200,000 City of Moutri, Georgia for a community and economic development initiative;
263. $200,000 Morehouse School of Medicine for West End Community Development;
264. $500,000 Atlanta Symphony Orchestra, Georgia for the Atlanta Symphony Center expansion;
265. $150,000 to the Children's Justice Center Foundation in Honolulu, Hawaii for renovation of a building to provide services to victims of child abuse and neglect;
266. $150,000 to the County of Hawaii in Kailua-Kona, Hawaii for construction of a homeless shelter;
267. $650,000 for the Boys & Girls Club of Hawaii, Honolulu, HI, for planning, design and construction of the Nanakuli Boys & Girls Club;
268. $300,000 for Pa'a Pono Miloli'I constructs a community and youth center;
269. $300,000 for the Children's Justice Center Foundation to construct and renovate the child counseling center on Oahu;
270. $300,000 for the Maui Economic Development Board to renovate the enterprise building;
271. $300,000 for the Kauai YMCA to construct facilities;
272. $200,000 for the Lanai Youth Center to acquire and construct activity facilities;
273. $200,000 for the County of Hawaii for the renovation of a Caregiver and Senior Resource Center;
274. $300,000 for Hale Mahaolu Ehiku to construct affordable rental housing for senior citizens;
275. $450,000 to Systems Unlimited, Inc., Iowa City, Iowa for the establishment of a service center for Systems Unlimited, Inc to aid disadvantaged families;
276. $450,000 to the city of Cedar Rapids, Iowa for redevelopment of southern Cedar Rapids;
277. $400,000 to the City of Des Moines, Iowa for land acquisition for a technology park;
278. $750,000 for the City of Clinton, Iowa, for redevelopment of Liberty Square;
279. $250,000 for the National Cattle Congress, Waterloo, Iowa, for renovation and construction of facilities;
280. $400,000 for the City of Waterloo, Iowa, for the acquisition and rehabilitation of the Cedar Valley TechWorks facility;
281. $300,000 for the City of Des Moines, Iowa, for the Riverpoint West development;
282. $300,000 for the City of Fort Dodge, Iowa for the Lincoln Neighborhood housing initiative;
283. $1,000,000 to the Iowa Department of Economic Development for the Main Street Iowa program for restoration of structures on main streets throughout the state;
284. $750,000 to Polk County, Iowa for the purchase and rehabilitation of housing for low income people;
285. $200,000 to the Heartland Hill Habitat for Humanity in Brehmer County, Iowa for the renovation of deteriorated housing for low income housing;
286. $300,000 to the City of Council Bluffs, Iowa for downtown historic building renovation;
287. $100,000 Oneida Stake Academy, Franklin County, Idaho for restoration of Oneida Stake Academy for historic renovations;
288. $45,000 to the City of Franklin, Idaho for repairs to historic City Hall;
289. $350,000 to the City of Rexburg, Idaho for construction of recreational facilities and handicap accessibility;
290. $150,000 to the Clearwater Economic Development Association, City of Lewiston, Idaho for completion of the Lewis and Clark Bicentennial Project Planning and Implementation;
291. $100,000 to the Greater Pocatello Senior Center, City of Pocatello, Idaho for renovations to the Greater Pocatello Senior Center;
292. $1,000,000 for Ada County, Idaho for development of the Family Justice Center and the Detox Center;
293. $1,000,000 for the Clearwater Economic Development Association for the implementation of the Lewis and Clark Bicentennial Plan;
294. $1,000,000 for Boise State University for construction of the Center for Environmental Science and Economic Development;
295. $1,000,000 for the Idaho Migrant Council for planning, design, and construction of the Burley Community Center, Burley, Idaho;
296. $250,000 to Western Illinois University Quad City Campus in Moline, Illinois for renovations of facilities;
297. $250,000 to Coles County Council on Aging, Coles County, Illinois for construction of Lifespan Center for seniors;
298. $250,000 to Illinois College, City of Jacksonville, Illinois for renovation to Crampton Hall at Illinois College;
299. $100,000 to Northeastern Illinois University in Chicago, Illinois for a feasibility study on planning and design analysis for a new education building;
300. $75,000 to Our Children's Homestead, Illinois for Our Children's Homestead to construct new foster care homes;
301. $200,000 to Pioneer Center Group Home in McHenry County, Illinois for upgrades at to a group home;
302. $100,000 to Quincy University, City of Quincy, Illinois for the design and construction of an Art and Sciences Center at Quincy University;
303. $150,000 to Seguin Services in Cicero, Illinois for construction of a garden center;
304. $200,000 to the Avalon Park School in Chicago, Illinois for construction of a child-parent center;
305. $80,000 to the Beardstown Historical Society, City of Beardstown, Illinois for construction of the Grand Opera House Beardstown Historical Society;
306. $250,000 to the Bradley University, City of Peoria, Illinois for renovations to Bradley Hall at Bradley University;
307. $150,000 to the Burpee/Discovery Center Museum, City of Rockford, Illinois for the expansion of laboratories and public viewing areas at Burpee/Discovery Center Museum;
308. $250,000 to the Central Illinois Regional Museum, City of Peoria, Illinois for design and construction of Central Illinois Regional Museum;
309. $900,000 to the Chicago Academy High School in Chicago, Illinois for construction of a campus park;
310. $150,000 to the Chicago Children's Advocacy Center in Chicago, Illinois for expansion of its facilities;
311. $150,000 to the Chicago Park District in Chicago, Illinois for land acquisition and facilities improvements to expand a park;
312. $200,000 to the Chicago Park District in Chicago, Illinois for land acquisition and facilities improvements for the expansion of a park;

313. $100,000 to the City of East Moline, Illinois for revitalization of downtown;

314. $225,000 to the City of Harvey, Illinois for demolition and redevelopment of property to aid the community;

315. $500,000 to the City of Yorkville, Illinois for the redevelopment of a Yorkville site;

316. $75,000 to the City of Crest Hill, Illinois for redevelopment of Division Street;

317. $100,000 to the Collins Home Project, City of Collinsville, Illinois for completion of the Collins Home Project;

318. $150,000 to the County of DuPage, Illinois for renovation of a nursing facility to be used for nurses training center;

319. $200,000 to the DuPage Children's Museum, Illinois for the DuPage Children's Museum for building renovations;

320. $250,000 to the Glen Oak Zoo, Peoria Park District, City of Peoria, Illinois for design and construction of Africa exhibit at Glen Oak Zoo;

321. $75,000 to the Home of the Sparrow in Lake, Illinois for the renovation of a homeless shelter;

322. $100,000 to the Horizon House of Illinois Valley, City of Peru, Illinois for construction of the Horizon House;

323. $75,000 to the Inner Voice in Chicago, Illinois for upgrades to homeless shelters on the South Side of Chicago;

324. $100,000 to the Lincoln Christian College, City of Lincoln, Illinois for the restoration of the Earl C. Hargrove Auditorium at Lincoln Christian College;

325. $200,000 to the Marklund Children's Home, City of Bloomingdale, Illinois for the renovation of Marklund Children's Home;

326. $500,000 to the Ray Graham Association for People With Disabilities, City of Downers Grove, Illinois for improvements to Ray Graham Association for People With Disabilities;

327. $250,000 to the Rialto Square Theater, City of Joliet, Illinois for repairs to Rialto Square Theater;

328. $200,000 to the Shawneetown Regional Port District, City of Shawneetown, Illinois for construction of a facility at Shawneetown Regional Port District;

329. $150,000 to the Timber Pointe Outdoor Center, City of Hudson, Illinois for construction of Timber Pointe Outdoor Center;

330. $100,000 to the Village of Hazel Crest in Hazel Crest, Illinois for the redevelopment of the area around Hazel Crest Metra Station;

331. $160,000 to the Village of Orion, Illinois for lead-based paint removal;

332. $75,000 to the Village of South Jacksonville, Illinois for construction of a playground and park for disabled children;

333. $500,000 for the Looking for Lincoln Heritage Coalition in Springfield, IL, for the Looking for Lincoln economic development and tourism initiative;

334. $800,000 for the Peace and Education Coalition in Chicago, IL, for construction of a new facility to serve San Miguel Schools in the City's Back of the Yards neighborhood;

335. $300,000 to the Haymarket Center in Chicago, IL, for construction and establishment of the McDermott Addiction Center;

336. $200,000 for the Quincy Public Library in Quincy, IL, for a newspaper digitization and community education project;

337. $200,000 to the Community Foundation of Decatur/Macon County for construction and rehabilitation of housing facilities for the homeless and disabled;

338. $200,000 to the Heartland Community Health Center for equipment and facilities to expand services;

339. $250,000 to the Chicago Historical Society for construction of a new Chicago History Exhibition and redevelopment of current facilities;

340. $200,000 for Home Sweet Home Ministries—Threshold program located in the City of Bloomington, IL for the construction of an additional housing facility;

341. $250,000 for the Village of Northfield, IL for construction of pedestrian and bicycle paths as well as other infrastructure improvements to the Northfield Park District;

342. $200,000 for the Township of North Hurricane, IL for construction of a multi-purpose building within Precinct 1 of the Township;

343. $100,000 to Crane Technology Park in Martin County, Indiana for improvements to the Park;

344. $500,000 to Memorial Coliseum Redevelopment, Indiana for the renovation of Memorial Coliseum Redevelopment;

345. $250,000 to the African American Achievers Youth Corporation in Gary, Indiana for renovations of the Glen Theater;

346. $250,000 to the City of Muncie, Indiana for enhancements to Urban Park;

347. $150,000 to the Crossroad of Fort Wayne, City of Fort Wayne, Indiana for the construction of a new building for Crossroad;

348. $100,000 to the Easter Seals Arc of NE Indiana, City of Fort Wayne, Indiana for construction of a new facility for Easter Seals Arc of Northeast Indiana;

349. $500,000 to the South Bend Heritage Foundation, Indiana for neighborhood economic development and revitalization;

350. $250,000 to the Studebaker Corridor, Indiana for the redevelopment of a brownfield site;

351. $500,000 to the Town of Cedar Lake, Indiana for downtown streetscape improvements;

352. $500,000 for the City of Muncie, Indiana to revitalize the downtown urban park;

353. $250,000 for the Learning Collaborative to implement the Web Portal Technology Development Initiative in Daviess County;

354. $250,000 for the City of Anderson, Indiana to expand the Fiber Optic Network;

355. $150,000 for the City of Indianapolis, IN for the Link Savoy Housing Development;

356. $100,000 for the City of Evansville, IN for the Center City Industrial Park;

357. $100,000 for the City of Fort Wayne, IN for the Fort Wayne Technology Center;

358. $200,000 to SAFEHOME, Inc. in Overland Park, Kansas for building acquisition;

359. $100,000 to the City of Atchison, Kansas for the redevelopment of a storm water system overflow;

360. $250,000 to the City of Fort Scott, Kansas for restoration of historic buildings and brick streets in the downtown area;

361. $250,000 to the City of Independence, Kansas for renovations to historic Landon House and Booth Theater;

362. $300,000 to the City of Wichita, Kansas for construction of food bank central distribution facility;

363. $250,000 to the City of Wichita, Kansas for the downtown WaterWalk revitalization project;

364. $300,000 to the Lord's Diner, Catholic Diocese of Wichita, City of Wichita, Kansas for expansion of Lord's Diner of Wichita;

365. $200,000 to the World Impact: Morning Star Ranch, City of Florence, Kansas for construction and upgrades of the World Impact Morning Star Ranch;

366. $150,000 to the YWCA of Greater Kansas City in Kansas City, Kansas for expansion of the facility;

367. $1,000,000 for the Boys and Girls Clubs of Greater Kansas City for the construction of the Heathwood Community Center for Children and Families in Wyandotte County, KS;

368. $500,000 for Sedwick County, KS for the construction of a Technical Education and Training Center;

369. $300,000 for the City of Fort Scott, KS for the redevelopment of underground infrastructure in the Central Business District;

370. $200,000 for the City of Topeka, KS for renovating and updating Heartland Park Topeka;

371. $500,000 for the City of Mission Kansas to ensure the future viability of business and residential districts near the Rock Creek Project;

372. $500,000 for the City of Fairview, Kansas to ensure the future viability of business and residential districts near the Rock Creek Project;

373. $350,000 Mill Springs Battlefield Association, Somerset, KY for construction of the Mill Springs Battlefield Visitors Center;

374. $75,000 to Crittenden County Day Care Center, Crittenden County, Kentucky for expansion of the Crittenden County Day Care Center;

375. $100,000 to LaRue County Fiscal Court, LaRue County, Kentucky for construction of a facility for the Lincoln Bicentennial celebration in 2008;

376. $150,000 to Powell County Fiscal Court in Powell County, Kentucky for the construction and development of a park;

377. $250,000 to the Community Economic Empowerment Corporation, City of Louisville, Kentucky for the construction of an entertainment facility for the Community Economic Empowerment Corporation;

378. $350,000 to the Day Spring Foundation, City of Louisville, Kentucky for construction of a community resource center for Day Spring Foundation;

379. $100,000 to the Dream Foundation, Inc., City of Louisville, Kentucky for construction of a playground in Shawnee Park;

380. $100,000 to the First Gethsemane Center for Family Development, City of Louisville, Kentucky for the renovation of First Gethsemane Center for Family Development;

381. $200,000 to the Fleming County Industrial Authority, Kentucky for construction of a building;

382. $150,000 to the LaRue County Fiscal Court, Hardin County, Kentucky for renovation of an historic state theater;

383. $100,000 to the Louisville Olmsted Parks Conservancy, City of Louisville, Kentucky for construction of a playground in the Louisville Olmsted Parks Conservancy;

384. $100,000 to the New Zion Community Foundation, City of Louisville, Kentucky for renovation of a facility for the New Zion Community Foundation;

385. $500,000 to the Portal 31 Exhibition Mine Site, City of Lynch, Kentucky for historic preservation of the Portal 31 Exhibition Mine Site;

386. $350,000 to the Temple Community Development Corporation, City of Louisville, Kentucky for the renovation of a facility for the Temple Community Development Corporation;

387. $70,000 to the Tompkinsville Senior Citizen Housing Complex, City of Pontotoc, Mississippi for the completion of the Tompkinsville Senior Citizen Housing Complex;

388. $500,000 to the Visions of Eastern Kentucky, City of Manchester, KY for facility construction;

389. $600,000 for the Kentucky Commerce Cabinet to develop a visitor center at the Big Bone Lick State Park;

390. $200,000 for McCracken County Fiscal Court to construct an Emergency Services Building;

391. $200,000 for Clinton County to develop and construct a Welcome Center;

392. $100,000 to Livingston Parish Veterans' Memorial Plaza, Louisiana for construction of Livingston Parish Veterans' Memorial Plaza;

393. $250,000 to Loyola University New Orleans, Louisiana for renovations and upgrades to a facility;

394. $225,000 to the City of Covington, Louisiana to build a trailhead plaza;

395. $250,000 to the City of Grand Isle, Louisiana for construction of a multiplex center;
396. $500,000 to the City of Opelousas, Louisiana for Phase I of recreation improvements;
397. $250,000 to the National Center for Community Renewal (NCCR), City of Shreveport, Louisiana for renovations to a donated building in Shreveport;
398. $180,000 to the Village of Sun, City of St. Tammany, Louisiana for repairs to the Town Hall and Community Center;
399. $250,000 for Alexandria Central Economic Development District, to develop the Alexandria Riverfront Development;
400. $250,000 for Ascension Parish, to develop the Lamar Dixon Exposition Center;
401. $500,000 for the Audubon Nature Institute for the Audubon Living Science Museum and Wetlands Center in New Orleans, Louisiana;
402. $500,000 for Lafourche Parish for waterfront development along Bayou Lafourche in Ascension, Asumption and Lafourche Parishes, Louisiana;
403. $300,000 to American International College in Springfield, Massachusetts for the renovation of Reed Mansion and Breck Hall;
404. $600,000 to Banknorth building in Fitchburg, Massachusetts for renovation and construction;
405. $200,000 to Boston Healthcare for the Homeless in Boston, Massachusetts for renovation of its facility;
406. $300,000 to Edith Wharton Restoration, Inc. in Lenox, Massachusetts for facilities upgrade and build out;
407. $300,000 to Endicott College in Beverly, Massachusetts for construction of a research center;
408. $100,000 to Greenfield Community College in Greenfield, Massachusetts for a feasibility study;
409. $380,000 to Lawrence Community Works in Lawrence, Massachusetts for construction of a design and technology training center;
410. $250,000 to Stetson Town Hall in Randolph, Massachusetts for improvements and renovations of its facility;
411. $200,000 to the City of Holyoke, Massachusetts for renovations of facility for Solutions Development Corporation;
412. $200,000 to the City of Lynn, Massachusetts for the renovation of the City Hall and Auditorium;
413. $500,000 to the City of Medford, Massachusetts for construction and renovation of an outdoor facility;
414. $300,000 to the City of Melrose, Massachusetts for improvements to the Soldiers and Sailors Memorial Hall;
415. $1,000,000 to the City of New Bedford, Massachusetts for design and construction of a community center;
416. $100,000 to the City of Sommerville, Massachusetts for renovations and upgrades to its facility;
417. $100,000 to the Community Art Center, Inc. in Cambridge, Massachusetts for renovation and capital improvements;
418. $300,000 to the Mahaiwae Performing Arts Center, Inc. in Great Barrington, Massachusetts for facilities renovation and improvements;
419. $400,000 to the Main South Community Development Corporation in Worcester, Massachusetts for revitalization of the Gardner-Kilby-Hammond neighborhood;
420. $125,000 to the Mashpee Wampanoq Tribal Council, Inc. in Massachusetts for renovation of a facility;
421. $200,000 to the Merrimack Repertory Theater in Lowell, Massachusetts for renovation of facilities;
422. $100,000 to the Narrows Center in Fall River, Massachusetts for renovations and upgrades to facilities;
423. $400,000 to the Springfield Day Nursery in Springfield, Massachusetts for renovations to the King Street Children's Center;
424. $400,000 to Western Mass Enterprise Fund, Inc. in Greenfield, Massachusetts for capitalization of a loan fund;
425. $200,000 to Whittier Street Community Center in Roxbury, Massachusetts for facilities renovation;
426. $400,000 Walpole, MA for improvements and renovations to town fields;
427. $280,000 for the City of North Adams, MA for the renovation of the historic Mohawk Theater;
428. $280,000 for the City of Holyoke, MA for renovations to the Picknelly Adult and Family Education Center;
429. $200,000 for the City of Medford, MA for the redevelopment of Medford Square;
430. $280,000 for the Main South Community Development Corporation, Worcester, MA for the redevelopment of the Gardner-Kilby-Hammond Neighborhood;
431. $260,000 for the City of Lawrence, MA for the redevelopment of the Lawrence In-Town Mall site;
432. $250,000 for the Bird Street Community Center, Boston, MA for facility renovations;
433. $200,000 for Straight Ahead Ministries of Westboro, MA for the acquisition and renovation of facilities in Hubbardston, MA;
434. $200,000 for Girls Incorporated of Lynn, MA for building renovations;
435. $250,000 to Dawson Safe Haven for Children, Youth, and Families in Baltimore, Maryland for reconstruction of the Dawson Safe Haven facility;
436. $225,000 to St. Mary's College, St. Mary's, Maryland for the renovation and purchasing of technology equipment for Goodpaster Hall;
437. $150,000 to the City of Baltimore, Maryland for revitalization of the East Baltimore Development Project Area;
438. $250,000 to the City of Hyattsville, Maryland for construction of the Renaissance Square Artists' Housing;
439. $250,000 to the City of Takoma Park, Maryland for construction and build out of a community learning center;
440. $500,000 to the Historic St. Mary's City Commission in St. Mary's City, Maryland for construction and renovation of a brick chapel;
441. $275,000 to the Ministers Alliance of Charles County in Waldorf, Maryland for the acquisition, renovation, and construction of a business center;
442. $100,000 to the Towson YMCA Day Care in Towson, Maryland for the renovation and expansion of the Day Care Facility;
443. $300,000 for the Maryland Food Bank in Baltimore for construction and equipping of new food distribution center;
444. $500,000 for the Washington Archdiocese/Langley Park Health Clinic and Social Service Center, Maryland;
445. $450,000 for the East Baltimore Development Project, Maryland;
446. $500,000 for Patterson Park/Library Square Revitalization, Maryland;
447. $400,000 for Goucher College, Community Service Center, Maryland;
448. $200,000 for the American Visionary Arts Museum, Maryland;
449. $200,000 for the Our Daily Bread Employment Center, Maryland;
450. $100,000 to Bowdoin College in Brunswick, Maine for site planning and renovation of a building;
451. $200,000 to the Town of Milo, Maine for the development of an industrial park;
452. $325,000 for the City of Brewer Administrative Building Redevelopment;
453. $300,000 for the Franco-American Heritage Center, Renovation Project;
454. $325,000 for the Bangor Waterfront Park on the Penobscot River for the City of Bangor;
455. $350,000 for the Town of Milo, Maine for the development of the Eastern Piscataquis Industrial Park;
456. $350,000 for the Town of Van Buren: Van Buren Regional Business Park;
457. $350,000 for Western Maine Community Action: Keeping Seniors Home program;
458. $300,000 for the University of New England: George and Barbara Bush Cultural Center for construction and equipment;
459. $200,000 for the City of Portland, Portland Public Library Renovation and Expansion Project;
460. $100,000 for the Penobscot Marine Museum Maine-Mawooshen: One Country, Two Worlds Project—Construction of exhibit;
461. $300,000 for the Westbrook Housing Authority: Larrabee Village Supportive Services for construction and design of facilities for the elderly & disabled;
462. $250,000 to Grand Traverse County, Michigan for a homeless shelter to serve five counties;
463. $400,000 to Grand Valley State University in the Town of Allendale, Michigan for renovations to a research and education facility;
464. $150,000 to Northern Michigan University in Marquette, Michigan for construction and facility expansion of the Olympic Village Project;
465. $550,000 to the Arab Community Center for Economic and Social Services in Dearborn, Michigan for construction of a museum;
466. $250,000 to the Boysville Neighborhood Centers, Village of Clinton, Michigan for renovations to the Boysville Neighborhood Centers;
467. $550,000 to the City of Detroit, Michigan for the demolition of unsafe buildings;
468. $500,000 to the City of Detroit, Michigan for demolition of dangerous structures;
469. $300,000 to the City of Detroit, Michigan for revitalization of Eastern Market;
470. $350,000 to the City of East Lansing, Michigan for the construction of housing units for low-income families;
471. $400,000 to the City of Ferndale, Michigan for the expansion of the existing Kulick Community Center;
472. $100,000 to the City of Frankfort, Michigan for mixed-use development;
473. $250,000 to the City of Port Huron, Michigan for the renovation of areas in conjunction with the city revitalization plan;
474. $100,000 to the Detroit Zoo for construction of the Ford Center for Environmental and Conservation Education;
475. $200,000 to the Jewish Vocational Services in the City of Southfield, Michigan for the development of assisted housing;
476. $300,000 to the Labor Museum and Learning Center of Michigan in Flint, Michigan for construction and build out of a museum;
477. $400,000 to the Lighthouse of Oakland County, Michigan for construction of new homes in Unity Park;
478. $475,000 to the Michigan Jewish Institute in West Bloomfield, Michigan for improvements to campus buildings and classrooms;
479. $200,000 to the MotorCities National Heritage Area in Detroit, Michigan for renovations to the historic Piquette Plant;
480. $150,000 to the Municipal Riverfront Park, City of Farmington, Michigan for trail improvements to Shiawassee Park;
481. $350,000 to the Municipal Riverfront Park, City of Farmington, Michigan for ADA compliance of the Municipal Riverfront Park;
482. $700,000 to the National Center for Manufacturing Sciences in the City of Ann Arbor, Michigan for the development of advanced technologies to the manufacturing base;

483. $200,000 to The Oakland Livingston Human Service Agency in Pontiac, Michigan for the purchase of 196 Cesar Chavez Avenue;

484. $250,000 to the Presbyterian Villages of Pontiac, Michigan for improvements to the senior wellness center;

485. $350,000 to the Presbyterian Villages of Redwood, Michigan for construction of green housing;

486. $200,000 to the Recording for the Blind and Dyslexic in the City of Troy, Michigan for material dissemination to homes and classrooms;

487. $250,000 to the Samaritan Center in the City of Detroit, Michigan for renovation of a multipurpose facility;

488. $350,000 to the YMCA of Saginaw, Michigan for renovation of the YMCA of Saginaw;

489. $250,000 to Walsh College in the City of Troy, Michigan for a library expansion;

490. $600,000 for The Enterprise Group of Jackson, MI for the Armory Arts redevelopment project;

491. $600,000 to the Arab Community Center for Economic and Social Services (ACCESS) in Dearborn, MI for expansion of a museum;

492. $600,000 to the City of Detroit, MI for redevelopment of the Far East Side neighborhood;

493. $350,000 to the City of Saginaw, MI to provide for the revitalization of Northeast Saginaw;

494. $300,000 for the State of Michigan for costs associated with the relocation of the A.E. Seaman Mineral Museum;

495. $300,000 for Focus: Hope in Detroit, MI for the upgrades to the cogeneration microgrid;

496. $250,000 for the Goodwill Inn Homeless Shelter in Traverse City, MI for construction of a new shelter;

497. $200,000 to the Harbor Habitat for Humanity in Benton Harbor, MI for costs associated with infrastructure in the construction of new homes;

498. $150,000 to the City of St. Paul, Minnesota for rehabilitation needs at the Ames Lake Neighborhood/Phalen Place Apartments;

499. $500,000 to the Minneapolis American Indian Center in Minneapolis, Minnesota for facilities renovation;

500. $100,000 to the Minnesota Housing Finance Agency, City of St. Paul, Minnesota for the development of supporting housing for homeless youth;

501. $275,000 to the Northside Residents Redevelopment Council in Minneapolis, Minnesota for construction of mixed-use facilities;

502. $550,000 to the Red Lake Band of Chippewa Indians in Red Lake, Minnesota for construction and build out of a multi-purpose complex;

503. $200,000 for the Hmong American Mutual Assistance Association in Minneapolis, Minnesota to complete the HAMAA Community Center;

504. $200,000 for the Red Lake Band of Chippewa Indians in Red Lake, Minnesota to construct criminal justice complex project;

505. $200,000 for the Chicanos Latinos Unidos En Servicio (CLUES) in St. Paul, Minnesota for facility construction;

506. $200,000 for Redwood County, Minnesota for the Material Recovery/Waste to Energy Facility at Lamberton, Minnesota;

507. $300,000 to construct a community, activity center for low-income seniors in Mora, MN;

508. $500,000 to Southeast Missouri State University, Missouri for the construction of a new school for the visual and performing arts;

509. $75,000 to the 3rd Ward Neighborhood Council in St. Louis, Missouri for renovation and preservation of a facility;

510. $150,000 to the Better Family Life Cultural Center & Museum in St. Louis, Missouri for facility construction and renovation;

511. $250,000 to the City of Joplin, Missouri for the renovation of center downtown district;

512. $150,000 to the City of Kansas City, Missouri for project planning and design, demolition, and redevelopment at the Columbus Park Redevelopment Project;

513. $250,000 to the City of Springfield, Missouri for the construction of a multi-purpose community facility;

514. $150,000 to the City of Ste. Genevieve, Missouri for streetscape improvements;

515. $500,000 to the Gillioz/Reagan Theater, Missouri for the renovation of the theater;

516. $250,000 to the Mid-America Research and Development Foundation, Missouri for construction of a Discovery Research Institute;

517. $500,000 for the Liberty Memorial Association in Kansas City, MO for construction and renovation;

518. $250,000 for the St. Louis Bosnian Chamber of Commerce for construction of a community center in St. Louis, MO;

519. $250,000 for the Boys & Girls Clubs of Greater Kansas City, MO for RBI construction;

520. $250,000 for the Winston Churchill Memorial in Fulton, MO for construction and renovation;

521. $250,000 for Covenant House Missouri for construction of homeless youth center in St. Louis, MO;

522. $250,000 for Truman State University for construction of Speech and Hearing Clinic in Kirksville, MO;

523. $250,000 for City of Springfield, MO for renovation of the Springfield Commercial Club Building;

524. $750,000 to the Family Support Services Center for Autistic Children for construction of a Center to serve families with autistic children in St. Charles County, Missouri;

525. $500,000 to the University of Missouri for Hickman House preservation, renovation and improvements projects in Howard County, Missouri;

526. $500,000 to the Salvation Army Northland Community Center, to construct a family center and community room Clay County, Missouri;

527. $1,000,000 to the Kansas City Neighborhood Alliance for capital improvements in Kansas City, Missouri;

528. $1,000,000 to Better Living Communities for capital improvements for Salisbury Park neighborhood housing development in St. Louis, Missouri;

529. $500,000 to the St. Louis Housing Authority for neighborhood housing development of the Cochran Gardens Public Housing Site in St. Louis, Missouri;

530. $620,000 to the City of Kansas City for Swope Community Builders for the Linwood Housing project, Kansas City, Missouri;

531. $500,000 to the Missouri Soybean Association for test plots for the Life Sciences Research Development and Commercialization Project in Boone County, Missouri;

532. $500,000 to the Mark Twain Neighborhood Association for capital improvements in St. Louis, Missouri;

533. $750,000 to the Students in Free Enterprise World Headquarters for capital improvements [equipment] in Greene County, Missouri;

534. $250,000 to the Advanced Technology Center for construction of Laser/photronics lab complex and classroom in Mexico, Missouri;

535. $750,000 to the Youzeum for construction of youth health museum in Boone County, Missouri;

536. $400,000 to City of Kennett for downtown revitalization in Kennett, Missouri;

537. $550,000 City of Moorhead, Sunflower County, Mississippi for streetscape improvements;

538. $300,000 to Panola County Board of Supervisors, Panola County, Mississippi for the construction of a multi-purpose community facility;

539. $750,000 to Pontotoc County, MS for construction of the Pontotoc County Sportsplex;

540. $200,000 to the City of Meridian, Mississippi for the construction of the Mississippi Arts and Entertainment Center;

541. $100,000 to the City of Natchez, Mississippi for a long term master plan for community development;

542. $50,000 to the Mississippi State University, City of Starkville,

Mississippi for improvements to the Cornerstone Industrial Park;

543. $250,000 to the Town of McLain, Mississippi for industrial park development;

544. $500,000 in the City of Oxford, Mississippi for the Innovation and Outreach Center;

545. $500,000 in the City of Madison, Mississippi, for the Historic Madison Gateway Project;

546. $500,000 in the City of Tchula, Mississippi for the Tchula New Town

Infrastructure Project;

547. $1,500,000 for the Mississippi Museum of Art in Jackson, Mississippi, for renovations and improvements;

548. $950,000 for the Education Building for the Jackson Zoo in Jackson, Mississippi, to construct an educational building;

549. $850,000 for the Lafayette County Courthouse in Oxford, Mississippi, to restore and renovate their historic c.1872 courthouse;

550. $800,000 for the Hinds Community College Performing Arts Center in Utica, Mississippi, to construct a performing arts, multi-purpose building;

551. $500,000 for the Mississippi University for Women Facility Restoration in Columbus, Mississippi, for facility improvements and restoration;

552. $500,000 for the Simpson County, Mississippi Courthouse for renovations and improvements;

553. $500,000 for the Jackson Public School-Belhaven College H.T. Newell Field Complex Partnership for facility improvements and construction in Jackson, Mississippi;

554. $600,000 for the City of Collins, Mississippi, to build a multi-purpose civic center;

555. $500,000 for the renovation of the Robert O. Wilder Building at Tougaloo College in Jackson, Mississippi;

556. $500,000 for the St. Ambrose Leadership College in Wesson, Mississippi, for restoration of a historic building for housing;

557. $500,000 for Delta State University for economic development activities and campus and facility improvements;

558. $500,000 for the Historical Preservation at Alcorn State University, Alcorn State, Mississippi, for the restoration project of existing historic buildings;

559. $100,000 to the Child and Family Intervention Center, City of Billings, Montana for the renovation of the Child and Family Intervention Center;

560. $500,000 to the Montana Food Bank Network, City of Missoula, Montana for expansion of the Montana Food Bank Network;

561. $100,000 to the Montana State University-Applied Technology Center, City of Havre, Montana for improvements to the

Montana State University Applied Technology Center;

562. $40,000 to the Traveler's Rest Preservation and Heritage Association, City of Lolo, Montana for construction of a pedestrian bridge over Lolo Creek;

563. $200,000 for the Liberty House Foundation, for construction expenses in Ft. Harrison, MT;

564. $350,000 for the Rocky Mountain Development Council, to continue the PenKay Eagles Manor Renovation in Helena, MT;

565. $250,000 for the Rocky Boy Reservation's utilization of Malmstrom Air Force Base's excess housing;

566. $250,000 for the Rocky Mountain Elk Foundation in Missoula, MT for the infrastructure needs of their new headquarters facility;

567. $250,000 for the Center for St. Vincent Healthcare's Center for Healthy Aging in Billings, MT;

568. $200,000 for the Child and Family Intervention Center to renovate the Garfield School Building in Billings, MT;

569. $200,000 for the Yellowstone Boys and Girls Ranch's Education Facilities Expansion in Billings, MT;

570. $200,000 for the Carter County Museum's Highway to Hell Creek project facilities expansion in Ekalaka, MT;

571. $400,000 for the Big Sky Economic Development Corporation for acquisition and rehabilitation for low-income housing in Billings, MT;

572. $200,000 for the Missoula Aging Services building renovation in Missoula, MT;

573. $200,000 to the St. Vincent Center for Healthy Aging for construction in Billings, MT;

574. $300,000 to the Daly Mansion Preservation Trust for the renovation of the Daly Mansion in Hamilton, MT;

575. $250,000 to CommunityWorks for the construction of the ExplorationWorks Museum in Helena, MT;

576. $200,000 to the Montana Technology Enterprise Center for the construction of lab facilities in Missoula, MT;

577. $250,000 Davidson County Community College, North Carolina for facility and equipment upgrades;

578. $150,000 to Columbus County, North Carolina for construction of a center for the Southeast Community College;

579. $200,000 to DHIC, Inc. in Wake County, North Carolina for a revolving loan fund for low-income homebuyers;

580. $200,000 to EmPOWERment, Inc. in Chapel Hill, North Carolina for a revolving loan fund for low-income homebuyers;

581. $150,000 to Gaston County, North Carolina for technology park expansion;

582. $100,000 to Northampton County, North Carolina for planning, design, and construction of a community center;

583. $50,000 to Spring Creek Community Center, Madison County, North Carolina; for restoration of an old school building to be used as the Spring Creek Community Center;

584. $348,700 to the City of Asheville, North Carolina for the renovation of the Asheville Veterans Memorial Stadium;

585. $150,000 to the City of Durham, North Carolina for facilities construction/renovation and streetscape improvements;

586. $150,000 to the City of Fayetteville and Cumberland County, North Carolina for the development of a business park;

587. $250,000 to the City of Laurinburg, North Carolina for the demolition of an old hospital;

588. $250,000 to the City of Monroe, North Carolina for the renovation of Old Armory for neighborhood revitalization;

589. $200,000 to the City of Raeford, North Carolina for improvements to the Raeford downtown streetscape;

590. $250,000 to the City of Troy, North Carolina for the implementation of an affordable housing program;

591. $250,000 to the Graveyard of the Atlantic Museum, City of Hatteras, North Carolina for the construction of the Graveyard of the Atlantic Museum;

592. $250,000 to the Inter-Faith Council for Social Services in Chapel Hill, North Carolina for construction, renovation, and build out of facilities;

593. $200,000 to the Piedmont Environmental Center in High Point, North Carolina for renovation and expansion of the Naturalist Education Center;

594. $250,000 to the Sparta Teapot Museum, North Carolina for construction of the Sparta Teapot Museum;

595. $150,000 to the Central Library of Forsyth County, North Carolina for renovation and expansion of the Central Library;

596. $50,000 to the Town of Dobbins Heights, North Carolina for the redevelopment of downtown;

597. $150,000 to the Town of Zebulon, North Carolina for land acquisition;

598. $250,000 to the UNC Asheville Science and Multimedia Center, City of Asheville, North Carolina; for construction of a new science and multi-media building;

599. $150,000 to the Western Carolina University Center for Engineering Technologies, Town of Cullowhee, North Carolina for interior building renovations to the Center for Engineering Technologies at Western Carolina University;

600. $200,000 to UDI Community Development Corporation in Durham, North Carolina for construction/renovation and build out of an industrial park facility;

601. $400,000 for Renovations to the Core Sound Waterfowl Museum in Harkers Island, NC;

602. $200,000 to the City of Kannapolis, NC for the rehabilitation of the Pillowtex Plant 1 site;

603. $250,000 for New River Community Partners, Inc., in Sparta, NC for the Sparta Teapot Museum;

604. $200,000 for Catawba Science Museum to renovate and expand exhibitions in Hickory, NC;

605. $200,000 for Military Business Park Development in Fayetteville, NC;

606. $250,000 for the City of Wilmington, NC, for the Downtown Park & Open Space Initiative;

607. $250,000 for the City of Fayetteville, NC, for the Military Business Park;

608. $250,000 for the City of Asheville, NC, for the Veterans Memorial Restoration;

609. $350,000 to the Dakota Boys and Girls Ranch Residential Facilities in North Dakota for construction and renovation of its three facilities;

610. $250,000 for the Northwest Ventures Communities, Minot, ND for the construction of the Northwest Career and Technology Center;

611. $200,000 for the United Tribes Technical College in Bismarck, ND for the construction of family housing;

612. $350,000 for the City of Killdeer, ND to construct a community activity center;

613. $400,000 for the City of Rugby, ND to support construction and other projects within two North Dakota REAP Zones;

614. $300,000 for the Dakota Boys and Girls Ranch, Minot, ND for facilities at their Minot location;

615. $350,000 for the UND Center for Innovation Foundation in Grand Forks, ND for the Ina Mae Rude Entrepreneur Center;

616. $300,000 for the Bismarck-Mandan Development Association, Bismarck, ND for the construction of the National Energy Technology Training and Education Facility;

617. $200,000 for the Minot Area Community Development Foundation, Minot, ND for the Prairie Community Development Center;

618. $200,000 for the Turtle Mountain Community College, Belcourt, ND for the Turtle Mountain Community College Vocational Educational Center;

619. $150,000 to Peru State College, Nebraska for construction of a new technology building;

620. $200,000 to the Boys and Girls Home of Nebraska, Columbus, NE for renovations to the Boys and Girls Home of Nebraska;

621. $400,000 to the City of Lincoln, Nebraska for the revitalization of the Antelope Valley Neighborhood Project;

622. $250,000 to the Girls and Boys Town USA, Nebraska for the national priorities of Girls and Boys Town USA;

623. $100,000 to the Tech Auditorium Restoration Committee, City of Omaha, Nebraska for the restoration of Tech Auditorium;

624. $100,000 to the University of Nebraska, Lincoln for the expansion of rural business enterprise development;

625. $100,000 to the Willa Cather Pioneer Memorial, City of Red Cloud, Nebraska for renovations to the historic Moon Block building;

626. $200,000 to Thurston County, Nebraska for the renovation of the Thurston County Courthouse;

627. $1,000,000 for Metro Community College's Health Careers and Science Building in the City of Omaha;

628. $200,000 for Thurston County Courthouse renovation in the City of Pender;

629. $200,000 for the Boys and Girls Home of Nebraska's Columbus Family Resources Center in the City of Columbus;

630. $200,000 for the Willa Cather Pioneer Memorial and Educational Foundation's Moon Block restoration project in the City of Red Cloud;

631. $200,000 for Clarkson College's Central Student Service Center Facility in the City of Omaha;

632. $200,000 for University of Nebraska-Lincoln's Enterprise Development in Rural Nebraska in the City of Lincoln;

633. $950,000 for a parking facility as part of the Joslyn Art Museum Master Plan, in Omaha, Nebraska;

634. $100,000 to the Bethlehem Redevelopment Association, New Hampshire for the renovation of Main Street performing arts theater;

635. $150,000 to the City of Concord, New Hampshire for site preparation for improvements to White Park;

636. $100,000 to the City of Portsmouth, New Hampshire for construction of an environmentally responsible library;

637. $100,000 to the New Hampshire Community Technical College for construction of an academic learning center at the New Hampshire Community Technical College;

638. $225,000 to the Town of Temple, New Hampshire for restoration of Temple Town Hall;

639. 450,000 for Families in Transition, Manchester, New Hampshire for the Mothers and Children: Staying Together Recovery Center;

640. 350,000 for New Hampshire Community Technical College System, Conway, New Hampshire for the Consortium-Based Academic Center;

641. 200,000 for Gibson Center, Madison, New Hampshire for the preservation of senior housing at Silver Lake Landing;

642. $500,000 for the New Hampshire Community Loan Fund, manufactured housing park program

643. $200,000 for the Monadnock, NH, Township home owner initiative

644. $400,000 for the Derry, NH, Senior Center project

645. $600,000 for the Manchester, NH, YWCA project

646. $400,000 for the Nashua, NH, Downtown Riverfront Opportunity Program

647. $400,000 for the Student Conservation Association service center, New Hampshire

648. $400,000 to 2nd Floor Youth Helpline in Hazlet, New Jersey for construction and renovation of its space;

649. $300,000 to Essex County, New Jersey for economic development;

650. $250,000 to Eva's Kitchen and Sheltering Program in Paterson, New Jersey for renovation and construction of a homeless shelter;

651. $100,000 to Montclair State University, New Jersey for construction of a facility at Montclair State University;

652. $300,000 to Morris County, New Jersey for economic development;

653. $150,000 to Oldwick Village, Hunterdon County, New Jersey for improvements to the Village of Oldwick;

654. $150,000 to Rutgers University in New Jersey for land acquisition for Early Childhood Research Learning Academy;

655. $300,000 to Somerset County, New Jersey for economic development;

656. $300,000 to Sussex County, New Jersey for economic development;

657. $100,000 to the Appel Farm Arts and Music Center, City of Elmer, New Jersey for expansion of Appel Farm Arts and Music Center;

658. $90,000 to the Center for Community Arts, City of Cape May, New Jersey for rehabilitation of a community arts center;

659. $150,000 to the City of Atlantic City, New Jersey for the development of a manufacturers business park;

660. $150,000 to the City of Bridgeton, New Jersey for the revitalization of Southeast Gateway Neighborhood;

661. $350,000 to the City of East Orange, New Jersey for upgrades and improvements to recreation fields;

662. $600,000 to the City of Perth Amboy, New Jersey for rehabilitation and construction of the Jewish Renaissance Medical Center;

663. $50,000 to the Martin House Transitional Housing Program, City of Trenton, New Jersey for the completion of the Martin House Transitional Housing Program;

664. $250,000 to the Monroe Township in Middlesex County, New Jersey for the development of recreation facilities;

665. $250,000 to the School for Children with Hidden Intelligence, City of Lakewood, New Jersey for the construction of a new building for the School for Children with Hidden Intelligence;

666. $200,000 to the Viking Village, City of Barnegat Light, New Jersey for renovations to historic structures;

667. $100,000 to the Westfield YMCA, New Jersey for the renovation of the new East Board Street YMCA;

668. $350,000 to West Milford Township, New Jersey for public commercial improvements;

669. $250,000 for the City of Pleasantville, NJ for the construction and renovation of the Pleasantville Marina;

670. $200,000 for the City of Paterson, NJ for the design and renovation of the Silk City Senior Nutrition Center;

671. $200,000 for the St. Joseph's School of the Blind in Jersey City, NJ for the construction of a new facility;

672. $300,000 for the Rutgers-Camden Business Incubator, Camden, NJ for the expansion of the business incubator;

673. $250,000 to the City of Belen, New Mexico for construction of a multipurpose community center;

674. $150,000 to the City of Carlsbad, New Mexico for construction of the Carlsbad Battered Family Shelter;

675. $20,000 to the East Central Ministries, City of Albuquerque, New Mexico for the East Central Ministries enterprises program;

676. $350,000 to the Placitas Public Library, City of Placitas, New Mexico for the construction of the Placitas Public Library;

677. $200,000 to the Village of Angel Fire in New Mexico for construction and development of a town square;

678. $500,000 to the YMCA of Albuquerque, City of Albuquerque, New Mexico for the construction of the YMCA of Albuquerque;

679. $1,130,000 for Presbyterian Medical Services for their Head Start Facility in Santa Fe, New Mexico;

680. $750,000 for the Albuquerque Mental Health Housing Coalition, Inc. for the renovation of the Support Plaza Apartments in Albuquerque, New Mexico;

681. $620,000 for Eastern New Mexico State University in Portales, New Mexico for scientific instructional equipment;

682. $200,000 Otero County, NM, Veteran's Museum Construction;

683. $350,000 City of Carlsbad, NM, Battered Family Shelter Construction;

684. $250,000 Helping Hands Food Bank of Deming, NM, Construction;

685. $350,000 City of Sunland Park, NM, Community Center Construction;

686. $250,000 Sandoval County, NM, Community Health Alliance, Construction and Equipment;

687. $200,000 City of Portales, NM, Rehabilitation of the Yam Movie Palace;

688. $100,000 to Nevada's Center for Entrepreneurship & Technology in Carson, Nevada for expansion of the center;

689. $150,000 to Nye County, Nevada for the development of multifunctional recreational facilities;

690. $500,000 to the City of Henderson, Nevada for improvements and building renovations;

691. $150,000 to the City of North Las Vegas, Nevada for construction of a recreation center;

692. $350,000 to the WestCare Foundation, City of Las Vegas, Nevada for improvements to WestCare;

693. $300,000 for the Pahrump Senior Center, Pahrump NV, for senior transportation;

694. $500,000 for the Nathan Adelson Hospice, Henderson, NV, for an adult day care center;

695. $200,000 for the Ridge House, Reno, NV, for the purchase or acquisition of facilities for the Reentry Resource Center;

696. $500,000 for the University of Nevada-Reno to provide a Small Business Development Center;

697. $500,000 for the City of Las Vegas, Nevada for the renovation of the Old Post Office;

698. $350,000 for the City of Reno, Nevada to provide Fourth St. Corridor Enhancements;

699. $300,000 for the City of Pahrump/Nye County, Nevada Fairgrounds Project;

700. $500,000 for Wadsworth, Nevada to provide a Community Center;

701. $200,000 for the City of Sparks, Nevada for the Deer Park Facility Renovation Project;

702. $250,000 for the City of Reno, Nevada to provide a Food Bank of Northern Nevada Regional Distribution Facility Project;

703. $350,000 to Amherst Chamber of Commerce Inc., Erie County, New York for the Suburban Solutions Center;

704. $150,000 to Elmcor Youth and Adult Activities in Queens, New York for renovation of economic development facilities;

705. $400,000 to Fordham University in Bronx, New York for the construction of a multipurpose center;

706. $150,000 to Genesee Country Village & Museum, Monroe County, New York for construction of education center classrooms;

707. $150,000 to Greater Brockport Development Corporation, Monroe County, New York for the rehabilitation of historic Whiteside Barnett and Co. Agricultural Works property;

708. $75,000 to Mamaroneck Village, New York for a pedestrian streetscape program;

709. $250,000 to Operation Oswego County, Oswego County, New York, for the development of Riverview Business Park;

710. $250,000 to Proctor's Theatre in Schenectady, New York for facility expansion;

711. $250,000 to Prospect Park Alliance in Brooklyn, New York for construction of a visitor's center and upgrades to its facilities;

712. $350,000 to Shaker Museum and Library, Columbia County, New York for restoration of historic Great Stone Barn;

713. $150,000 to State University of New York College at Brockport, Monroe County, New York for construction of a research and education center at the State University of New York College, Brockport;

714. $150,000 to Sunnyside Community Services in Queens, New York for construction of a senior center;

715. $150,000 to the 39th Street Recreation Center, New York Department of Parks for the renovation of a recreation center;

716. $100,000 to the 86th Street Business Improvement District, New York for streetscape improvements;

717. $100,000 to the Adirondack Champlain Fiber Network (ACFN), City of Plattsburgh, New York for the construction of Adirondack Champlain Fiber Network;

718. $200,000 to the Alfred State College, City of Alfred, New York for construction of a facility at Alfred State College;

719. $200,000 to the Arts Guild of Old Forge, New York for renovations;

720. $250,000 to the Bardavon 1869 Opera House, Inc. in Poughkeepsie, New York for improvements to the Bardavon Opera House;

721. $150,000 to the Beth Gavriel Bukharian Congregation in Queens, New York for planning, design, and construction of a building expansion to serve the Bukharian and Russian populations;

722. $550,000 to the Boricua College in New York, New York for renovation of the Audubon Terrace Building;

723. $250,000 to the Breast Cancer Help, Inc, City of Lindenhurst, New York for construction of a center for Breast Cancer Help, Inc;

724. $250,000 to the Burchfield-Penney Art Center in Buffalo, New York for the construction of an art museum;

725. $250,000 to the Catskill Mountain Foundation, City of Hunter, New York for renovations of the Orpheum Theatre and renovations of the Sugar Maples Center for the Arts;

726. $450,000 to the City College of New York for the planning, design, and construction of the Center for Public Service;

727. $100,000 to the City of Geneva, New York for construction of community recreation center;

728. $100,000 to the City of Rome, New York for the construction of a community recreation center;

729. $250,000 to the Elmira College, City of Elmira, New York for the restoration of Cowles Hall on the Elmira College;

730. $200,000 to the Federation of Italian-American Organization in Brooklyn, New York for facility upgrades;

731. $250,000 to the Houghton College, City of Houghton, New York for the rehabilitation of Paine Science Center at Houghton College;

732. $150,000 to the Huntington Economic Development Corporation in Huntington, New York for planning and design of a public plaza;

733. $550,000 to the Lutheran Medical Center in Brooklyn, New York for renovation and capital improvements;

734. $200,000 to the Mary Mitchell Family and Youth Center in Bronx, New York for the construction of a multipurpose center;

735. $150,000 to the Museum of the Moving Image in Queens, New York for facility expansion;

736. $250,000 to the Neighborhood Initiative, City of Syracuse, New York for the continuation of the Neighborhood Initiative Program;

737. $100,000 to the NI—Metropolitan Development Association, City of Syracuse, New York for the Essential New York Initiative;

738. $100,000 to the North Country Children's Clinic, City of Watertown, New York for renovations to North Country Children's Clinic;

739. $150,000 to the Northwest Family YMCA, Camp Northpoint, City of Rochester, New York for construction to the Northwest Family YMCA, Camp Northpoint;

740. $375,000 to the Old Fort Niagara Gateway to History in Porter, New York for rehabilitation of a visitor's center, and $375,000 to Buffalo Economic Renaissance Corporation for infrastructure improvements in Central Plaza Park;

741. $400,000 to the Orange County Community College in Middletown, New York for construction of a new building;

742. $75,000 to the Pregones Theater in Bronx, New York for renovation of its facility;

743. $75,000 to the Queens Borough Children's Discovery Center, New York City, New York for the construction of a children's discovery center;

744. $300,000 to the Sephardic Community Center, New York for building additions and improvements;

745. $158,000 to the Sugar Hill Industrial Park, City of Alfred, New York for construction of the Sugar Hill Industrial Park;

746. $100,000 to the Town and Village of Fort Ann, New York for construction of the Adirondack Golden Goal complex;

747. $250,000 to the Town of Babylon 9/11 Hometown Memorial Foundation, City of Babylon, New York for construction of 9/11 Education Center;

748. $200,000 to the Town of Brookhaven, Farmingville, New York for demolition and construction of a new Senior Citizens Wellness Center;

749. $75,000 to the Town of Eastchester, New York for construction of a youth center;

750. $100,000 to the Town of Lenox, New York for construction of WWI Memorial;

751. $150,000 to the Town of North Hempstead, New York for construction and revitalization in New Cassel;

752. $100,000 to the Town of Ripley, New York for land acquisition;

753. $250,000 to the Utica Public Library, New York for the replacement of windows at the Utica Public Library;

754. $75,000 to the Village of Elmsford, New York for construction of a new senior center;

755. $75,000 to the Village of Pleasantville, New York for a pedestrian streetscape program;

756. $200,000 to the Village of Tuckahoe, New York for streetscape improvements in the Crestwood section;

757. $100,000 to the YMCA at Glen Cove, City of Glen Cove, New York for construction of children's center for the YMCA at Glen Cove;

758. $100,000 to Utica College, New York for the construction and expansion of nursing laboratory;

759. $500,000 to Warren County Economic Development Corporation, Warren County, New York for facilities construction at North Creek Ski Bowl;

760. $200,000 to the YWCA of Niagara, NY for the computer lab expansion;

761. $250,000 to Alianza Dominicana of New York City, NY for expansion of the Triangle building;

762. $200,000 to SUNY Plattsburgh, NY for the expansion of the Adirondack-Champlain Community Fiber Network;

763. $250,000 to the El Museo del Barrio in New York City, NY for capital improvements;

764. $200,000 to the Central New York Community Arts Council of Utica, NY for the expansion of the Stanley Theater;

765. $200,000 to the City of Canandaigua, NY for the construction of a regional tourism center;

766. $200,000 for the Graduate College of Union University, Schenectady, NY to establish a freestanding campus;

767. $200,000 for the Robert H. Jackson Center, Jamestown, NY for auditorium restoration;

768. $200,000 for the Griffiss Local Development Corporation, Rome, NY for development of a multi-tenant technology office complex;

769. $200,000 for the Nassau County Museum of Art, Roslyn Harbor, NY for building restoration;

770. $200,000 for the Veterans Outreach Center, Rochester, NY for renovation and expansion of employment and training facilities;

771. $100,000 to Carroll County, Ohio for the development of a community center;

772. $250,000 to Columbiana County, Ohio for construction of a new community services building;

773. $200,000 to Connecting Point, Inc. in Toledo, Ohio for facility construction;

774. $200,000 to Ross County, Ohio for development of an industrial park;

775. $250,000 to Starr Commonwealth in Van Wert, Ohio for the renovation of a facility;

776. $150,000 to the Champaign County Preservation Alliance, City of Urbana, Ohio for the revitalization of Champaign County heritage sites;

777. $100,000 to the Cincinnati Young People Theater, Ohio for the renovation of Covedale Center for Performing Arts;

778. $100,000 to the City of St. Clairsville, Ohio for the renovation of the Clarendon Hotel;

779. $350,000 to the City of Cincinnati, Ohio for the construction of community education center on grounds of fire training facility;

780. $250,000 to the City of Green, Ohio for the purchase of Southgate Farm;

781. $100,000 to the City of Lima, Ohio for improvements to riverwalk;

782. $150,000 to the City of Lorain, Ohio for planning, design, demolition, and redevelopment of Broadway Avenue;

783. $175,000 to the City of Springfield, Ohio for demolition of a property to be used for a new hospital;

784. $200,000 to the City of St. Marys, Ohio for renovations to the historic Glass Block;

785. $100,000 to the City of Toledo, Ohio for the construction of Ice-Skating Rinks in City Parks;

786. $650,000 to the Community Properties of Ohio, City of Columbus, Ohio for the Campus Partners Neighborhood Initiative;

787. $200,000 to the Depression and Bipolar Support Alliance in Toledo, Ohio for facility construction;

788. $200,000 to the Hocking Athens Perry Community Action, City of Glouster, Ohio for renovations to the Ohio Department of Corrections Facility;

789. $75,000 to the Ohio Glass Museum, City of Lancaster, Ohio for the renovation of a building for the glass-blowing museum;

790. $295,000 to the Ohio Historical Society, City of Peebles, Ohio for improvements to the Serpent Mound State Memorial Visitor Facility;

791. $200,000 to the Ohio Wesleyan University, City of Delaware, Ohio for renovations to the Stand Theater;

792. $1,000,000 to the Springfield-Clark County Community Improvement Corp, City of Springfield, Ohio for the expansion of Applied Research Technology Park (ARTP) in Springfield;

793. $250,000 to the St. Mary Development Corporation, City of Dayton, Ohio for street infrastructure and parking facility improvements;

794. $300,000 to the Main Street Business Association, Inc., City of Columbus, Ohio for mixed-use commercial and residential facilities;

795. $250,000 to the Marsh Foundation in Van Wert, Ohio for renovations to a facility;

796. $750,000 to the Thousand Hills Enterprises, LLC, City of Canton, Ohio for construction of a Community Youth/Recreation Activity Center;

797. $400,000 to the Towpath Trail YMCA Community Center, City of Navarre, Ohio for construction of a library for the Towpath Trail YMCA Community Center;

798. $100,000 to the University of Dayton, City of Dayton, Ohio for redevelopment of Brown and Stewart Street properties at the University of Dayton;

799. $150,000 to the Urban League of Greater Cleveland, Ohio for a multicultural business development center;

800. $200,000 to the Youngstown Ohio Associated Neighborhood Center in Youngstown, Ohio for upgrades to the McGuffey Center;

801. $200,000 for the City of Canton, Ohio for the New Horizons Park land and site acquisition, demolition, or facilities construction;

802. $200,000 for Wright Dunbar, Inc., Dayton, Ohio, to construct the Gateway to Paul Laurence Dunbar Memorial;

803. $200,000 for Daybreak, Inc., Dayton, Ohio, for the Daybreak Opportunity House land and site acquisition, demolition, site preparation and facilities construction;

804. $200,000 for Catholic Charities Services Corporation, Parma, Ohio, for Parmadale's land and site acquisition, demolition, site preparation and facilities construction;

805. $100,000 for Cornerstone of Hope, Independence, OH, to build a facility;

806. $300,000 for The Preston Fund for SMA Research, Beachwood, Ohio, for the construction and development of Preston's H.O.P.E.;

807. $300,000 for the Defiance County Senior Service Center, Defiance, Ohio, for construction;

808. $250,000 for the Ukrainian Museum-Archives, Cleveland, Ohio, for Phase II Development and construction;

809. $250,000 for The Scioto Society, Inc., Chillicothe, Ohio for the ''Tecumseh!'' Capital Improvement Project;

810. $270,000 for the Lorain County Community College Great Lakes Business Growth and Development Center;

811. $200,000 for the City of Jackson's Day Care Center;

812. $260,000 for Wilberforce University Ohio Private Historically Black University Residence Hall Project;

813. $270,000 for the Solid Waste Authority of Central Ohio (SWACO) Pyramid Resource Center;

814. $300,000 to the City of Pawnee, Oklahoma for the renovation of the Buffalo Theater;

815. $250,000 to the Rural Enterprises of Oklahoma, Inc., City of Durant, Oklahoma for an employer assisted housing initiative;

816. $100,000 to the Tulsa Family and Children's Services, City of Tulsa, Oklahoma for the renovation of a facility to establish a one-stop youth and family service center;

817. $100,000 to the Youth and Family Services, Inc., City of El Reno, Oklahoma for the construction of a facility for Youth and Family Services;

818. $220,000 for the City of Ardmore, OK, to construct the Ardmore Community Resource Center;

819. $220,000 for Norman Economic Development Corporation, Norman, OK, to construct an engineering incubator;

820. $200,000 for the City of Ponca City, OK, to construct a museum building and information center for the statue of Ponca Chief Standing Bear;

821. $220,000 for the United States-Mexico Cultural Education Foundation to establish the Center for North American Sustainable Economic Development at the University of Oklahoma, Norman, OK;

822. $220,000 for the Native American Cultural Center and Museum, Oklahoma City, OK, for construction of the American Indian Cultural Center;

823. $200,000 for the City of Midwest City, OK to construct a community outreach center;

824. $150,000 to the Portland Center Stage Armory Theater in Portland, Oregon for renovations and upgrades to its facility;

825. $150,000 to the Portland Development Commission in Portland, Oregon for urban revitalization of the South Waterfront District;

826. $300,000 to the Richard E. Wildish Community Theater in Springfield, Oregon for the completion of construction of its' facility;

827. $200,000 to the Salem Urban Renewal Agency in Salem, Oregon for rehabilitation of downtown Salem;

828. $200,000 for the City of Lakeview, Oregon to develop geothermal resources;

829. $200,000 for Marion-Polk Food Share in Salem, Oregon to improve and renovate an emergency food distribution center;

830. $200,000 for the City of Pendleton, Oregon to improve and renovate round-up facilities;

831. $500,000 for construction of an education building at the Blue Mountain Community College's Northeastern Oregon Collaborative University Center, Hermiston, Oregon;

832. $250,000 for construction of the Downtown/Riverfront Access Project by the City of The Dalles for the Port of The Dalles, Oregon;

833. $200,000 for construction of a Teen Activity Center at the Santo Community Center in Medford, Oregon;

834. $200,000 SAFE Inc. New Hope Farm, Tunkhannock, Wyoming Co, PA for construction of a community facility for autistic children;

835. $200,000 to Armstrong County, Pennsylvania for rebuilding the Belmont Complex;

836. $500,000 to Bradford County Progress Authority, Bradford County, Pennsylvania for the construction of two business parks;

837. $250,000 to Cabrini College, Pennsylvania for expansion of a community center;

838. $150,000 to Carbon County, Pennsylvania for land acquisition, facilities renovation, and demolition;

839. $200,000 to Greene County, Pennsylvania for revitalization of recreational facilities;

840. $100,000 to Gwen's Girls, Inc. in Pittsburgh, Pennsylvania for construction of a residential facility;

841. $100,000 to KidsPeace, Pennsylvania for the renovation to the Broadway Campus;

842. $47,000 to Liverpool Township, Perry County, Pennsylvania for expansion of the community pool in Liverpool Township;

843. $750,000 to Lower Makefield Township, Pennsylvania for construction of the Lower Makefield 9/11 Memorial Garden;

844. $150,000 to North Central Triangle Revitalization in Philadelphia, Pennsylvania for planning and design of the Triangle Revitalization project;

845. $200,000 to Pine Forge Academy, Pennsylvania for construction of a student center;

846. $100,000 to Point Breeze Performing Arts Center in Philadelphia, Pennsylvania for renovations and upgrades of its facility;

847. $100,000 to the Allentown Art Museum, Pennsylvania for expansion of the museum;

848. $200,000 to the Berks County Community Foundation, Pennsylvania for a Competitive Greater Reading Initiative;

849. $200,000 to the Borough of Mahonoy City, Pennsylvania for improvements to West Market Street;

850. $250,000 to the Boys and Girls Club of Lancaster, Inc., City of Lancaster, Pennsylvania for construction of the Columbia Clubhouse for the Boys and Girls Club of Lancaster;

851. $200,000 to the Brookville YMCA, City of Bradford, Pennsylvania for construction of an aquatic area at Brookville YMCA;

852. $200,000 to the Bucks County Planning Commission, Pennsylvania for the construction of a community center for Freedom Neighborhood;

853. $100,000 to the Carroll Park Neighbors Advisory Council in Philadelphia, Pennsylvania for facility renovations and upgrades;

854. $250,000 to the Chartiers West Council of Governments, City of Carnegie, Pennsylvania for infrastructure improvements;

855. $400,000 to the City of Johnstown, Pennsylvania for construction and improvements to the convention center;

856. $250,000 to the City of Monroeville, Pennsylvania for construction of a new center and park for Monroeville Community Center;

857. $300,000 to the City of Philadelphia, Pennsylvania for streetscape of the vendors mall;

858. $250,000 to the City of Sunbury, Pennsylvania for construction of an amphitheater complex for the Susquehanna Riverfront;

859. $150,000 to the City of York, Pennsylvania for improvements to streetscapes;

860. $200,000 to the Clearfield YMCA, City of Clearfield, Pennsylvania for improvements to the Clearfield YMCA;

861. $60,000 to the Coal Country Hang-out Youth Center, City of Cambria, Pennsylvania for construction of a playground facility for Coal Country Hang-out Youth Center;

862. $200,000 to the Corry Redevelopment Authority, Pennsylvania for the redevelopment of the former Cooper Ajax facility;

863. $100,000 to the Da Vinci Discovery Center of Science & Technology, Pennsylvania for the construction of a new facility for science and technology;

864. $100,000 to the Delaware County Community College, City of Media, Pennsylvania for technology infrastructure at the Delaware County Community College;

865. $100,000 to the Downtown Chambersburg Inc, City of Chambersburg, Pennsylvania for renovations to the Capitol Theater;

866. $25,000 to the Fermanagh Township, Juniata County, City of Mifflintown, Pennsylvania for the development of a playground facility;

867. $100,000 to the Gettysburg Borough, Pennsylvania for the renovation of Gettysburg Railway Station as a visitor's center;

868. $150,000 to the Greenville Area Economic Development Corporation, Pennsylvania for the reconstruction of streetscapes;

869. $50,000 to the Hollidaysburg YMCA, City of Hollidaysburg, Pennsylvania for the renovations to the YMCA in Hollidaysburg;

870. $50,000 to the Homer City School District, City of Homer, Pennsylvania for construction of a new athletic facility;

871. $1,500,000 to the Indiana University, Indiana, Pennsylvania for the development and construction of a Regional Development Center;

872. $1,500,000 to the Indiana University, Indiana, Pennsylvania for the construction of a multiuse training facility in Indiana, Pennsylvania;

873. $250,000 to the Jeanette Downtown Redevelopment Project, City of Jeanette, Pennsylvania for parking improvements to the business district;

874. $150,000 to the Jewish Community Center of Greater Philadelphia, Pennsylvania for facilities construction and improvements;

875. $100,000 to the Lehigh County Historical Society, Pennsylvania for the construction of a center for LeHigh Valley Heritage;

876. $10,000 to the Marysville Borough Council, City of Marysville, Pennsylvania for enhancements to a public playground;

877. $100,000 to the Oil Creek Railway Historic Caboose Project, City of Oil City, Pennsylvania for upgrades to the Oil Creek Railway Historic Caboose;

878. $200,000 to the Pennsylvania Lumber Museum, City of Galeton, Pennsylvania for the expansion of the museum's visitor center;

879. $200,000 to the Sawmill Center for the Arts, City of Clarion, Pennsylvania for improvements to Sawmill Center for the Arts;

880. $15,000 to the Toboyne Township, City of Blaine, Pennsylvania for renovations to the baseball park in Toboyne Township;

881. $250,000 to the YWCA of Chester, City of Chester, Pennsylvania for improving the YWCA of Chester;

882. $200,000 to Waynesburg College Center, Greene County, Pennsylvania for a center for economic development;

883. $200,000 YMCA of Carbondale, Lackawanna County, PA for construction of a new facility for the YMCA of Carbondale;

884. $200,000 for the City of Carbondale, Pennsylvania for the South Main Street Economic Development Initiative which is designed to reduce blight along the City's Main Street Corridor.

885. $200,000 for the Redevelopment Authority of the City of Corry to acquire a brownfield site in downtown Corry, Pennsylvania.

886. $200,000 for Weatherly Borough, Pennsylvania to acquire and redevelop the Lehigh Valley Railroad Shops and Weatherly Steel Plant complex in the heart of Weatherly, PA.

887. $200,000 for Indiana County, Pennsylvania to acquire the Wayne Avenue Property in Indiana.

888. $200,000 for Armstrong County, Pennsylvania for remediation and infrastructure development on a 14.2 acre of brownfield property in Apollo Borough.

889. $200,000 for Perry County, Pennsylvania to develop an industrial park in New Bloomfield.

890. $200,000 for People for People, Inc. for planning and project development efforts for the Triangle redevelopment projects.

891. $200,000 for the Southwestern Pennsylvania Commission, to develop the Alta Vista Business Park, a mixed-use business park on a former strip mine site adjacent to I–70, in Washington County, Pennsylvania.

892. $300,000 for the Allegheny County Airport Authority in Allegheny County, Pennsylvania for site preparation and construction of its North Field Development project;

893. $200,000 for Gaudenzia, Inc. in Norristown, Pennsylvania to renovate and expand its residential facilities;

894. $200,000 for Our City Reading in Reading, Pennsylvania to rehabilitate abandoned houses and provide down payment assistance to home buyers;

895. $200,000 for the City of Lancaster, Pennsylvania for the revitalization and construction of Lancaster Square;

896. $200,000 for the Greater Wilkes-Barre Chamber of Business and Industry in Wilkes-Barre, Pennsylvania for acquisition, planning, and redevelopment of the historic Irem Temple;

897. $200,000 for the Greene County Department of Planning and Economic Development in Greene County, Pennsylvania for

construction and site development of a multi-phased business park on the grounds of the Greene County Airport;

898. $200,000 for Impact Services Corporation in Philadelphia, Pennsylvania to renovate, redevelop, and convert an existing building into low-income housing units;

899. $200,000 for the Shippensburg University Foundation in Shippensburg, Pennsylvania for construction of Phase III of the Shippensburg Regional Conference Center;

900. $200,000 for the Partnership CDC in Philadelphia, Pennsylvania for acquisition, renovation and rehabilitation of affordable housing for moderate- and low-income families;

901. $200,000 for the Allentown Art Museum in Allentown, Pennsylvania to expand and modernize its facilities;

902. $200,000 for the Pittsburgh Zoo in Pittsburgh, Pennsylvania for the planning, site development, and construction of Phase I of its expansion project;

903. $200,000 for Universal Community Homes in Philadelphia, Pennsylvania for conversion of parcels of land into housing units for low- and moderate-income families;

904. $150,000 to the Commission of Puerto Rico, Office of Youth affairs for the construction of a youth center;

905. $250,000 to the Sports and Recreation Authority of the Community, Puerto Rico for construction of a little league baseball park at Old Ramey Air Force Base;

906. $200,000 to the City of Central Falls, Rhode Island for construction and renovation of parks facilities;

907. $150,000 to the Providence YMCA in Providence, Rhode Island for the construction of a multipurpose center;

908. $200,000 to the Town of North Smithfield, Rhode Island for economic development initiatives focused on technology improvements;

909. $350,000 for the Cranston Public Library in Cranston, Rhode Island for building renovations;

910. $250,000 for Jamiel Park in Warren, Rhode Island for facility improvements;

911. $200,000 for the Town of West Warwick, Rhode Island for the development and construction of a river walk;

912. $200,000 for Meeting Street School in Providence, Rhode Island for the construction of the Bright Futures Early Learning Center;

913. $200,000 for Sexual Assault and Trauma Resource Center in Providence, Rhode Island for building acquisition and renovations;

914. $200,000 for the Pastime Theatre in Bristol, Rhode Island for building improvements;

915. $200,000 for Family Service of Rhode Island in Providence, Rhode Island for building purchase and renovations;

916. $200,000 for St. Mary's Home for Children in North Providence, Rhode Island for building renovations;

917. $200,000 for Stand Up for Animals in Westerly, Rhode Island for building construction;

918. $300,000 for the acquisition and renovation of the Seniors Helping Others volunteer center in South Kingstown, RI;

919. $300,000 for the expansion and renovation of the Pawtucket Day Child Development Center, Pawtucket, RI;

920. $300,000 for the renovation and expansion of the John E. Fogarty Center to provide services and programs for children and adults with disabilities, North Providence, RI;

921. $200,000 for the City of Woonsocket, RI for the redevelopment of the Hamlet Avenue Mill site;

922. $200,000 to provide for equipment and construction of the Arlington Branch of the Cranston Public Library, Cranston, RI;

923. $1,000,000 Engenuity South Carolina in the City of Columbia for the National Institute of Hydrogen Commercialization;

924. $100,000 to Georgetown County, South Carolina for construction of the Choppee Regional Resource Center;

925. $400,000 to Greenwood Partnership Alliance, South Carolina for the renovation of Old Federal Courthouse;

926. $60,000 to Laurens County, South Carolina for the Hunter Industrial Park improvements;

927. $250,000 to Lee County, South Carolina for construction of a county recreation center;

928. $150,000 to Marion County, South Carolina for constructing of an outdoor wellness facility;

929. $125,000 to the Bible Way Community Development Corporation, Columbia, South Carolina for construction of a multipurpose facility;

930. $100,000 to the Boys and Girls Club of the Pee Dee in Florence, South Carolina for renovation and expansion of Florence and Sumter facilities;

931. $300,000 to the City of Lancaster, South Carolina for renovation of the ''Hope on the Hill'' adult education and after school center;

932. $300,000 to the City of Walterboro, South Carolina for construction of Great Swamp Sanctuary Discovery Center and associated streetscape;

933. $500,000 to the Clemson University International Center for Automotive Research, City of Greenville, South Carolina for the development of Clemson University International Center for Automotive Research;

934. $200,000 to the National Council of Negro Women, Inc. in Bishopville, South Carolina for construction of the Dr. Mary McLeod Bethune Memorial Park;

935. $200,000 to the Paxville Community Development Center in Paxville, South Carolina for the construction of a multipurpose center;

936. $50,000 to the Progressive Club in John's Island, South Carolina for renovation of a multi-purpose building;

937. $100,000 to the South Carolina School for the Deaf and the Blind, City of Spartanburg, South Carolina for the expansion of dormitories and classrooms at the South Carolina School for the Deaf and the Blind;

938. $400,000 to the Spirit of South Carolina for construction completion;

939. $100,000 to the Town of St. Stephens, South Carolina for renovation of the Berkeley Senior Center;

940. $75,000 to the Williamsburg County Boys and Girls Club in Hemingway, South Carolina for expansion and upgrading of facilities;

941. $280,000 for the South Carolina School for the Deaf and Blind in Spartanburg, SC for dormitory renovation;

942. $220,000 for Crisis Ministries Homeless Shelter in Charleston, SC for facilities renovation;

943. $100,000 to the Children's Home Society of South Dakota in Sioux Falls, South Dakota for construction of facilities;

944. $100,000 to the City of Aberdeen, South Dakota for renovations to the Aberdeen Recreation and Cultural Center;

945. $150,000 to Wakpa Sica Reconciliation Place in Ft. Pierre, South Dakota for construction of the Wakpa Sica Reconciliation Place;

946. $250,000 for the City of Aberdeen, South Dakota to construct a Recreation and Cultural Center;

947. $250,000 for the Children's Home Society in Sioux Falls to expand its at- risk youth facility;

948. $400,000 to the Boys and Girls Club of Brookings, SD for Facilities Expansion;

948. $200,000 to the Children's Home Society of Sioux Falls, SD for At-Risk Youth Facilities Expansion;

949. $200,000 to the City of North Sioux City, SD for Community Library Expansion;

950. $200,000 to the Mammoth Site of Hot Springs, SD for the Theater and Lecture Hall Project;

951. $200,000 to the Wakpa Sica Historical Society of Fort Pierre, SD for the Wakpa Sica Reconciliation Place;

952. $200,000 to the Rapid City Area Economic Development Partnership of Rapid City, SD for the Technology Transfer and Entrepreneur Center Project;

953. $200,000 to Miner County Revitalization of Howard, SD for the Rural Learning Center Project;

954. $100,000 to Clay County, Tennessee for renovation of the Clay County Senior Citizens Center;

955. $100,000 to Cleveland Bradley County Incubator Bradley County, Tennessee for construction of a facility to house small business development;

956. $150,000 to Hamilton County Center for Entrepreneurial Growth, Hamilton County, Tennessee for technology improvements to the Hamilton County Center for Entrepreneurial Growth;

957. $250,000 to The Appalachia Service Project, Johnson City, Tennessee for construction materials for expansion;

958. $250,000 to Knox County, Tennessee for the construction of a senior center;

959. $100,000 to Loudon County Senior Center, Tennessee to complete construction of a senior center;

960. $500,000 to Southeast Local Development Corporation, Polk County, Tennessee for the construction of community projects;

961. $100,000 to the City of Gallatin, Tennessee for construction of facilities;

962. $200,000 to the Cumberland County Playhouse in Crossville, Tennessee for facility renovations;

963. $150,000 to the Second Harvest Food Bank in Middle, Tennessee for facilities renovation and build out;

964. $150,000 to the Second Harvest Food Bank in Nashville, Tennessee for facilities renovation and equipment;

965. $50,000 to the Second Harvest Food Bank of Northeast Tennessee for renovations to the storage warehouse;

966. $150,000 to the Southwest Tennessee Community College in Memphis, Tennessee for construction of a teaching facility;

967. $100,000 to the Tech 2020 East TN Nanoscience Initiative, City of Oak Ridge, Tennessee for the nanoscience research initiative for Tech 2020;

968. $100,000 to the Tennessee River Museum, Tennessee for the expansion of the Tennessee River Museum;

969. $750,000 for the City of Clinton, Tennessee to renovate the Green McAdoo Cultural Center;

970. $400,000 for the Second Harvest Food Bank of Middle Tennessee in Nashville, Tennessee for the expansion of its distribution center;

971. $300,000 for the Chattanooga African American Chamber of Commerce, Tennessee to construct the Martin Luther King Business Solutions Center;

972. $600,000 for the Carroll County Watershed Authority in Carroll County, Tennessee for land acquisition;

973. $200,000 for the Big South Fork Visitors Center in Cumberland County, Tennessee to develop new visitors facilities;

974. $500,000 for Technology 2020 in Oak Ridge, Tennessee to support the East Tennessee Nanotechnology Initiative;

975. $250,000 for Smith County, Tennessee for construction and infrastructure improvements to the Health, Senior, and Education complex;

976. $320,000 to Cameron County, Texas for construction of a Boys and Girls Club in Santa Rosa, Texas;

977. $150,000 to Harris County, Texas for the development of an economic development plan;

978. $150,000 to Harris County, Texas for the construction of a senior education center;

979. $250,000 to the Alabama-Coushatta Tribe of Texas for facility improvements;

980. $500,000 to the Arlington Chamber of Commerce, Texas for construction of an entrepreneur center;

981. $150,000 to the Children's Museum of Houston, Texas for construction of an annex to a Children's Museum;

982. $250,000 to the City of Abilene, Texas for construction of a new hangar at Abilene Regional Airport;

983. $500,000 to the City of Cleburne, Texas for construction of a new East Cleburne Community Center;

984. $150,000 to the City of Dallas, Texas for planning and design of an Afro-Centric cultural district;

985. $650,000 to the City of Fort Worth, Texas for construction of the Trinity River Vision;

986. $350,000 to the City of Fort Worth, Texas for the Central City Revitalization Initiative;

987. $200,000 to the City of Leonard, Texas for streetscape improvements;

988. $100,000 to the City of Madisonville, Texas for upgrades and improvements to its community recreational fields;

989. $250,000 to the City of Midland, Texas for the renovation of downtown Midland;

990. $200,000 to the City of Nacogdoches, Texas for renovations to The Fredonia Hotel and Convention Center;

991. $250,000 to the City of Odessa, Texas for the renovation of Historical Globe Theatre;

992. $250,000 to the City of Rio Bravo, Texas for the construction of a community center;

993. $150,000 to the City of Tilden, Texas for construction of a community center;

994. $250,000 to the Food Bank of the Rio Grande Valley, Inc. in McAllen, Texas for purchase of a facility;

995. $250,000 to the Foundation for Brownsville Sports in Brownsville, Texas for renovation of a site;

996. $150,000 to the San Antonio Food Bank in San Antonio, Texas for construction of a distribution facility;

997. $1,000,000 to the University of Houston Clear Lake, Texas for construction of a facility for the Bay Area Business and Technology Center at the University of Houston Clear Lake;

998. $100,000 to the WCIT 2006, Inc., City of Austin, Texas for construction of International Center of Austin;

999. $400,000 for the Dallas Women's Museum in Dallas, Texas to conduct renovations;

1000. $200,000 for the Houston Hispanic Forum of Houston, Texas to provide the historic preservation and renovation of the Houston Light Guard Armory into the Hispanic Cultural and Educational Center;

1001. $200,000 for Polk County, Texas to restore the Polk County Annex;

1002. $200,000 to the Arlington Chamber of Commerce in Arlington, Texas to establish the Arlington Entrepreneur Center;

1003. $200,000 to the City of Fort Worth, Texas for the Central City revitalization initiative;

1004. $200,000 to the World Congress on Information Technology in Austin, Texas for convention center renovations;

1005. $200,000 to the City of Commerce, Texas for a new city hall facility;

1006. $200,000 to the City of Hillsboro, Texas for the district warehouse development project;

1007. $200,000 to the City of Dallas, Texas for the Dallas Fair Park Commercial District;

1008. $300,000 to the City of Lufkin, Texas for the convention center initiative;

1009. $200,000 for the Los Fresnos Texas Boys and Girls Club, Los Fresnos, TX for planning, design and facility construction;

1010. $200,000 to Sandy City, Utah for streetscape improvements and revitalization efforts;

1011. $250,000 to the City of Riverton, Utah for the construction of Nature Center;

1012. $250,000 to the City of Riverton, Utah for the reconstruction of Old Dome Meeting Hall;

1013. $150,000 to the College of Eastern Utah in Blanding, Utah for construction of a building on its campus;

1014. $600,000 for the City of Provo, Utah to build the Provo Community Arts Center in the City of Provo;

1015. $200,000 for the City of Hyrum, Utah to build the Hyrum Library and Museum Complex in the City of Hyrum;

1016. $1,000,000 for Sandy City, Utah, for the revitalization of the city's original historic district;

1017. $1,200,000 for the City of Blanding's College of Eastern Utah—San Juan Campus, for the construction of a library community multipurpose building;

1018. $800,000 for Summit County, Utah, for improvements to the Utah Olympic Park facilities;

1019. $100,000 to Fairfax County, Virginia for creation of the Housing Counseling Information and Technology Center;

1020. $150,000 to Henrico County, Virginia for site preparation and construction of a war memorial and visitor's center;

1021. $100,000 to Prince William County, Virginia for improvements to the Nokesville streetscape;

1022. $200,000 to the Alexandria Redevelopment Housing Authority in Alexandria, Virginia for renovations of the Family Resource Learning Center;

1023. $50,000 to the American Armoured Foundation, Inc. Tank Museum in Danville, Virginia for development of the museum;

1024. $250,000 to the Barns of Rose Hill, City of Berryville, Virginia for the restoration of Barns of Rose Hill;

1025. $400,000 to the Bayview Citizens for Social Justice Inc., Virginia for construction of a community center;

1026. $250,000 to the Boys and Girls Club of Alexandria in Alexandria, Virginia for renovation and expansion of facilities;

1027. $250,000 to the City of Chesapeake, Virginia for improvements to the Poindexter streetscape;

1028. $150,000 to the City of Staunton, Virginia for building renovations and improvements to downtown buildings;

1029. $250,000 to the County of Northampton, Virginia for the construction of a recreational facility;

1030. $150,000 to the Dabney S. Lancaster Community College in Clifton Forge, Virginia for construction of the Virginia Packaging Applications Center;

1031. $100,000 to the Falls Church Education Foundation in Falls Church, Virginia for planning and expansion of Mt. Daniel Elementary School;

1032. $100,000 to the Harrisonburg Children's Museum, Virginia for renovations to the museum;

1033. $150,000 to the Jubal A. Early Preservation Trust, Virginia for restoration of the Jubal A. Early homeplace;

1034. $100,000 to the National D-Day Memorial Foundation in Bedford County, Virginia for construction of the National D-Day Memorial;

1035. $300,000 to the Northern Virginia Community College, City of Manassas, Virginia for construction of a technology building at the Northern Virginia Community College;

1036. $100,000 to The Prizery in South Boston, Virginia for restoration to the community arts center;

1037. $250,000 to the Southwestern Virginia Food Bank in Roanoke, Virginia for renovations to the food bank;

1038. $75,000 to the Town of Boydton, Virginia for revitalization projects in the central business district;

1039. $50,000 to the Town of Charlotte Court House, Virginia for the revitalization of the historic Charlotte Court House;

1040. $200,000 to the Town of Vienna, Virginia for the Green Project;

1041. $250,000 to the USS Monitor Center at The Mariners' Museum, Virginia for the restoration of USS Monitor artifacts;

1042. $150,000 to the Virginia Historical Society for construction and renovations;

1043. $200,000 to the Virginia Holocaust Museum for construction and renovations to the museum;

1044. $150,000 to the Virginia Museum of Fine Arts for facility expansion;

1045. $300,000 to the Virginia Performing Arts Foundation for the construction of an education center;

1046. $100,000 to the West Piedmont Business Development Center in Martinsville, Virginia for the expansion of the center;

1047. $50,000 to Thyne Institute Memorial Inc. in Chase City, Virginia for the construction of an African-American historic landmark memorial;

1048. $450,000 to Warren County, Virginia for renovations to the county youth center;

1049. $250,000 for the Woodrow Wilson Presidential Library in Staunton, Virginia to continue undertaking initial design of the Library;

1050. $250,000 for the Radford University Business and Technology Park in Radford, Virginia to begin site preparation and schematic design of the Park;

1051. $200,000 for the George L. Carter Home Regional Arts and Crafts Center in Hillville, Virginia to restore the historic home to serve as a regional Appalachian arts and crafts center;

1052. $200,000 for the Suffolk Museum of African-American History in Suffolk, Virginia to renovate the former Phoenix Bank of Nansemond for the Museum of African-American History;

1053. $500,000 for the Christopher Newport News University Real Estate Foundation for the Warwick Boulevard Commercial Corridor Redevelopment Project in Newport News, Virginia;

1054. $200,000 for the Mariners' Museum for the USS *Monitor* Center in Newport News, Virginia;

1055. $200,000 for the Total Action Against Poverty to restore and revitalize the Dumas Center for Artistic and Cultural Development in Roanoke, Virginia;

1056. $200,000 for the Appalachia Service Project for its Home Repair Program in Jonesville, Virginia;

1057. $200,000 to the Northeast Vermont Area Agency on Aging in Vermont for construction and rehabilitation of senior centers;

1058. $750,000 for the Preservation Trust of Vermont, Burlington, VT for the Village Revalorization Initiative;

1059. $750,000 for the Vermont Broadband Council, Waterbury, VT for high speed broadband deployment;

1060. $450,000 for the Vermont Housing and Conservation Board, Montpelier, VT for development of affordable housing in Townsend, VT;

1061. $300,000 for Project Independence, Bennington, VT for renovation of the Harwood Hill Farm Facility;

1062. $250,000 for the Vermont Housing and Conservation Board to build low-income housing and reconstruct downtown Enosburg, VT;

1063. $250,000 for the Vermont Housing and Conservation Board to construct senior housing in South Burlington, VT;

1064. $250,000 for the Visiting Nurse Association of Chittenden and Grand Isle Counties, VT to construct a low-income parent and child center in Burlington, VT;

1065. $200,000 for the Vermont Housing and Conservation Board to rehabilitate and construct affordable rental housing in Bradford, VT;

1066. $150,000 to Kitsap County, Washington for land acquisition for a community center and park/utility complex;

1067. $800,000 to Mamma's Hands, City of Bellevue, Washington for the purchase of an additional Safe House for short-term transitional shelter;

1068. $200,000 to Skagit County, Washington for land acquisition to assist in the redevelopment of Hamilton, Washington;

1069. $150,000 to Skamania County Wind River Public Development Authority in Washington for rehabilitation and upgrades to existing buildings;

1070. $350,000 to the Boys and Girls Club of King County in Seattle, Washington for renovation of the Greenbridge Community Center;

1071. $200,000 to the Foss Waterway Development Authority in Tacoma, Washington for redevelopment of its downtown urban core;

1072. $250,000 to the Kent Youth and Family Services, City of Kent, Washington for renovations to the Springwood Community Center;

1073. $550,000 to the Museum of Glass in Tacoma, Washington for construction of facilities;

1074. $225,000 to the Northwest Maritime Center in Port Townsend, Washington for construction of its facility;

1075. $200,000 to the Old North Yakima Historic Restoration Project, City of Yakima, Washington for restoring buildings and improving streetscapes;

1076. $300,000 to the Roslyn City Hall Rehabilitation, Washington for rehabilitation of Roslyn City Hall;

1077. $300,000 for the City of Roslyn, WA, for the Old City Hall and Library Renovation Project;

1078. $325,000 for the Wing Luke Asian Museum in Seattle, WA for an expansion project;

1079. $500,000 for North Helpline in Seattle, WA for new facility site acquisition;

1080. $500,000 for the Fremont Public Association in Seattle, WA for the Housing for the Homeless project;

1081. $500,000 for the Asian Counseling and Referral Service in Seattle, WA for facility construction;

1082. $325,000 for the Urban League in Seattle, WA for construction of the Northwest African American Museum;

1083. $500,000 for the Seattle Art Museum in Seattle, WA for construction of the Olympic Sculpture Park;

1084. $325,000 for the Seattle Aquarium Society in Seattle, WA for the renovation and expansion of the Seattle Aquarium;

1085. $500,000 Northeast Community Center Association in Spokane, WA for a capital improvement project;

1086. $400,000 for Easter Seals Washington in Seattle, WA for construction of a camp and respite lodging facility;

1087. $500,000 for the Boys and Girls Club of King County, WA for renovations to the Greenbridge Community Center;

1088. $325,000 for the Spokane Symphony in Spokane, WA for renovations to the Fox Theater;

1089. $500,000 for Kitsap Community Resources in Bremerton, Washington, for the construction of the Bremerton Community Services Center;

1090. $150,000 to Chippewa Valley Technical College in Eau Claire, Wisconsin for construction of an addition to the Gateway Manufacturing and Technology Center;

1091. $200,000 to Manitowoc County, Wisconsin for reconstruction of the Manitowoc County Courthouse;

1092. $150,000 to Monroe Senior Center in Monroe, Wisconsin for renovation of its facilities;

1093. $100,000 to the City of Cedarburg, Wisconsin for demolition of a facility for future construction;

1094. $300,000 to the Door County Economic Development Corporation, Sturgeon Bay, Wisconsin for the completion of the New Launch System at Sturgeon Bay Shipbuilding Cluster;

1095. $100,000 to the Juneau County Economic Development Corporation in Wisconsin for renovation of a multipurpose facility;

1096. $200,000 to the Milwaukee Public Schools for a demolition project;

1097. $150,000 to the West End Development Corporation in Milwaukee, Wisconsin for revitalization of the city's Near West Side;

1098. $200,000 for the City of LaCrosse, WI to construct the Center for Manufacturing Excellence;

1099. $300,000 for the City of Appleton, WI for construction of affordable housing units at the Appleton Wire Works factory site;

1100. $270,000 for the Redevelopment Authority of the City of Racine, WI to redevelop brownfields space for the Racine Industrial Park;

1101. $200,000 for the Redevelopment Authority of the City of Milwaukee, WI to redevelop a vacant school and provide for the Bronzeville Cultural Center;

1102. $200,000 for the City of Kenosha, WI for construction related to the Columbus Neighborhood Affordable Housing Project;

1103. $200,000 for West End Development Corporation in Milwaukee, WI to rehabilitation a commercial building as part of the North 27th Street Project;

1104. $230,000 for the City of Green Bay, WI, for the Green Bay Waterfront construction and revitalization project;

1105. $200,000 for the City of Milwaukee, WI for construction of the Menomonee Valley Partners Stormwater Park;

1106. $200,000 for City of Necedah, WI to construct a facility for the Juneau County Business Incubator;

1107. $250,000 for the City of Milwaukee, WI for rehabilitation associated with the 30th Street Industrial Corridor-Esser Paint site;

1108. $25,000 Mineral County Historical Foundation for facilities construction;

1109. $2,200,000 to Glenville State College in Glenville, West Virginia for facilities construction;

1110. $550,000 to Greenbrier County, West Virginia for construction of the Greenbrier Valley Welcome and Interpretive Center;

1111. $100,000 to Preston County Commission in West Virginia for construction and renovation;

1112. $25,000 to the Friends of Preston Academy for facilities construction;

1113. $450,000 to the Mid-Atlantic Technology, Research & Innovation Center, West Virginia for a feasibility study for the Mid-Atlantic Technology, Research and Innovation Center;

1114. $300,000 to the West Virginia Technical College for completion of a building for a newspaper publishing program;

1115. $50,000 to Wetzel County Commission for construction and renovation;

1116. $1,000,000 for construction, related activities, and programs at the Scarborough Library at Shepherd University;

1117. $1,000,000 for the Wheeling Park Commission for the development of training facilities at Oglebay Park;

1118. $2,000,000 for West Virginia University for the development of a facility to house forensic science research and academic programs;

1119. $1,000,000 for the Kanawha Institute for Social Research and Action, for renovations to the Empowerment Center in West Dunbar, which will house an array of self-sufficiency programs for low- to moderate-income individuals;

1120. $350,000 to the Ark Regional Services, Wyoming for construction of a National Creative Arts Center facility;

1121. $150,000 to the Dubois Community Project, Wyoming for improvements to the Dubois Community area;

1122. $100,000 to the University of Wyoming for improvements to the Wyoming Technology Business Center;

1123. $900,000 for the Sustainable Agriculture Research & Extension Center (SAREC) in Goshen County Wyoming for construction of a community center building;

1124. $1,100,000 for the Wyoming Substance Abuse Treatment and Recovery Center (WYSTAR) in Sheridan, Wyoming to expand its substance abuse treatment facility for women with children;

1125. $1,000,000 for the Central Wyoming College Foundation in Riverton, Wyoming to construct the Intertribal Education & Community Center;

Mrs. MALONEY. Mr. Speaker, after being derailed for generations, I am delighted to report to New Yorkers that the Second Avenue Subway is on track and moving with real momentum, thanks to hard-fought battles for funding in Washington and an unwavering coalition of support for the project in New York.

In the last two weeks alone, the Second Avenue Subway has taken two giant leaps forward.

First, New Yorkers passed the Transportation Bond Act, putting $450 million towards the project.

Combined with $1.05 billion in subway funds previously authorized by the State, New Yorkers have now put forward nearly half of the financing for the subway's first phase.

New Yorkers did their part, and now the focus has shifted to the Federal government to ante up for its share of the project.

Last night, the Congress said loud and clear that it will stand strong for the Second Avenue Subway: I'm proud to announce that we've secured another $25 million for the project—giving us five straight years of Federal funding for the subway.

Earlier this year, the Federal Transit Administration declared the Second Avenue Subway one of only two "highly recommended" projects in the Nation.

The other project is East Side Access, which also received a boost from the federal government last night—to the tune of $340 million dollars.

For far too long, New York City residents have been riding some of the most overcrowded mass transit lines in the nation.

So, to my fellow New Yorkers, I say: take heart. The Second Avenue Subway is coming.

Mr. BUYER. Mr. Speaker, the completion of the Hoosier Heartland Corridor gets another step closer today with the House passage of the FY 2006 Transportation Appropriations conference report.

For over thirteen years, I have worked with many others in a bipartisan effort across

north-central Indiana as this project has developed from a design plan, to the first groundbreaking, to this latest step in bringing efficiency and safety to North Central Indiana. I commend Congressman CHRIS CHOCOLA who has provided leadership in the completion of this project and commend the $1.3 million he secured for the Cass County-Carroll County segment.

Included in this bill is a $1.5 million designation for the Hoosier Heartland's most dangerous segment yet to be completed between Lafayette and Delphi. This project continues to be a priority for me and many other community leaders and elected officials along the route.

Also included in this conference report is $750,000 to continue the Lafayette Bus Replacement plan that I have worked on the past several years with CityBus's Marty Sennett and State Senator Brandt Hershman. Earlier this year the, Transportation Authorization bill included $500,000 for FY 2006 and this appropriation places us on schedule to meet $2.5 million by FY 2009.

Finally, Johnson County is one of the fastest growing counties in the state and significant traffic congestion exists and will only get worse. To assist in local efforts to keep traffic moving and doing so safely, $1 million is included in the conference report to help ease this congestion through a feasibility study for the proposed East/West Corridor. These investments in Indiana's infrastructure will improve safety and efficiency and create opportunity for Hoosiers.

Mr. OBERSTAR. Mr. Speaker, I rise in opposition to the Conference Report on H.R. 3058, the FY2006 Transportation, Treasury, Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies Act.

This Conference Report, and the process by which this Body considers it, are another disappointing chapter in the Republican's Leadership's management of this House.

At 5:30 a.m. this morning, the House Appropriations Committee filed this Conference Report. At 8:00 a.m., the Rules Committee met in emergency session to report a rule waiving all points of order against a bill that no one, other than Members of the Appropriations Committee and the Republican Leadership, had seen or read. The Rules Committee waived all points of order against the Conference Report and its consideration. Within hours, the House is now forced to vote on the bill. This process, requiring Members to vote on bills they have never seen nor read, has become the all too common practice of this majority.

The days of filing a conference report, giving Members an opportunity to read it, and allowing the House to consider it without all points of order waived against the bill are a distant memory of a Democratic majority. When Democrats were the majority party of the House, under House Rules, provisions that were beyond the scope of an Appropriations Conference Report were subject to a separate vote. A Member could vote against these types of riders without killing the Conference Report. In the early 1990's, I recall how proud then-Appropriations Committee Chairman Natcher was to bring appropriations bills to the Floor with no authorizing provisions and no points of order waived. Clean bills and transparency are no longer the goal. The new order is to ram through this House the Majority's agenda.

Although there is much in this Conference Report that I support, I regret that the Committee on Appropriations, with no consultation with the Committee on Transportanon and Infrastructure, has made numerous changes to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU), just months after the President signed the Act.

The Conference Report alters the SAFETEA–LU highway formula for distribution of funds to the States to provide more than $600 million in earmarks at 100% federal funding for the chosen few. The Report cuts funding for the National Highway System, Interstate Maintenance, Bridge, Surface Transportation Program, Congestion Mitigation and Air Quality Improvement, Equity Bonus, Appalachian Development Highway System, and Federal Lands programs in order to finance these earmarks. Simply earmarking every available dollar of the Department of Transportation's discretionary funding is apparently not enough—the Appropriators need to skim highway formula dollars too. The earmarks are 100 percent Federally funded and subject to no reduction like other programs and projects. There appears no limit to the majority's insatiable appetite for highway and transit earmarks.

I also regret that the Appropriators, with the concurrence of the Republican Leadership, have enabled Members and Senators to revisit issues that were clearly decided in the Conference on SAFETEA–LU. We appear to be moving from a time when an agreement could be secured with a handshake to a period in which an agreement is only for today: there is always the opportunity, with an appropriations rider, to get another ''bite at the apple''—fair compromise be damned.

The Conference Report's household goods appropriations rider provides a telling example. The Report overturns SAFETEA–LU's consumer protection provisions that give States the power to enforce federal consumer laws on interstate moving companies.

Just three months ago, the President signed SAFETEA–LU with important consumer protection provisions to address the serious problem of fraud by unscrupulous moving companies. Fraud in the household goods moving industry affects thousands of victims each year, as documented in hearings of the Surface Transportation Subcommittee. Unscrupulous movers offer low estimates, then later inflate the price of the move and hold the customer's goods hostage until they pay the inflated price.

The frequency of such scams increased after federal authority over these companies was transferred from the Interstate Commerce Commission to the Department of Transportation (DOT) in 1995. These responsibilities fell to the Federal Highway Administration (FHWA) and later to the Federal Motor Carrier Safety Administration (FMCSA). FMCSA's primary mission is safety, and the agency has few resources to focus on consumer protection. Corrupt movers increasingly exploited this regulatory gap.

In March of 2001, the General Accounting Office (GAO) reported that complaints of consumer fraud in the household goods moving industry rose dramatically from 1996 to 1999. Complaints to DOT rose 107 percent and the number of requests for arbitration to the American Moving and Storage Association went up 750 percent.

In response, and after much discussion in the Conference Committee, we included language in SAFETEA–LU that provided greater protection against unscrupulous ''rogue'' movers. The law authorized state attorneys general and state consumer protection agencies to enforce federal regulations governing the interstate movement of household goods.

Today, the Transportation-Treasury Appropriations Conference Report undoes this protection. The new language prevents state authorities from taking action against established movers, or those who do not egregiously violate federal motor carrier safety regulations, regardless of how flagrantly these companies violate consumer protection laws. It also prevents state consumer protection agencies from taking administrative action against unscrupulous movers, and limits these agencies to filing cases in United States District Courts.

I am disappointed that the Appropriations Committee and the Republican Leadership would not honor the agreements of SAFETEA–LU and allow such a rider to be added.

Although the Conference Report includes dozens of other surface transportation authorizing provisions that were included without the concurrence of the Committee on Transportation and Infrastructure, I will focus on only one other provision—which I find truly indefensible. Section 1926 of SAFETEA–LU requires the Department of Transportation to provide budget justification documents to the Transportation Committee and the Committee on Environment and Public Works of the U.S. Senate with the President's annual budget submission. The budget justification documents provide the line-item detail of the President's Budget that helps the Transportation Committee analyze the programs within our jurisdiction. Although the Transportation Committee routinely receives these budget documents from non-DOT agencies within the Committee's jurisdiction, the Department of Transportation has been reluctant to provide the information without express authorization. Thus, SAFETEA–LU specifically required that DOT provides the documents to the Committee with the President's budget, in February each year.

The Conference Report amends this provision to prevent our Committee from receiving these documents until June, four months after the President's Budget is submitted. Why would the Committee on Appropriations not want an authorizing Committee to have the necessary information to conduct budgetary oversight over the agencies within its jurisdiction? Does the Committee on Appropriations believe that it is the only committee entitled to such budget information? The Conference Report's provision is indefensible and I can assure you that the Committee on Transportation and Infrastructure, which provides the mandatory budget authority for the highway, transit, highway safety, and aviation programs, has every right to this information and will restore the SAFETEA–LU provision.

The Conference Report also disregards the aviation budgetary firewalls established under Vision 100—Century of Aviation Reauthorization Act. The Report cuts the capital investment guaranteed in Vision 100 by more than $500 million.

These cuts, in direct violation of the aviation budgetary firewalls, will directly impact our efforts to address the continued growth of commercial aviation. Commercial aviation is on track to reach 1 billion enplanements by 2015. DOT predicts up to a tripling of passengers, operations, and cargo by 2025. The Commission on the Future of the United States Aerospace Industry reported that consumers could lose as much as $30 billion annually if people and products cannot reach their destinations within the time periods expected today.

Yet, the Conference Report dramatically cuts the Federal Aviation Administration's (FAA) Facilities and Equipment (F&E) capital account—the primary vehicle for modernizing the National Airspace System (NAS)—for the second year in a row. Together, the FY2005 and FY2006 Transportation Appropriations Acts have cut the F&E account by almost $1 billion below the level authorized and guaranteed by Congress in Vision 100. The DOT Inspector General testified before the Subcommittee on Aviation of the Committee on Transportation and Infrastructure that the FAA could not technologically transform the NAS with only the approximate level of F&E funding provided by the Conference Report.

In addition, according to the FAA's own analysis, two thirds of its $30 billion worth of assets is beyond their useful life. Air traffic control towers average 30 years in age. TRACON facilities average 34 years. Primary En Route Radar Systems average 27 years. En Route Control Center facilities average 40 years and are rated by the General Services Administration as being in poor condition and getting worse each year. The cuts to FAA's capital account will make it more difficult for the FAA to maintain its current deteriorating facilities and equipment, much less technologically transform the system to handle the nation's future needs.

The Appropriators, with the concurrence of the House Republican Leadership, include these and dozens of other authorizing provisions in the Conference Report that we consider today. Votes are cast before the Conference Report is even printed. I regret that so few Members know that it needn't be this way. I regret that the Republican rank-and-file Members allow their Leadership to run the House in such a way. I regret that, under this majority, we may never be able to recapture an appropriations process that made Bill Natcher so proud.

Mr. OLVER. Mr. Speaker, I have no further speakers. I urge the adoption of the conference report, and yield the balance of my time.

Mr. KNOLLENBERG. Mr. Speaker, likewise, I urge everyone to support this bill. It is a good bill.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Without objection, the previous question is ordered on the 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.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 1 minute a.m.), the House stood in recess subject to the call of the Chair.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HASTINGS of Washington) at noon.

CALL OF THE HOUSE

Mr. LATHAM. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER pro tempore. Without objection, this 15-minute call of the House will be followed by a 5-minute vote on H.R. 2528.

There was no objection.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 603]

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
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
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
Fossella
Foxx
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
Harman
Harris
Hart
Hastings (FL)
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
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)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
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
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

□ 1225

The SPEAKER pro tempore (Mr. HASTINGS of Washington). On this rollcall, 417 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

CONFERENCE REPORT ON H.R. 2528, MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. The pending business is the question on adoption of the conference report on the bill, H.R. 2528, 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.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 427, nays 0, not voting 6, as follows:

[Roll No. 604]

YEAS—427

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
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
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
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
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
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
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
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—6

Berman
Boswell
Fortenberry
Hall
Paul
Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1247

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:

Mr. BERMAN. Mr. Speaker, due to a death in the family, I was unable to vote on the conference report for the fiscal year 2006 Military Quality of Life-Veterans Affairs appropriations act. Had I been present, I would have voted "yea."

CONFERENCE REPORT ON H.R. 3058, TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, THE DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. The pending business is the question on adoption of the conference report on the bill, H.R. 3058, 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 392, nays 31, not voting 10, as follows:

[Roll No. 605]

YEAS—392

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
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
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Case
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
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
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
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, Sam
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
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Markey
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
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)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
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 (FL)

NAYS—31

Barton (TX)
Boustany
Castle
Costello
DeFazio
Duncan
Flake
Franks (AZ)
Green (WI)
Hefley
Johnson, E. B.
Jones (NC)
Kucinich
LaTourette
Marchant
Matheson
McDermott
Miller (FL)
Oberstar
Petri
Poe
Price (GA)
Ryan (WI)
Sensenbrenner
Shadegg
Shuster
Stark
Tancredo
Velázquez
Waters
Young (AK)

NOT VOTING—10

Berman
Boswell
Cardin
Feeney
Fortenberry
Hall
Harris
Holt
Paul
Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1305

Messrs. RYAN of Wisconsin, SHUSTER and DEFAZIO changed their vote from ''yea'' to ''nay.''

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:

Mr. BERMAN. Mr. Speaker, due to a death in the family, I was unable to vote on the conference report for the fiscal year 2006 Transportation-Treasury-Housing appropriations act. Had I been present, I would have voted ''yea.''

Mr. HOLT. Mr. Speaker, on rollcall 605 today, the vote 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, and for other purposes, I was present for the debate but unintentionally did not record my vote. Had my vote been recorded, I would voted ''yea.''

PERSONAL EXPLANATION NOVEMBER 18, 2005

Mr. FORTENBERRY. Mr. Speaker, on Friday, November 18, 2005, I was unavoidably detained due to a death in my family and thus missed rollcall votes Nos. 602, 603, 604, and 605. Had I been present, I would have voted ''aye' on all four votes.

APPOINTMENT OF MEMBER TO BOARD OF VISITORS TO THE UNITED STATES AIR FORCE ACADEMY

The SPEAKER pro tempore. Pursuant to 10 U.S.C. 9355(a), amended by Public Law 108–375, and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Visitors to the United States Air Force Academy:

Mr. HEFLEY of Colorado.

And, in addition, Mr. Hansford T. Johnson of Virginia

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 6 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1610

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 4 o'clock and 10 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

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

H. Con. Res. 307. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

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. 4133. An act to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

The message also announced that the Senate requests a further conference relative to the bill (H.R. 3010) ''An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, and appoints Mr. SPECTER, Mr. COCHRAN, Mr. GREGG, Mr. CRAIG, Mrs. HUTCHISON, Mr. STEVENS, Mr. DEWINE, Mr. SHELBY, Mr. DOMENICI, Mr. HARKIN, Mr. INOUYE, Mr. REID, Mr. KOHL, Mrs. MURRAY, Ms. LANDRIEU, Mr. DURBIN, and Mr. BYRD, to be conferees on the part of the Senate.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 563 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 563

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of November 18, 2005, providing for consideration or disposition of any of the following measures:

(1) A bill or joint resolution making general appropriations for the fiscal year ending September 30, 2006, any amendment thereto, or any conference report thereon.

(2) A conference report to accompany the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes.

(3) A bill or joint resolution relating to flood insurance.

(4) A bill to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2006.

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

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

Mr. Speaker, House Resolution 563 waives clause 6(a) of rule XIII that requires a two-thirds vote to consider a

rule on the same day it is reported from the Rules Committee against certain resolutions reported from the Rules Committee; applies a waiver to any special rule reported on the legislative day of November 18, 2005 providing for consideration or disposition of any of the following measures:

First, a bill or a joint resolution making general appropriations for the fiscal year ending September 30, 2006, any amendment thereto, or any conference report thereon; second, a conference report to accompany the bill H.R. 3199, to extend and modify authorities needed to combat terrorism and for other purposes; third, a bill or a joint resolution relating to flood insurance; and finally, fourth, a bill to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2006.

Mr. Speaker, I rise today in support of House Resolution 563 that the Rules Committee reported in order to ensure that we are able to complete the work of the American people in a timely and a proper manner before the Congress adjourns for Thanksgiving. In the following week, Members from both sides of the aisle will return to their districts to spend Thanksgiving with their families and with their constituents. However, before doing so, there remains important work to be done; and, Mr. Speaker, this rule will ensure that it gets done.

From making appropriations that keep this government running to ensuring that law enforcement has the tools it needs to keep this country safe, to insuring Americans against floods, to finally strengthening the economy while cutting the budget, this rule gives the House an opportunity to move forward on an important legislative agenda, though difficult choices have and will continue to have to be made for the sake of the American people, and for the sake of an agenda of which all Americans can be proud. Mr. Speaker, I want to encourage all of my colleagues to support this resolution and the underlying legislation for which it provides.

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

□ 1615

Mr. McGOVERN. Mr. Speaker, I yield myself 4 minutes.

I thank my friend the gentleman from Georgia (Mr. GINGREY) for yielding me the customary 30 minutes.

Mr. Speaker, let me, before I begin, let me ask my friend from Georgia, does his leadership plan to amend this martial law rule in any way to add any other issues besides the ones that have been listed?

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

Mr. McGOVERN. I yield to the gentleman from Georgia.

Mr. GINGREY. Mr. Speaker, in response to the gentleman from Massachusetts, yes, we will have an amendment to the rule, which I will present at the end of the debate.

Mr. McGOVERN. Could the gentleman just tell me generally what the topic is going to be?

Mr. GINGREY. The amendment would basically say, ''A resolution relating to United States forces in Iraq.''

Mr. McGOVERN. Mr. Speaker, reclaiming my time, I thank the gentleman.

Mr. Speaker, this is a very sad day in the House. This House, I think, is about to embark on a process that should dismay every single Member of this House. The only way keeping us from going down this road is I think to vote down this martial law rule.

While I have many strong objections, and many of us on this side have strong objections, to martial rules in general, we have been accommodating in the past when they come to matters like important conference reports or emergency pieces of legislation that we need to get done before the recess. But this matter on Iraq does not qualify in that category. In fact, we just received a copy of the resolution just a couple of minutes ago about what they plan to bring up here.

This is not about a debate on Iraq. This is about politics, clear and simple. I will go further to say that I believe this is a deliberate effort to attack a Member of this House and his views because the majority is afraid of this man and afraid of his views and afraid of his words, so they believe that somehow he has to be attacked, that we need to take some quick action here on the House floor.

Mr. Speaker, we should have a debate on Iraq. We should have had a debate on Iraq a long time ago. But what we are about to have is not a debate on Iraq. This will not be able to be amended, there be a limited amount of time for Members to be able to express their views, and, quite frankly, it is demeaning to this institution, it is demeaning to our soldiers, and it is demeaning to those who have raised questions about the war in Iraq. It is demeaning to the American public who now overwhelmingly have questions about this war in Iraq. They want us to take this issue seriously and not just play politics with it.

The fact of the matter is that from the very beginning, the efforts of this leadership have been geared toward covering up all of the facts about the war in Iraq. We were presented faulty intelligence. When we found out there were no weapons of mass destruction, we wanted a full investigation to figure out what actually went wrong, whether any of that intelligence had been manipulated. We were told we cannot have that investigation, we cannot have that discussion.

The fact of the matter is that we have had no formal investigations and no formal oversight of this war in Iraq. We sent a bunch of our soldiers off to war without proper equipment, without the proper body armor and Humvee protection, and this in spite of the fact that a few months before we went to war, we passed a defense authorization bill which essentially ordered the Pentagon to provide our soldiers with all the necessary equipment that they would need if they should ever go into war. Why did not that materialize? Where was the oversight into that?

Tens of billions of taxpayer dollars have been lost in this war in Iraq. We do not even know where it has gone, and nobody can give us an answer, and there is no investigation, there is no oversight, there is no debate.

The fact of the matter is this Congress has been complicit with the White House in covering up the facts. The situation at Abu Ghraib prison, I would argue that that instance probably more than anything else has been responsible for poisoning the hearts and minds of so many people in Iraq and the region. And rather than getting to the bottom of it, rather than making sure it never happens again, what has this Congress done? Covered up. Sweep it under the rug. Make believe it never happened.

You want a debate on Iraq? We should have a debate on Iraq, but not this bit of political theatrics. There are Members who believe that we should end this war immediately. I am one of those. There are Members who believe we should add more troops to the ones we already have in Iraq over there. All of us should have the opportunity to be able to debate this in a serious way.

Do you want to respect our troops? That is how you do it. You make sure we are doing our job. We have not been doing our job, and there is no objective person in this House, even those of you who staunchly support this war and advocate continuing staying the course, who can tell me things are going the way they were planned.

There are none of us in this Chamber who are going to fight in this that war, none of us are going to put our lives on the line, and, with very few exceptions, none of our kids are going to be fighting in that war. So it takes absolutely no courage for anybody in this chamber to wave the American flag and to say, ''Stay the course.''

This is not about a debate on Iraq, this is about political cover for you. This is about finding a way to not answer the tough questions. This is about a way to cover the administration's backside at a time when we should be demanding questions.

Congress should be doing its job, and this process, this process is a disgrace. We owe the people of this country, we owe the troops who are fighting bravely at our request over in Iraq, we owe them much more.

So, Mr. Speaker, this martial law rule needs to be defeated.

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

Mr. Speaker, this amendment does not attack any Member of this body. This amendment follows the rules of decorum of this body.

The gentleman from the other side just listed a litany of complaints in regard to Iraq. Members on his side of

the aisle even have what is known as the ''Out of Iraq Caucus.'' I do not know if the gentleman from Massachusetts is a part of that membership or not, but we have, this side of the aisle, have heard repeatedly from Members on their side of the aisle, and not just one high-profile ranking member with strong defense credentials. Oh, no. No. We have heard every night of the first session of the 109th Congress from the 30-something Group, several Members on their side of the aisle, pounding this President, coming within an inch or less, Mr. Speaker, of accusing the President of lying, of out and out lying, repeatedly accusing the President of misleading the public about Iraq, demanding the immediate pullout of our troops.

Mr. Speaker, they are going to have the opportunity today on the floor of this House to vote yes or no, do they want us to immediately pull our troops out of Iraq, and that is all this amendment is about.

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

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

Mr. Speaker, anybody who believes that what we are doing today is not in response to the comments by one single Member of this Congress, a Member who is highly respected by both sides of the aisle, a Member who is a decorated Vietnam War veteran, a Member who is an expert on military and defense issues, anybody who believes we are not doing this in response to that, quite frankly, defies credibility. This is a personal attack on one of the best Members, one of the most respected Members of this House, and it is outrageous.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, how dare you. How dare you. Yesterday, the gentleman from Pennsylvania (Mr. MURTHA), the ranking Democrat on the Defense Appropriations Subcommittee, a 27-year marine, a veteran of, I believe, three tours in Vietnam, a well-known conservative hawk, announced that he was introducing a resolution that was meant to stimulate a thoughtful and profound debate on how we salvage a failed policy in Iraq. That resolution was meant to stimulate the kind of hearings that Bill Fulbright ran during the Vietnam War, hearings which could bring in the best military minds and the best experts on the Middle East to try to help us find a new direction to American policy in Iraq.

The reaction of the Republican leadership of this House is nothing short of disgraceful, and, in my view, that reaction dishonors the traditions of this House and this democracy.

This resolution, which is now going to be offered as an amendment to this rule out of the Rules Committee, is nothing less than an effort to drive a stake through the heart of the Murtha resolution, without any effort to get at the facts with respect to Iraq.

For the House to be asked to vote on whether or not we ought to withdraw immediately from Iraq without having the benefit of those thoughtful hearings is a disgraceful abdication of our responsibility to think this issue through clearly and with judgment. I am absolutely appalled, I am absolutely appalled, at this action. It is a cheap political stunt that does a disservice to every serviceman and woman fighting in Iraq today, and whoever thought up this pipe dream should be ashamed of themselves. It brings incredible shame to this House.

If I have to choose between supporting the Murtha resolution, even without these hearings, and the failed, discredited policy that we are now pursuing in Iraq that dead-end nowhere-going policy, I would happily endorse as an alternative the Murtha amendment.

It is irresponsible of the House to be dealing with this in this manner. What this House ought to do is to set aside the cheap political tricks and to address the thought behind the Murtha proposal. This House, instead of politicizing this issue, ought to try to find a way for once to bring people in this institution together, instead of dividing them by phony, cynical, political, outrageously tricky and sneaky maneuvers like this.

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

Mr. Speaker, I want to reiterate that this amendment to the resolution basically says, ''Resolved, that it is the sense of the House of Representatives that the deployment of United States forces in Iraq be terminated immediately.'' It does not reference any Member whatsoever.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. I thank the gentleman for yielding me time.

Mr. Speaker, I rise in favor of the rule and in strong opposition to the underlying resolution. Our mission in Iraq is clear: Peace through strength, victory through resolve. Those who would have us retreat immediately have forgotten what appeasement does to the Islamic extremist madmen and murderers. Our goal in Iraq is honorable and wise. We must see this through to our victorious end. The choice is that simple, yet that important.

In his 2005 speech commemorating Veterans Day, President Bush affirmed that it is courage that liberated more than 50 million people from tyranny in the last century, and it is courage that will once again destroy the enemies of freedom.

As the stepmother of a proud Marine, Douglas Lehtinen, who, together with my future daughter-in-law Lindsay, is currently serving our Nation in Iraq, and as the wife of a decorated Vietnam veteran, I have witnessed this courage and this commitment to the mission of liberty.

In one of his e-mails from Iraq, Dougie asked that I remind the American people that it was not the United States who asked for this global struggle against Islamic extremists. It was the Islamic jihadists who targeted the free world and our Nation long before we entered Iraq. We cannot afford to yield the victory to the Islamic extremists by withdrawing now.

Dougie forwarded a piece to me just yesterday by Lieutenant General James T. Conway which best summarizes the opinion of many of our troops about the need to stay the course. Conway states: ''Our soldiers, sailors, airmen and marines realize that the biggest threat to mission accomplishment depends on what their fellow Americans do. The insurgents realize full well that the only choice they have of defeating the U.S. military is to weaken the will of the American population.''

□ 1630

He adds, The insurgents in Iraq maim and kill the less protected Iraqis, but their real target is that portion of the American public that is shaped by the news media.

Let us heed the message from our men and women in our Armed Forces serving in Iraq. They are in the best position to assess what we need to do, and they are asking us not to pull out of Iraq at this juncture. Iraq is at one of the epicenters of the U.S. comprehensive strategy to fight terrorism worldwide.

Our ability to project major Armed Forces to the very heart of the Middle East provides the United States and our allies in the war against terrorism the ability to directly address the tactical and ideological challenges of Islamic extremists. Through the promotion of an incipient Iraqi democracy, we continue our concerted efforts to counter the root causes of Islamic extremists in the region. These radicals are fully cognizant that the emergence of a new and democratic Iraq will inevitably threaten their very survival because freedom threatens them. Democratic governments deny them the funds, the weapons, and the sanctuary that they need to survive. Democracy denies them the new recruits that they need.

As such, Mr. Speaker, we must continue to support the people of Iraq in their efforts to strengthen their emerging democracies whose pace of development has been astounding. In January, the people of Iraq turned out in droves to vote in their first free democratic elections. In October, they once again voted to approve their Constitution, and today they are busily preparing for elections in December that will continue Iraq in its transition from a brutal totalitarian state to a free democratic nation. It takes time. We will succeed.

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

Mr. Speaker, with all due respect to the gentlewoman who just spoke, I

have to tell you, I am tired, I think we are all tired, of the rhetoric. You want to discuss this issue seriously, let us have a real debate, not an hour in which we will debate this resolution that cannot be amended. That is ridiculous. That is demeaning to this House of Representatives.

We are not doing our job. This is about war. We have troops in harm's way. We have lost over 2,000 Americans. We have members of our Guard and Reserves on double and triple deployments; and the best you can do to respond to what is going on, all the mess that has been created over there is to bring this up for 1 hour. This is a disgrace.

Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. The gentleman from Pennsylvania (Mr. MURTHA) was a hero in Vietnam. The gentleman is a hero today.

We know that the Bush administration deliberately misled the American public about nuclear weapons in Iraq, about al Qaeda in Iraq. And now out here on the House floor, in a continuation of their deliberate misleading of the American public, they are refusing to have a debate on the Murtha resolution.

The gentleman from Pennsylvania (Mr. MURTHA) has called for a debate on the redeployment of troops consistent with protecting their security and the security of our country and maintaining over the horizon forces to protect our country, to promote democracy and diplomacy that will protect our country.

What this group of Republicans, what the Bush-Cheney White House is doing today is a continuation of the perpetuation of the fraud on the American public. This is not the debate on the Murtha resolution. This is an attempt to undermine the gentleman from Pennsylvania (Mr. MURTHA), to continue their attempt to undermine any critic of their administration rather than having a real debate on the war in Iraq that serves the American people, the American fighting men and women, and every single person in the world.

I have known JACK MURTHA for nearly 30 years and I have enormous respect for his patriotism and his expertise on military matters.

I've heard JACK MURTHA speak about what is going on in Iraq and about the adverse effect that this war is having on our troops and our Nation's security. I agree with him that it is time for us to start bringing our troops home, and I support his proposal to do so.

This is a war that was based on false and misleading intelligence from the Bush Administration about Iraqi nuclear weapons, and which has been bungled at almost every stage by incompetence and mismanagement on the part of the White House and the civilian leadership at the Pentagon. Our brave troops deserve better than to be asked to continue risking their lives for a mistake. At this point it has become clear that our troop presence in Iraq is making the situation over there worse, not better. The Iraqi people need to know that the U.S. is going to end its occupation of their country, and that they need to assume responsibility for their own security.

We should get our troops out of Iraq as soon as possible, consistent with ensuring their safety. Instead of continuing this diversion, which has only harmed America's international reputation, we should refocus our nation's energies on capturing Osama bin Laden and disrupting and destroying the Al Qaeda terrorist organization that was responsible for the September 11th attacks.

Mr. GINGREY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. Mr. Speaker, I thank the gentleman from Georgia (Mr. GINGREY) for yielding me time.

Mr. Speaker, I think this is a perfect time to talk about the very brave acts of our men and women who are serving to defend this Nation. I recently led an armed services trip to Iraq. The very first person that I met looked me in the eye and he said to me, Ma'am, do not worry about me. He said, I know what I am doing. He said I know what the threat to this Nation is; and if I have anything to do with it, we will never have another attack on our Nation. He picked up his gear. He said, So do not worry. Just pray for me. And he walked away.

The thing that I brought back from that trip to Iraq, and I realized it immediately, is that these men and women are true heroes. They volunteered to serve in our military and many of them have volunteered to serve in Iraq because they understand the threat that faces this Nation if we were to fail. But what they want to know, Mr. Speaker, is what is America saying and what is America thinking?

They watch C–SPAN. They watch the words that you say. And I was proud to be able to be there in Iraq and tell them the stories of America, about true Americans who value what they are doing who are at Sea World and stand and clap and cheer, the marines that walked through the airport in Ireland on our way back and everyone stood and everyone clapped for those marines.

The reason we are on this floor today talking about this is because the other side has made this an issue; and for the last several months, all we have heard is that we need to bring our troops home.

I do not know if you have seen the letter that has come from a-Zawahiri to al-Zarqawi. One of the quotes in this letter is: ''Things may develop faster than we imagined. The aftermath of the collapse of American power in Vietnam and how they ran and left their agents is noteworthy.''

When the speaker of the Iraq General Assembly came to Washington about 6 weeks ago, four of us went to hear him; and he repeatedly said, there is no other option. When Members of this body went on January 30 to the first election in Iraq, there were two things that they said to our Members: one, you cannot have purple ink on your finger because you are not an Iraqi; and, two, do not abandon us.

Mr. Speaker, we are on the brink of a democracy and freedom in Iraq. If we were to cut and run like they expect us to do, then what is going to happen is the 2,000-plus Americans who have died and given their lives for freedom will be for naught.

Mr. Speaker, I hope that we defeat this resolution on the floor today and show those men and women that are watching us on TV that we support what they are doing.

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

Mr. Speaker, let me say to the gentlewoman, if she wants to honor our troops, then give us a real debate. Do not bring this piece of garbage to the floor with an hour left at the end of the day. This is not honoring our troops. We are doing them a disservice. You are politicizing this war, and it is wrong.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. RANGEL).

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

Mr. RANGEL. Mr. Speaker, this is a sad day for me as an American, as a Member of Congress, to see that we have reached a point that those who want to be critical of the President's entrance into this war and how it is being conducted now have to be called cowards and we are cutting and running and we are not deserving of being called Americans.

The vicious attacks that are taking place by people who never served their country is really something that is really painful.

The gentleman from Pennsylvania (Mr. MURTHA) has earned the right to have an opinion. The gentleman from Pennsylvania (Mr. MURTHA) has served this country. The gentleman has served not only in the Army but he served right here in this Congress. And what is he up against? Who are these people making these dirty, nasty remarks against his character and those who support him? They are people who say that we are going to stay in this war until we win; that we are going to fight and die in this war until we win; and we are not going to leave until we win and not one day sooner.

Fight who? Who is going to surrender? What are the conditions? If you can be critical of what the gentleman from Pennsylvania (Mr. MURTHA) is going to say, how can you not be critical of the confused way in which we are getting involved in this war where we do not know what the enemy looks like, we do not know what flag they carry, we do not know who is going to surrender.

It is time for us to be civil. If you want to be concerned about our troops, you have to be concerned about why they are there. And for the President of the United States on Veterans Day, the day that all of us veterans hold so true

and that brings us together, to attack his political opponents on that day and then to send out with his tuxedo-clad Vice President as someone to attack other people, other Americans, this is a sad day.

But the bottom line is if you love these troops like the gentleman from Pennsylvania (Mr. MURTHA) loves these troops, you will be supporting this legislation.

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

The gentleman on the other side complained about not having enough time to discuss this resolution. We will have a minimum, Mr. Speaker, of 3 hours. We are debating right now the same-day rule. Then we will debate the rule on House Resolution 571 and then have the debate on the resolution itself. So there will be plenty of time for Members on both sides of the aisle to express their opinions on this hugely important issue.

Mr. Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, this is an issue that has a lot of passion; and when a lot of passion is embracing an issue, things are said that are very harsh and I think at times untrue.

Earlier we heard that there were quote/unquote dirty, nasty remarks against him, referring to the gentleman from Pennsylvania (Mr. MURTHA). No one is saying that about the gentleman from Pennsylvania (Mr. MURTHA). The gentleman from Pennsylvania (Mr. MURTHA) has a great deal of respect on both sides of the aisle and across the Nation.

This resolution is very simple. It is expressing a sense of the House. It has three lines to it. It says: ''Resolved, that it is the sense of the House of Representatives that deployment of United States forces in Iraq be terminated immediately.''

We are in a war for the Free World, and I think part of what we have to do and understand is the enemy himself. Al Qaeda is not fighting for a religion. They are fighting for political power by using a religion. Their targets on Americans, Jews, secular Muslims, and other Islamists like Shiites and Sunni Muslims.

They have killed and maimed innocent men and women and children from many faiths and walks of life. Their goals are measured in steps that include Iraq and every country from Spain to the Philippines, all under one theocratic government.

They oppose the freedom of speech, freedom of the press, freedom to vote, women's rights, education for women, religious freedom. They oppose music, movies, even the right to choose your own clothing, your own education, even who gets to drive. They despise who we are and what we stand for as Americans. And it is spelled out on their Web sites, their videos, their cassette tapes. It is written in their material. It is on the laptops that we have captured, and it is undeniable.

Al Qaeda's goals are confirmed in a letter on July 9, 2005, from Ayman al-Zawahiri to Abu Musab Al-Zarqawi. Al-Zawahiri is the number two man in al Qaeda, the spiritual leader of Osama bin Laden, his advisor. Al-Zarqawi is al Qaeda's director of jihadist attacks. He has been in Iraq since before Operation Iraq Freedom.

In this letter from al-Zawahiri to al-Zarqawi, al Qaeda's director of jihadist attacks, al-Zawahiri says, We have four goals. The very first goal is to expel Americans from Iraq.

If this resolution were to pass today, it would be headline news on al Jazeera TV. They would declare victory in al Qaeda, and it would jeopardize every American across the face of the globe. We have to decide where this battle is going to take place. Is it going to be in Iraq where every American carries a gun, or will it be on the streets of New York and Washington, D.C.

I say we vote this resolution down for the safety of our troops and our citizens.

Mr. MCGOVERN. Mr. Speaker, if people do not like this resolution, they can vote against the rule.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN), the ranking member on the House Intelligence Committee.

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

Mr. Speaker, I rise in strong opposition to this rule.

Earlier today, the Democratic members of the House Intelligence Committee issued a letter to the chairman of our committee protesting his decision to shut down a bipartisan investigation into the intelligence failures that led us into war. Failure to learn from the mistakes of the past is an abdication of our responsibility to the American people and dangerous for our country. If we do not learn lessons, we will repeat mistakes.

It is likewise the responsibility of this House to conduct rigorous oversight over our policy in Iraq. There is now broad consensus in the country that we need to change course.

□ 1645

Many of us have offered thoughtful suggestions to do just that.

Let me be clear, it is not our troops who have failed. They are performing heroically, as are our intelligence personnel. A month ago, on my most recent visit to Iraq, I had dinner with troops from California who are part of Task Force Baghdad. They are doing an outstanding job.

Reasonable people can differ on whether we should redeploy troops in 6 months or 16 months and what events should drive that redeployment, but today we stand united that a change of course is urgently needed. We stand united behind the gentleman from Pennsylvania (Mr. MURTHA), our colleague, a 37-year veteran who has had his patriotism attacked by the White House, but who is not backing down, and we stand united that the Republican leadership should not use a stunt like this to score political points.

In case anyone missed it, the terrorists do not care whether we are Democrats or Republicans. They are not going to check our party registration before they blow us up.

I take a back seat to no one in my efforts to craft bipartisan solutions to problems. Iraq policy is failing, and it is time for this House to be bipartisan as the Senate was earlier this week, and it is way past time for this White House to give us a serious strategy and to clarify its intentions with respect to no permanent bases, no design on Iraqi oil, and a plan to help build true power sharing among the ethnic factions and true operational capability in the Iraqi security forces.

I urge my colleagues to vote ''no'' on this rule. This resolution is intended to divide us, to put partisanship in the way of patriotism.

Mr. GINGREY. Mr. Speaker I yield 2¾ minutes to the gentleman from Georgia (Mr. KINGSTON).

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

Mr. Speaker, I must say, Scoop Jackson must be spinning in his grave. The late Democrat Senate leader would be shocked to see his party has now been taken over by Michael Moore and Cindy Sheehan and the radical extremists on the left who do not like George Bush so much that now they are going to put danger to our troops by siding with the terrorists that it is time for an immediate pullout.

I plan to vote ''no'' on the Democrat resolution for immediate pullout. I think it is irresponsible, and it definitely sends the wrong message to our troops.

I represent the 3rd Infantry Division. I am proud to represent the 3rd Infantry Division. I know many of these soldiers. I have dealt with them. I have gone to their funerals. I have gone to their services, and I would like to quote what the leading General said, General Webster, yesterday, who is in charge of the 3rd Infantry, the troops on the ground, and I am proud to say is a friend of mine, and I am proud to say is an extremely thoughtful and patriotic, brave American. General Webster said, in response to the Democrat call for immediate withdrawal, ''Setting a date would mean that the 221 soldiers I've lost this year, that their lives would have been lost in vain.''

He continued to say that Iraq's armed factions would likely take a cue from a timetable for a U.S. withdrawal to lie low, gathering their strength and laying plans for renewed conflict as soon as Americans leave. In fact, the Democrat Party now seems to be taking their cue from France: Lose, leave and wait.

The Democrats seem to want to cut and run and dishonor the sacrifices of those who are doing such a great job already. The President has said, and as much as the Democrats hate sometimes, it appears, the President's policies, he said, ''Our strategy is to clear, hold, and build.''

What have we done is we have rounded up 116 al Qaeda rulers. A number of tips from the indigenous folks on the ground have risen from 442 in February

to 3,341 today. That is cooperation by the Iraqis themselves. We have trained 210,000 Iraqi security forces, and we have more than 20 operating bases that are ready that they are doing a good job of. We have rebuilt 3,404 schools, 304 water and sewer treatment facilities, 257 fire/police stations, and 149 health services. This is progress.

Mr. Speaker, they just overwhelmingly passed a resolution adopting a new Constitution October 15, and in December, they are going to have their own elections for their own government. That is progress. Do not cut and run. Stand firm with our troops.

PARLIAMENTARY INQUIRY

Mr. MCGOVERN. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman may inquire.

Mr. MCGOVERN. The gentleman from Georgia just referred to this as a Democratic resolution. I would like to inquire of the Chair if he knows who introduced this legislation.

Mr. KINGSTON. Mr. Speaker, would the gentleman yield?

The SPEAKER pro tempore. The gentleman stated a parliamentary inquiry.

The gentleman will suspend. The gentleman from Massachusetts has stated a parliamentary inquiry. The chair can only identify the Member who introduced the legislation, which was Congressman HUNTER.

Mr. MCGOVERN. Congressman HUNTER, a Republican?

The SPEAKER pro tempore. The gentleman from California.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I have served in this House for 22 years, all of them on the House Armed Services Committee, and my esteem for the gentleman from Pennsylvania (Mr. MURTHA) and the wisdom he has accrued over defense and military matters has increased every year. He is a real American. He is a patriot. He is a marine. He is the best embodiment of Semper Fidelis that I have ever known.

He made a proposal yesterday that I, myself, do not fully agree, but I have profound respect for the man who made it, and I watched the pain that he experienced as he agonizingly laid out what the conclusions were that he had come to. To take this proposal and trash it, trivialize it is outrageous. To treat JACK MURTHA this way, a great American, a wonderful patriot, is beneath contempt.

This resolution takes a profound issue we face, whether and when we wage war, and makes it another cheap pawn in the political process. You present a resolution that purports to be a facsimile or proxy of JACK MURTHA's resolution when it is nothing of the kind, nothing of the kind, and then you dare to call it something it is not, a Democratic resolution.

This is outrageous, Mr. Speaker, and all I can say is, at long last, have you no shame?

Mr. GINGREY. Mr. Speaker, I am proud to yield 2 minutes to the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. Mr. Speaker, I thank the gentleman for the time.

I believe it is imperative in this body that we have an open and frank dialogue on issues that are of concern to us. I am disturbed and disappointed, frankly, by some of the rhetoric I have heard, because we are judged and we are acquitted and/or we are found guilty by those words, but the luxury we have is they are simply words here.

The impact of those words, though, on the other side of the ocean, in the AOR, in Iraq and Afghanistan, is that in this small world, not only do our friends but also our enemies watch, and they do not understand our concept of openness, of tolerance, of free speech and spirited dialogue.

Indeed, sometimes remarks that have been made in this Chamber have been used for the recruiting of suicide bombers. I think that one thing, and I would have to say quite candidly, is in our oversight: It is also important that we have oversight on our own words.

The comments that were made yesterday by a man with a distinguished military record, who I do not fault one bit, fly in the face of the comments of hundreds of soldiers, ranging from junior enlisted personnel across the AOR to my West Point classmates who are commanding brigades on the ground and disagree categorically, based on the phone calls that I got last night, including one from the commander of America's premier counterterrorism organization, who asked what in the world was happening here to make those kind of comments to encourage our enemies.

However, remarks irresponsibly given, not based on facts, simply do this: They place policy over politics while our young men and women are on the front line and unwittingly cooperates with and emboldens our enemies.

Liberal leadership has stated that they do not have a policy on Iraq, as one of your leaders said yesterday, but will have one in an appropriate time, I am sure in time for the 2006 election.

Because we are accountable for our words, I urge a yes on this rule to bring this resolution to the floor so the time for tough talking will end, and there will be accountability. If people want to make hard statements, they can be accountable for their words because of this. Because of our words, our troops are going to endure the consequences of those statements, and I urge all of you to be accountable for the statements that have been made.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES).

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

Mr. Speaker, I rise in strong opposition to this rule, and I do so because it does not seem to me reasonable to bring us into a debate over a very serious issue where our young men and women are in harm's way without hearings, without giving it any thought, without any careful thinking or examination, but thrusting it, thrusting us into voting on a resolution that is, as the gentleman from Georgia said, three lines long.

In Texas we have saying that ''this dog don't hunt,'' and it does not hunt. This political strategy speaks to an observation that was made to us in a hearing recently by General Kelley from the Army. He said, We are a Nation at war. We are a Nation at war except in Washington, DC. We are not a Nation sharing the sacrifice. Nothing exemplifies his testimony better than the so-called debate here on this rule.

In August, we honored four soldiers that are recipients of Purple Hearts, and one of the sergeants told me, Congressman, does anybody in Washington understand that we have a flawed strategy where we are being subjected to a mentality of ''The Charge of The Light Brigade?''

So I went back and I looked up ''The Charge of The Light Brigade'' by Lord Tennyson, and I will just read a portion of it:

Half a league, half a league,
Half a league onward,
All in the valley of Death
Rode the six hundred,
'Forward, the Light Brigade!
Charge for the guns!' he said:
Into the valley of Death
Rode the six hundred.
'Forward, the Light Brigade!'
Was there a man dismay'd?
Not tho' the soldier knew
Some one had blunder'd:
Their's not to make reply,
Their's not to reason why,
Their's but to do and die:
Into the valley of Death
Rode the six hundred.

Every day our men and women are riding convoys into that valley of death. Shame on us for this resolution. Vote against it.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, my Democratic colleagues are coming down here and accusing us of slandering our friend and fellow Member, the gentleman from Pennsylvania (Mr. MURTHA), and that is absurd. It is not about him, and it is not about any of us. It is about foreign policy and national security, and, quite frankly, this idea on the left that we can and should immediately withdraw is not only a bad idea, it is dangerous. How do you tell a 19-year-old American, fighting, bleeding for their country, that it is all pointless? How dare you do such a thing?

You may not agree with the way things are being managed, but do not minimize the importance of what we are doing in Iraq. You all on the left opened up this debate. I think they have been itching for a fight for a long time from the way their comments have sounded, and now they would like

to sneak out of the room and avoid this topic.

The left in Congress wants a debate on the idea of immediate withdrawal, and since they have been wanting it, we are going to have it. The left wanted to go out. They wanted to talk about this with no regard for the big picture, with no regard for constituents, who have families, who are fighting. Well, now, we are going to have to stand here, they are going to have to stand here. And they are going to take the heat and take the debate.

We are fighting because we do not want our kids living in a world dominated by terrorism. We are fighting for freedom.

□ 1700

The left works real hard to isolate Iraq from the Middle East and from the global war on terrorism. The left actually thinks terrorists separate Iraq from the war on terrorism.

We know that is not true. We know it is not true.

I do not believe America is willing to give up on what is the war for the Free World. I do not think they are willing to give up on the war for the Free World.

The left wanted the debate. Let us have the debate. They are going to lose the debate. The American people have stronger backbones than the radical left.

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

The gentlewoman who just spoke keeps on talking about how the Democrats want to call for immediate withdrawal without providing for the safe and orderly withdrawal of our troops and the protection of our troops. Only Mr. HUNTER, the Republican from California, has called for that in his resolution. None of us have called for that.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, yesterday the gentleman from Pennsylvania spoke with courage and conviction about the war in Iraq, and there is no one in this body who knows more about our national defense and has devoted more of his life to our troops and our security than Jack Murtha. But evidently his speech has prompted this stunt that the Republicans are pulling here to force a vote on a resolution never considered by any committee.

Well, I must tell the Members that like the intelligence that led to war, the resolution before this body is a fake. Republicans are describing this resolution as a Murtha resolution, but it is not his language and differs in key ways from his proposal.

One of the points Mr. MURTHA raised yesterday was the misuse of intelligence on Iraq. He called the war a flawed policy wrapped in illusion. Like Mr. MURTHA, I voted for that war. And like him, I have profound concerns about the intelligence, that it was warped and twisted to justify an invasion.

My concerns are deeply personal. I voted for the war resolution because the President said Iraq would soon brandish nuclear bombs; and like millions of Americans, I was misled.

I raised concerns about the nuclear intelligence in a letter to the President on March 17, 2003, before any bullets were fired and before the war started, and I am going to attach this letter to my statement, but I want to read a part of it.

I wrote: ''Dear, Mr. President, in the last 10 days, it has become incontrovertibly clear that a key piece of evidence you and others in the administration have cited regarding Iraq's efforts to obtain nuclear weapons is a hoax. The evidence in question is correspondence that indicates that Iraq sought to obtain nuclear material from an African country. For several months this evidence has been a central part of the U.S. case against Iraq. It has now been conceded that this evidence was a forgery. Even more troubling, the CIA, which has been aware of this information since 2001, has never regarded the evidence as reliable.

''The implications of this fact are profound. It means that a key part of the case you have been building against Iraq is evidence that your own intelligence experts do not believe is credible. It is hard to imagine how this situation could have developed. The two most obvious explanations, knowing deception or unfathomable incompetence, both have immediate and serious implications.''

I made that request 2½ years ago, and I am still waiting for an answer. The President has never explained how forged evidence could become a cornerstone in the case for the war on Iraq.

Yesterday, the gentleman from Pennsylvania spoke with courage and conviction about the war in Iraq. There is no one in this body who knows more about our national defense—and who has devoted more of his life—to our troops and our security than JACK MURTHA.

His speech has prompted this stunt by the Republicans to force a vote on a resolution never considered by any committee. Like the intelligence that led the Nation to war, the resolution before this body is a fake. Republicans are describing this resolution as the Murtha resolution. But it is not his language and differs in key ways from his proposal.

One of the points Mr. MURTHA raised yesterday was the misuse of the intelligence on Iraq. He called the war "a flawed policy wrapped in illusion."

Like Mr. MURTHA, I voted for the war. And like him, I have profound concerns about how the intelligence was warped and twisted to justify an invasion.

My concerns are deeply personal. I voted for the war resolution because the President said Iraq would soon brandish nuclear bombs. And like millions of Americans, I was misled.

I raised concerns about the nuclear intelligence in a letter to the President on March 17, 2003—before any bullets were fired and before the war started. I ask unanimous consent to introduce this letter into the RECORD.

I wrote:

Dear Mr. President: . . . In the last ten days, it has become incontrovertibly clear that a key piece of evidence you and other Administration officials have cited regarding Iraq's efforts to obtain nuclear weapons is a hoax. . . .

The evidence in question is correspondence that indicates that Iraq sought to obtain nuclear material from an African country, Niger. For several months, this evidence has been a central part of the –U.S. case against Iraq. . . . [I]n your State of the Union address, you stated: ''The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.''

It has now been conceded that this evidence was a forgery. . . . Even more troubling, . . . the CIA, which has been aware of this information since 2001, has never regarded the evidence as reliable. The implications of this fact are profound: it means that a key part of the case you have been building against Iraq is evidence that your own intelligence experts . . . do not believe is credible.

It is hard to imagine how this situation could have developed. The two most obvious explanations—knowing deception or unfathomable incompetence—both have immediate and serious implications.

I made that request 2½ years ago. And I am still waiting for an answer. The President has never explained how forged evidence could become a cornerstone of the case for war in Iraq.

And this body has been part of the cover-up. We've averted our eyes and shut down our oversight committees. The Washington Republicans who run this body are afraid to ask questions and embarrass the President. They have abrogated their solemn constitutional obligations to hold the executive branch accountable for its abuses.

As the ranking Democrat on the House Committee in charge of oversight and investigations, I have requested hearings to review:

(1) The way intelligence was manipulated by people in this administration. On my website—www.reform.democrats.house.gov—there is a report of 237 misleading and inaccurate statements made by the President, Vice President, Secretary of State and Defense and the National Security Adviser, based on what they knew at the time and not what we learned later.

(2) An investigation of prison treatment by the U.S. after Abu Graib.

(3) An investigation of the outing of CIA agent Valerie Plame for political purposes, even though it jeopardized our national security.

(4) An investigation of the secret meetings Vice President CHENEY had with energy executives regarding our energy policy.

The Republicans should do the work required under our Constitution—do the oversight to provide the checks and balances to avoid a concentration of power in an imperial and out of touch administration.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, March 17, 2003.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing regarding a matter of grave concern. Upon your order, our armed forces will soon initiate the first preemptive war in our nation's history. The most persuasive justification for this war is that we must act to prevent Iraq from developing nuclear weapons.

In the last ten days, however, it has become incontrovertibly clear that a key piece of evidence you and other Administration officials have cited regarding Iraq's efforts to obtain nuclear weapons is a hoax. What's more, the Central Intelligence Agency questioned the veracity of the evidence at the same time you and other Administration officials were citing it in public statements. This is a breach of the highest order, and the American people are entitled to know how it happened.

As you know, I voted for the congressional resolution condemning Iraq and authorizing the use of force. Despite serious misgivings, I supported the resolution because I believed congressional approval would significantly improve the likelihood of effective U.N. action. Equally important, I believed that you had access to reliable intelligence information that merited deference.

Like many other members, I was particularly influenced by your views about Iraq's nuclear intentions. Although chemical and biological weapons can inflict casualties, no argument for attacking Iraq is as compelling as the possibility of Saddam Hussein brandishing nuclear bombs. That, obviously, is why the evidence in this area is so crucial, and why so many have looked to you for honest and credible information on Iraq's nuclear capability.

The evidence in question is correspondence that indicates that Iraq sought to obtain nuclear material from an African country, Niger. For several months, this evidence has been a central part of the U.S. case against Iraq. On December 19, the State Department filed a response to Iraq's disarmament declaration to the U.N. Security Council. The State Department response stated: ''The Declaration ignores efforts to procure uranium from Niger.'' A month later, in your State of the Union address, you stated: ''The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.'' Defense Secretary Rumsfeld subsequently cited the evidence in briefing reporters.

It has now been conceded that this evidence was a forgery. On March 7, the Director General of the International Atomic Energy Agency, Mohamed ElBaradei, reported that the evidence that Iraq sought nuclear materials from Niger was ''not authentic.'' As subsequent media accounts indicated, the evidence contained ''crude errors,'' such as a ''childlike signature'' and the use of stationary from a military government in Niger that has been out of power for over a decade.

Even more troubling, however, the CIA, which has been aware of this information since 2001, has never regarded the evidence as reliable. The implications of this fact are profound: it means that a key part of the case you have been building against Iraq is evidence that your own intelligence experts at the Central Intelligence Agency do not believe is credible.

It is hard to imagine how this situation could have developed. The two most obvious explanations—knowing deception or unfathomable incompetence—both have immediate and serious implications. It is thus imperative that you address this matter without delay and provide an alternative explanation, if there is one.

The rest of this letter will explain my concerns in detail.

USE OF THE EVIDENCE BY U.S. OFFICIALS

The evidence that Iraq sought to purchase uranium from an African country was first revealed by the British government on September 24, 2002, when Prime Minister Tony Blair released a 50-page report on Iraqi efforts to acquire weapons of mass destruction. As the New York Times reported in a front-page article, one of the two ''chief new elements'' in the report was the claim that Iraq had ''sought to acquire uranium in Africa that could be used to make nuclear weapons.''

This evidence subsequently became a significant part of the U.S. case against Iraq. On December 7, Iraq filed its weapons declaration with the United Nations Security Council. The U.S. response relied heavily on the evidence that Iraq had sought to obtain uranium from Africa.

For example, this is how the New York Times began its front-page article on December 13 describing the U.S. response:

''American intelligence agencies have reached a preliminary conclusion that Iraq's 12,000 page declaration of its weapons program fails to account for chemical and biological agents missing when inspectors left Iraq four years ago, American officials and United Nations diplomats said today.

''In addition, Iraq's declaration on its nuclear program, they say, leaves open a host of questions. Among them is why Iraq was seeking to buy uranium in Africa in recent years.''

The official U.S. response was provided on December 19, when Secretary of State Colin Powell appeared before the Security Council. As the Los Angeles Times reported, ''A one-page State Department fact sheet . . . lists what Washington considers the key omissions and deceptions in Baghdad's Dec. 7 weapons declaration.'' One of the eight ''key omissions and deceptions'' was the failure to explain Iraq's attempts to purchase uranium from an African country.

Specifically, the State Department fact sheet contains the following points under the heading ''Nuclear Weapons'': ''The Declaration ignores efforts to procure uranium from Niger. Why is the Iraqi regime hiding their uranium procurement?'' A copy of this fact sheet is enclosed with this letter.

The Iraqi efforts to obtain uranium from Africa were deemed significant enough to be included in your State of the Union address to Congress. You stated: ''The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.'' As the Washington Post reported the next day, ''the president seemed quite specific as he ticked off the allegations last night, including the news that Iraq had secured uranium from Africa for the purpose of making nuclear bombs.''

A day later, Defense Secretary Donald Rumsfeld told reporters at a news briefing that Iraq ''recently was discovered seeking significant quantities of uranium from Africa.''

KNOWLEDGE OF THE UNRELIABILITY OF THE EVIDENCE

The world first learned that the evidence linking Iraq to attempts to purchase uranium from Africa was forged from the Director General of the International Atomic Energy Agency (IAEA), Mohamed ElBaradei. On March 7, Director ElBaradei reported to the U.N. Security Council: ''Based on thorough analysis, the IAEA has concluded, with the concurrence of outside experts, that these documents—which formed the basis for reports of recent uranium transactions between Iraq and Niger—are in fact not authentic. We have therefore concluded that these specific allegations are unfounded.''

Recent accounts in the news media have provided additional details. According to the Washington Post, the faked evidence included ''a series of letters between Iraqi agents and officials in the central African nation of Niger.'' The article stated that the forgers ''made relatively crude errors that eventually gave them away—including names and titles that did not match up with the individuals who held office at the time the letters were purportedly written.'' CNN reported: ''one of the documents purports to be a letter signed by Tandjia Mamadou, the president of Niger, talking about the uranium deal with Iraq. On it [is] a childlike signature that is clearly not his. Another, written on paper from a 1980s military government in Niger, bears the date of October 2000 and the signature of a man who by then had not been foreign minister of Niger for 14 years.''

U.S. intelligence officials had doubts about the veracity of the evidence long before Director ElBaradei's report. The Los Angeles Times reported on March 15 that ''the CIA first heard allegations that Iraq was seeking uranium from Niger in late 2001'' when ''the existence of the documents was reported to [the CIA] second- or third-hand.'' The Los Angeles Times quotes one CIA official as saying: ''We included that in some of our reporting, although it was all caveated because we had concerns about the accuracy of that information.'' The Washington Post reported on March 13: ''The CIA . . . had questions about 'whether they were accurate,' said one intelligence official, and it decided not to include them in its file on Iraq's program to procure weapons of mass destruction.''

There have been suggestions by some Administration officials that there may be other evidence besides the forged documents that shows Iraq tried to obtain uranium from an African country. For instance, CIA officials recently stated that ''U.S. concerns regarding a possible uranium agreement between Niger and Iraq were not based solely on the documents which are now known to be fraudulent.'' The CIA provided this other information to the IAEA along with the forged documents. After reviewing this complete body of evidence, the IAEA stated: ''we have found to date no evidence or plausible indication of the revival of a nuclear weapons programme in Iraq.'' Ultimately, the IAEA concluded that ''these specific allegations are unfounded.''

QUESTIONS

These facts raise troubling questions. It appears that at the same time that you, Secretary Rumsfeld, and State Department officials were citing Iraq's efforts to obtain uranium from Africa as a crucial part of the case against Iraq, U.S. intelligence officials regarded this very same evidence as unreliable. If true, this is deeply disturbing: it would mean that your Administration asked the U.N. Security Council, the Congress, and the American people to rely on information that your own experts knew was not credible.

Your statement to Congress during the State of the Union, in particular, raises a host of questions. The statement is worded in a way that suggests it was carefully crafted to be both literally true and deliberately misleading at the same time. The statement itself—''The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa''—may be technically accurate, since this appears to be the British position. But given what the CIA knew at the time, the implication you intended—that there was credible evidence that Iraq sought uranium from Africa—was simply false.

To date, the White House has avoided explaining why the Administration relied on this forged evidence in building its case against Iraq. The first Administration response, which was provided to the Washington Post, was ''we fell for it.'' But this is no longer credible in light of the information from the CIA. Your spokesman, Ari Fleischer, was asked about this issue at a White House news briefing on March 14, but

as the following transcript reveals, he claimed ignorance and avoided the question:

Q: Ari, as the president said in his State of the Union address, the British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa. And since then, the IAEA said that those were forged documents——

Mr. Fleischer: I'm sorry, whose statement was that?

Q: The President, in his State of the Union address. Since then, the IAEA has said those were forged documents. Was the administration aware of any doubts about these documents, the authenticity of the documents, from any government agency or department before it was submitted to the IAEA?

Mr. Fleisher: These are matters that are always reviewed with an eye toward the various information that comes in and is analyzed by a variety of different people. The President's concerns about Iraq come from multiple places, involving multiple threats that Iraq can possess, and these are matters that remain discussed.

''Thank you [end of briefing].

Plainly, more explanation is needed. I urge you to provide to me and to the relevant committees of Congress a full accounting of what you knew about the reliability of the evidence linking Iraq to uranium in Africa, when you knew this, and why you and senior officials in the Administration presented the evidence to the U.N. Security Council, the Congress, and the American people without disclosing the doubts of the CIA. In particular, I urge you to address:

(1) Whether CIA officials communicated their doubts about the credibility of the forged evidence to other Administration officials, including officials in the Department of State, the Department of Defense, the National Security Council, and the White House;

(2) Whether the CIA had any input into the ''Fact Sheet'' distributed by the State Department on December 19, 2002; and

(3) Whether the CIA reviewed your statement in the State of the Union address regarding Iraq's attempts to obtain uranium from Africa and, if so, what the CIA said about the statement.

Given the urgency of the situation, I would appreciate an expeditious response to these questions.

Sincerely,

HENRY A. WAXMAN,
Ranking Minority Member.

ILLUSTRATIVE EXAMPLES OF OMISSIONS FROM THE IRAQI DECLARATION TO THE UNITED NATIONS SECURITY COUNCIL

ANTHRAX AND OTHER UNDECLARED BIOLOGICAL AGENTS

The UN Special Commission concluded that Iraq did not verifiably account for, at a minimum, 2160kg of growth media.

This is enough to produce 26,000 liters of anthrax—3 times the amount Iraq declared; 1200 liters of botulinum toxin; and, 5500 liters of clostridium perfrigens—16 times the amount Iraq declared.

Why does the Iraqi declaration ignore these dangerous agents in its tally?

BALLISTIC MISSILES

Iraq has disclosed manufacturing new energetic fuels suited only to a class of missile to which it does not admit.

Iraq claims that flight-testing of a larger diameter missile falls within the 150km limit. This claim is not credible.

Why is the Iraqi regime manufacturing fuels for missiles it says it does not have?

NUCLEAR WEAPONS

The Declaration ignores efforts to procure uranium from Niger.

Why is the Iraqi regime hiding their uranium procurement?

VX

In 1999, UN Special Commission and international experts concluded that Iraq needed to provide additional, credible information about VX production.

The declaration provides no information to address these concerns.

What is the Iraqi regime trying to hide by not providing this information?

CHEMICAL AND BIOLOGICAL WEAPONS MUNITIONS

In January 1999, the UN Special Commission reported that Iraq failed to provide credible evidence that 550 mustard gas-filled artillery shells and 400 biological weapon-capable aerial bombs had been lost or destroyed.

The Iraqi regime has never adequately accounted for hundreds, possibly thousands, of tons of chemical precursors.

Again, what is the Iraqi regime trying to hide by not providing this information?

EMPTY CHEMICAL MUNITIONS

There is no adequate accounting for nearly 30,000 empty munitions that could be filled with chemical agents.

Where are these munitions?

UNMANNED AERIAL VEHICLES (UAV) PROGRAMS

Iraq denies any connection between UAV programs and chemical or biological agent dispersal. Yet, Iraq admitted in 1995 that a MIG–21 remote-piloted vehicle tested in 1991 was to carry a biological weapon spray system.

Iraq already knows how to put these biological agents into bombs and how to disperse biological agent using aircraft or unmanned aerial vehicles.

Why do they deny what they have already admitted? Why has the Iraqi regime acquired the range and auto-flight capabilities to spray biological weapons?

MOBILE BIOLOGICAL WEAPON AGENT FACILITIES

The Iraqi declaration provides no information about its mobile biological weapon agent facilities. Instead it insists that these are ''refrigeration vehicles and food testing laboratories.''

What is the Iraqi regime trying to hide about their mobile biological weapon facilities?

SUMMARY

None of these holes and gaps in Iraq's declaration are mere accidents, editing oversights or technical mistakes: they are material omissions.

Mr. GINGREY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. HUNTER), the chairman of the House Armed Services Committee.

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

Let us make it clear that this is not a stunt. It is not an attack on an individual. It is a very legitimate question. JACK MURTHA is a distinguished veteran. He is a good friend. We have joined together on many more defense issues than we have been apart on, and he has got an excellent background in defense, and he has every right to take the position that he has taken. We are all masters of our own opinion and our own position, and he studied this issue, and that is his position.

The reason I think it is important for this House to speak now before we break for a couple of weeks is because the impression has gone out around the world, carried on international news agencies, U.S. news agencies to friends and foes alike. The impression has gone out that Congress is withdrawing its support of the mission in Iraq. And if we look at the Washington Post and look at the front page, that is precisely what we see. If we looked at the headline on CNN and many other of the electronic news media, that is what we see.

But more importantly, it is not just important as to what our allies think or what our adversaries think. The most important people on this stage are the people wearing the uniform of the United States. And people who are reading the media, watching the media, those 140,000 personnel presently stationed in Iraq are obviously getting an impression about the United States Congress and its position with respect to all of the publicity that has emanated not just from this body and statements that have gone out from this body but also from the other body that happened just a couple of days ago and the headline stories that emanated from that.

Now, all of us, and I can just say as the chairman of my committee, we have held lots of hearings, lots of briefings. We held full House briefings for every Member of the House, Democrat and Republican, where they could ask our intelligence officers, with no handlers from the White House present, every single question that they wanted to have answered. We have had full briefings on armor, on troop deployments, on operations. Everybody here is competent to answer this question: Should we terminate our deployment in Iraq?

Now, of all the issues that we have studied over the last year or so that we have been working on, this is certainly one that we all have a background in now. Nobody can complain now that they have been duped and therefore this is not a real question or a solid question or an important question to answer. So we are going to let every Member answer that, and I hope that the message that goes back to our troops in Iraq, and I know that the message that will go back to our troops in Iraq, is that we do not support a precipitous pullout from Iraq, and that will do more to restore their morale than anything else this Congress could do.

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

Can I inquire of the gentleman from California how he intends to vote on the resolution that he has introduced that does not provide for the protection of our troops?

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

Mr. MCGOVERN. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I am going to vote against a precipitous termination of our deployment in Iraq.

Mr. MCGOVERN. You are going to vote against the Hunter amendment.

Thank you for voting against your own amendment.

Mr. HUNTER. But I am going to allow you to vote ''yes.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would advise Members that it is improper to walk in front of a Member speaking in the well.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, the troops in this country are going to be surprised to find out that the Republican chairman of the House Armed Services Committee filed a resolution saying that it is the sense of the House of Representatives, apparently as he sees it, that the deployment of the United States forces in Iraq be terminated immediately. Apparently, the Republican chairman of the House Armed Services Committee thinks that we should not have an orderly withdrawal of the troops, thinks that we should not provide for their safety and protection on the withdrawal, thinks that we should not do the things that Mr. MURTHA suggested that we do.

It is either that, sir, or they are going to think that this is some sort of a trick, that you filed this so that we would have been looking at something that Mr. MURTHA did not want us to look at. Because if you are concerned about what the message is that the troops are getting in Iraq, you would, in fact, have a full-fledged debate here so that Mr. MURTHA and other Members of both parties could express clearly and succinctly what it is they believe ought to happen in terms of policy.

But that is not what we are seeing here. You should have a chance for Mr. MURTHA to discuss his idea on protecting the troops when there is a redeployment or redeploying to over the horizon so that there will not be a spread of terrorism, of making sure that any redeployment is made with the protection and the safety of the troops. But I do not think that is what is going on here.

You talk about your respect for Mr. MURTHA. You talk about his known knowledge for the military, and yet it is you, sir, who comes down here and says that the Republican chairman of the House Armed Services Committee proposes that the House of Representatives put their statement and their resolve that we should deploy immediately from Iraq and not protect our troops, apparently, because it does not say that, and not provide for their safety, not provide for redeployment somewhere over the horizon so that we will be sure that terrorism does not spread there and we will be ready for any emergency.

If instead you want the troops to get the message that that is not what we want, then why did you not work with your delegation over there to make sure that Mr. MURTHA's resolution could be proposed and debated and explained fully and then this country could have the benefit of a full discussion of where the policy is going, because this administration, apparently, has no clue and has no idea. They politicized the lead-up going into the area, and now you are politicizing how it is we are going to get this country back in order and out of there.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would also advise Members to address their remarks to the Chair and not to other Members.

Mr. GINGREY. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. HUNTER).

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

And let me make this point: that the resolution is written in precisely the way that I think describes the essence of the publicity that has emanated from Washington, D.C. This is a message that has been sent to our troops; and if you look at the e-mails coming in, I think the question is well described, and I think that it manifests what a lot of people now think, especially uniformed people in the Iraq theater, and it is precisely the question before the House that the gentleman will have an absolute right to vote on; and I would hope that this is not Mr. MURTHA's position. He will have a chance to vote ''no'' on it.

Mr. MCGOVERN. Mr. Speaker, I yield 10 seconds to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I do not understand it to ever be the habit of this institution for a Member on one side taking it upon himself to interpret the meaning of a resolution of a Member on the other side without giving that Member the courtesy and the respect of allowing them to put forward what the meaning and intention of their own resolution is. I think, sir, you are playing games.

Mr. GINGREY. Mr. Speaker, I yield 15 seconds to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, let me just reiterate to my friend, he said this should not be about Mr. MURTHA, and it is not about Mr. MURTHA. It is about the message that has been sent around the world, as evidenced by e-mails coming back in from our troops now who think that the Congress is pulling the rug out from under the mission.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would ask Members to respect the gavel and the time yielded.

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

Mr. Speaker, I do not know a single Democrat who supports the Hunter resolution that would basically provide for the immediate withdrawal without the protection for our troops. This is a counterfeit. This is an insult to this institution. And to not allow us to have a real debate, to not allow us to bring up different proposals, I think, undercuts the process.

Mr. Speaker, I yield 15 seconds to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I would like to ask the gentleman from California why he introduced a counterfeit Murtha resolution rather than allowing us to vote on the real Murtha resolution, if he wanted us to vote at all.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, let me answer my friend.

This is a letter from an army captain in Iraq. He says in this e-mail: ''I am a U.S. Army captain currently serving in Iraq, and I am shocked and appalled by Rep Murtha's call for an immediate withdrawal. Please, please, please convince your colleague to let us finish this critical job. He is correct that the deployments and service and casualties are hard on all of us. He is wrong about what is demoralizing to us. What is demoralizing is a Congress which no longer stands behind our mission.''

That is why we are offering this resolution. That is obviously the message that is going out to thousands of servicemen around the world.

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

For 24 hours you maligned a great Member of this House, a decorated Vietnam War veteran. You should be ashamed of yourselves.

Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

□ 1715

Mr. DEFAZIO. Mr. Speaker, in response to the speech of one decorated veteran of this institution, the Republican chairman of the Committee on Armed Services has taken this position of that Member, and he has written this abbreviated, interpreted version which mischaracterizes the position of Mr. MURTHA. This is signed by Mr. HUNTER, and it has a number on it. Just think of the mischief al-Zarqawi can do with this when he puts it on the Internet. We have a signed document from the Chair of the—chairman of the Committee on Armed Services asking for immediate withdrawal.

Now, I have an e-mail, too. We all get them. This is from the president of the Oregon War Veterans Association, who did disagree with Mr. MURTHA and knows my position against the war. He said, ''I am writing not only to thank you for your service, but also to ask you to be cautious about politicizing the war effort in Iraq. It is our determination to keep our servicemembers safe from injury that may come from pure partisan political sabotage,'' and if a fabricated document fabricating the position of the chairman of the Armed Services Committee with his signature on it which is now winging its way around the world is not pure partisan political sabotage, I do not know what is.

If you have good sense, you will withdraw this resolution. We will even give you unanimous consent to do it, Mr.

HUNTER. But if you will not, maybe you can start doing your job: Hold a few hearings and a little bit of oversight in what is going on in Iraq, and maybe we can even act like the bipartisan Senate and ask that the President report to us on his goals, objectives and progress in Iraq. But none of this has happened in this House. This is the only substantive action you have taken on Iraq since we went in there, and you should be awfully ashamed.

Mr. GINGREY. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. MCCOTTER).

Mr. MCCOTTER. Mr. Speaker, first, I wish to make it clear on my part that it is impossible to impugn the character of the gentleman from Pennsylvania because we could not do it if we so intended. Like so many of our citizen soldiers, their service did not end with their military career, and they continue to serve our country.

But I would hope that this rule would be adopted because this is a question that we have all had to answer. My constituents have asked it. It is incumbent upon me to respond, and I would think it would be no different today.

But I would hope the consequence of this rule being passed and this resolution being debated with free vote of conscience on either side of the aisle is that should it fail, is that we then strive to find a bipartisan plan for victory in Iraq, and an articulation of our war aims that can motivate the American people to galvanize behind it. For if we do not, whatever happens to this resolution, our resolution to prevail in this cause will be gone, and our cause will be nil, and the sacrifice will be in vain. Vote for adoption of the rule.

Mr. MCGOVERN. Mr. Speaker, I yield 10 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I am confused. When I came here, I was told that the Republicans had put the Murtha resolution on for debate, and then I saw what they put on. I was just wondering and I have a question where they got this. Did they, by any chance, get it from CBS and Dan Rather?

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, today's debate should be about one thing, whether or not we believe that this administration and this President are pursuing sound and competent policy in Iraq. Instead, the Republican leadership has orchestrated a pathetic, partisan political ploy in an effort to distract the American people from this administration's failure in Iraq. The Republican leadership is making a mockery of JACK MURTHA's able and selfless service to his country in a blatant abuse of power.

This leadership has rushed a resolution to the floor that bears no resemblance to JACK MURTHA's considered position on Iraq. The war is a matter of life and death for our servicemen and for the people of Iraq, and this Republican leadership has instead decided to make it a political power play. This is a disgusting offense to JACK MURTHA, to every one of our veterans, and, most importantly, to all of our brave men and women serving today.

Mr. GINGREY. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Mrs. SCHMIDT), our newest Member.

Mrs. SCHMIDT. Mr. Speaker, yesterday I stood at Arlington National Cemetery attending the funeral of a young Marine from my district. He believed what we are doing is the right thing, and had the courage to lay his life on the line to do it.

A few minutes ago I received a call from Colonel Danny Bubp, Ohio Representative from the 88th District in the House of Representatives. He asked me to send Congress a message: ''Stay the course.'' * * *

Mr. SNYDER. Mr. Speaker, I demand that the words of the gentlewoman from Ohio (Mrs. SCHMIDT) be taken down.

The SPEAKER pro tempore (Mr. SIMPSON). The Clerk will report the words.

□ 1730

Mrs. SCHMIDT. Mr. Speaker, my remarks were not directed at any Member of the House, and I did not intend to suggest that they applied to any Member, most especially the distinguished gentleman from Pennsylvania. I therefore ask for unanimous consent that my words be withdrawn.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentlewoman from Ohio?

Mr. SNYDER. Reserving the right to object, Mr. Speaker, I appreciate the gentlewoman's words. And I accept, as one Member, her offer to have her words withdrawn. But I encourage all of us here tonight to recognize the seriousness of what we are about and to choose our words carefully. Our side is greatly offended by this process. I suspect that you have a fair number of Members that are not very satisfied with it, either. My suggestion would be that the resolution be withdrawn and we come back and discuss it another day.

However, I have no objection, Mr. Speaker.

The SPEAKER pro tempore. Without objection, the gentlewoman's words will be stricken.

There was no objection.

The SPEAKER pro tempore. The gentlewoman has 30 seconds remaining.

Mrs. SCHMIDT. Mr. Speaker, in the heart of the spirit of discussion, I have received many telephone calls and e-mails asking us to show the world that we do support this effort. That is what we are here about. That is the debate that is at hand, whether we support this war or that we do not support this war. My constituents, the world, expect us to stay the course.

The SPEAKER pro tempore. The gentleman from Massachusetts has 3 minutes remaining. The gentleman from Georgia has 1½ minutes remaining.

Mr. MCGOVERN. Mr. Speaker, may I inquire of the gentleman from Georgia how many more speakers he has on his side.

Mr. GINGREY. I have no more speakers. I reserve the balance of my time for the purpose of closing.

Mr. MCGOVERN. Mr. Speaker, let me close for our side here.

Mr. Speaker, sadly, this Republican resolution is consistent with the dishonest political way the Republican leadership has acted over the past 3½ years. This Congress has not served as a check. It has not served as a coequal branch of government. This Republican Congress is only interested in covering up for this administration. We have lost over 2,000 American men and women in Iraq. Thousands more are wounded. We have spent hundreds of billions of dollars in this war effort, our credibility around the world is at an all-time low, and this is the best that you can do for our soldiers, this resolution? This is it? This is our debate on Iraq? This is what the American people get for all of what they have gone through, all the sacrifices they have made?

As for this legislation by the gentleman from California, which hasn't had a hearing and hasn't had a markup, if it comes up, I am going to vote against it. I think all of us are going to vote against it because it does not provide for the safe and the orderly withdrawal of our forces. Nobody on this side has said anything other than that.

Let me close with this: to my Republican friends, JACK MURTHA isn't afraid of you. He has faced down a lot worse than some of the pathetic smears that we have heard from the other side today. And let me be clear to all of you. If you truly oppose this resolution, if you want to honor our soldiers, if you want to do your job and hold this administration accountable, which we are supposed to do, then you should oppose this rule.

If you oppose the rule, we are not going to have to deal with this lousy bill. We will come back and do it right. To vote for this rule is to politicize a war and that is a mistake. All of us whether we are for this war or against this war, whether Republican or Democrat or liberal or conservative, we should not want to politicize this war. To do so is tragic.

Mr. Speaker, by moving ahead with this resolution, we demean the service of our soldiers. We demean the families who have lost loved ones in this war. We demean this institution. We need to do our job. This is not about a game of political gotcha. This is about doing the right thing, making sure we are on the right course, that we can disagree about that, but we can respect each other's opinion without trying to smear one another.

And so I would urge all my colleagues for the sake of collegiality, for the sake of civility in this House, for

the sake of doing the right thing for the people of this country and especially for our troops overseas vote down this rule. Vote down this rule. Let's end this right now, and let's come back and let's do it right and let's get the American people what they deserve: a real, thorough, honest debate and discussion on the war in Iraq.

With that, Mr. Speaker, I yield back my time.

Mr. GINGREY. Mr. Speaker, I close this debate by thanking the various Members of this body from the chairmen who have shepherded these legislative initiatives to the conferees whose hard work has given this House the opportunity to move our legislative agenda forward. While this process may not be perfect, Mr. Speaker, it is at the end of the day a process in which Members can work together through compromise and long hours to complete the work of the American people.

This is good governance; and, Mr. Speaker, good governance is never easy, but it never should be. This is serious work and the American people deserve every ounce of our attention and every ounce of our labor to see their agenda realized. Again, I would like to urge my colleagues to join me in supporting this resolution.

Ms. KAPTUR. Mr. Speaker, I rise in opposition to the misguided Hunter troop withdrawal resolution. How irresponsible this is.

Instead, let me thank Congressman and Marine JACK MURTHA.

Thank you for your patriotism.

Thank you for your honorable discernment of duty . . . to America . . . to our troops . . . to the cause of victory and freedom in Iraq. Your judicious resolution deserves hearing by the American people, our troops and this House.

Yesterday, you stood high on this Hill. Your message reached the American people. And it reached our troops and their commanders. Unlike the Bush Administration, you have a plan for Iraq. Your plan is real. It says:

Within six months, redeploy our troops consistent with their safety.

Create a quick reaction force in the region.

Back that up with an over-the-horizon presence of Marines.

Push the diplomacy button hard to secure and stabilize Iraq.

You don't want America's soldiers to be viewed as the enemy of freedom. For indeed they are its champions.

You spoke the truth when you said our soldiers have been made the victims of freedom in a growing counterinsurgency movement inside Iraq caused by the Bush-Cheney Administration's bungling, misleading, distorting and propagandizing of this war.

You were right in letting the American people know that since Abu Gharib the Bush-Cheney Administration has lost U.S. moral authority in the Middle East. Since Abu Gharib, American casualties have doubled. Since last year, insurgent incidents have increased from about 150 per week to over 700 last year.

Yes, winning means winning the hearts and minds of the people, over there, not just here. Victory means political victory as well as military victory. Our military has done everything asked of them. Our diplomats have been missing in action. Our troops were not led to believe that their lives would be lost in a counterinsurgency movement. Our troops are trained to fight force on force. The challenge America faces in the Islamic and Arab world is being made worse every day by the Bush Administration's miscalculations and misreading of the enemy. Every day, we see the Bush Administration wins us fewer friends.

America will win when the people we are trying to liberate believe we are their friends, not their enemies. 80% of Iraqis are strongly opposed to the presence of coalition troops and nearly half of the Iraqi population believe attacks against American troops are justified. This is not a prescription for victory. The time for the Murtha Plan to begin is now.

Thank you JACK MURTHA for placing your life in the line of fire for our troops and for freedom. Your resolution has a right to be heard and debated as a way forward to freedom.

AMENDMENT OFFERED BY MR. GINGREY

Mr. GINGREY. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GINGREY of Georgia:

Add at the end the following:

(5) A resolution relating to U.S. forces in Iraq.

PARLIAMENTARY INQUIRY

Mr. MCGOVERN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MCGOVERN. Mr. Speaker, I think a number of people on this side of the aisle and maybe on the other side of the aisle did not hear what the amendment is. Could it be repeated, please?

The SPEAKER pro tempore. Without objection, the Clerk will re-report the amendment.

There was no objection.

The Clerk re-reported the amendment.

The SPEAKER pro tempore. Without objection, the previous——

Mr. MCGOVERN. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. The gentleman has offered an amendment to the resolution. A vote will occur on the amendment to the resolution.

Mr. MCGOVERN. I withdraw my reservation of objection, Mr. Speaker.

PARLIAMENTARY INQUIRY

Ms. JACKSON-LEE of Texas. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman may state her inquiry.

Ms. JACKSON-LEE of Texas. My inquiry is if this amendment is voted on, does this mean that the underlying resolution could not be withdrawn as we would like for it to be so that we can debate in a civil manner the discussion of our troops in Iraq?

The SPEAKER pro tempore. The House is debating a rule that would enable the debate of a resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if I might restate, if this resolution is voted on and it succeeds, is there then an opportunity to have by unanimous consent the resolution itself withdrawn? Does this block the withdrawal of the resolution?

The SPEAKER pro tempore. The Chair is uncertain what the gentlewoman is asking. The rule is under consideration.

Ms. JACKSON-LEE of Texas. I appreciate the indulgence of the Speaker. We have now had an amended rule. My question is——

The SPEAKER pro tempore. The rule has not yet been amended. An amendment has been proposed.

Ms. JACKSON-LEE of Texas. We may ultimately have it. My question is, if the rule passes, can we still have the opportunity to have the actual bill withdrawn?

The SPEAKER pro tempore. A measure may be withdrawn from consideration at any time before the House has acted thereon by decision or amendment.

Ms. JACKSON-LEE of Texas. Thank you, Mr. Speaker. That is my question.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the amendment and on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Georgia (Mr. GINGREY).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 211, nays 204, not voting 18, as follows:

[Roll No. 606]

YEAS—211

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

NAYS—204

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
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 (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
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
Sherman
Simpson
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—18

Beauprez
Berman
Boswell
Boyd
Cunningham
Flake
Fossella
Gallegly
Hall
Jindal
Kind
LaHood
Miller, Gary
Moran (KS)
Paul
Peterson (PA)
Shadegg
Towns

□ 1805

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

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. BERMAN. Mr. Speaker, due to a death in the family, I was unable to vote on H. Res. 563. Had I been present, I would have voted "no."

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2005

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1281) to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1281

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as ''National Aeronautics and Space Administration Authorization Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SUBTITLE A—AUTHORIZATIONS

Sec. 101. Fiscal year 2006.
Sec. 102. Fiscal year 2007.
Sec. 103. Fiscal year 2008.
Sec. 104. Fiscal year 2009.
Sec. 105. Fiscal year 2010.
Sec. 106. Evaluation criteria for budget request.

SUBTITLE B—GENERAL PROVISIONS

Sec. 131. Implementation of a science program that extends human knowledge and understanding of the Earth, sun, solar system, and the universe.
Sec. 132. Biennial reports to Congress on science programs.
Sec. 133. Status report on Hubble Space Telescope servicing mission.
Sec. 134. Develop expanded permanent human presence beyond low-Earth orbit.
Sec. 135. Ground-based analog capabilities.
Sec. 136. Space launch and transportation transition, capabilities, and development.
Sec. 137. Lessons learned and best practices.
Sec. 138. Safety management.
Sec. 139. Creation of a budget structure that aids effective oversight and management.
Sec. 140. Earth observing system.
Sec. 141. NASA healthcare program.
Sec. 142. Assessment of extension of data collection from Ulysses and Voyager spacecraft.
Sec. 143. Program to expand distance learning in rural underserved areas.
Sec. 144. Institutions in NASA'S minority institutions program.
Sec. 145. Aviation safety program.
Sec. 146. Atmospheric, geophysical, and rocket research authorization.
Sec. 147. Orbital debris.
Sec. 148. Continuation of certain educational programs.
Sec. 149. Establishment of the Charles ''Pete'' Conrad Astronomy Awards Program.
Sec. 150. GAO assessment of feasibility of Moon and Mars exploration missions.
Sec. 151. Workforce.
Sec. 152. Major research equipment and facilities.
Sec. 153. Data on specific fields of study.

SUBTITLE C—LIMITATIONS AND SPECIAL AUTHORITY

Sec. 161. Official representational fund.
Sec. 162. Facilities management.

TITLE II—INTERNATIONAL SPACE STATION

Sec. 201. International Space Station completion.
Sec. 202. Research and support capabilities on international Space Station.
Sec. 203. National laboratory status for International Space Station.
Sec. 204. Commercial support of International Space Station operations and utilization.
Sec. 205. Use of the International Space Station and annual report.

TITLE III—NATIONAL SPACE TRANSPORTATION POLICY

Sec. 301. United States human-rated launch capacity assessment.
Sec. 302. Space Shuttle transition.
Sec. 303. Commercial launch vehicles.
Sec. 304. Secondary payload capability.
Sec. 305. Power and propulsion reporting.
Sec. 306. Utilization of NASA field centers and workforce.

TITLE IV—ENABLING COMMERCIAL ACTIVITY

Sec. 401. Commercialization plan.
Sec. 402. Commercial technology transfer program.
Sec. 403. Authority for competitive prize program to encourage development of advanced space and aeronautical technologies.
Sec. 404. Commercial goods and services.

TITLE V—AERONAUTICS RESEARCH AND DEVELOPMENT

Sec. 501. Governmental interest in aeronautics.
Sec. 502. National policy for aeronautics research and development.
Sec. 503. High priority aeronautics research and development programs.

Sec. 504. Test facilities.
Sec. 505. Miscellaneous provisions.
TITLE VI—MISCELLANEOUS ADMINISTRATIVE IMPROVEMENTS.
Sec. 601. Extension of indemnification authority.
Sec. 602. Intellectual property provisions.
Sec. 603. Retrocession of jurisdiction.
Sec. 604. Recovery and disposition authority.
Sec. 605. Requirement for independent cost analysis.
Sec. 606. Electronic access to business opportunities.
Sec. 607. Reports elimination.
Sec. 608. Small business contracting.
Sec. 609. Government accountability office review and report.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) It is the policy of the United States to advance United States scientific, security, and economic interests through a healthy and active space exploration program.

(2) Basic and applied research in space science, Earth science, and aeronautics remain a significant part of the Nation's goals for the use and development of space. Basic research and development is an important component of NASA's program of exploration and discovery.

(3) Maintaining the capability to safely send humans into space is essential to United States national and economic security, United States preeminence in space, and inspiring the next generation of explorers. Thus, a gap in United States human space flight capability is harmful to the national interest.

(4) The exploration, development, and permanent habitation of the Moon will inspire the Nation, spur commerce, imagination, and excitement around the world, and open the possibility of further exploration of Mars. NASA should return to the Moon within the next decade.

(5) The establishment of the capability for consistent access to and stewardship of the region between the Moon and Earth is in the national security and commercial interests of the United States.

(6) Commercial development of space, including exploration and other lawful uses, is in the interest of the United States and the international community at large.

(7) Research and access to capabilities to support a national laboratory facility within the United States segment of the ISS in low-Earth orbit are in the national policy interests of the United States, including maintenance and development of an active and healthy stream of research from ground to space in areas that can uniquely benefit from access to this facility.

(8) NASA should develop vehicles to replace the Shuttle orbiter's capabilities for transporting crew and heavy cargo while utilizing the current program's resources, including human capital, capabilities, and infrastructure. Using these resources can ease the transition to a new space transportation system, maintain an essential industrial base, and minimize technology and safety risks.

(9) The United States must remain the leader in aeronautics and aviation. Any erosion of this preeminence is not in the Nation's economic or security interest. NASA should align its aerospace leadership to ensure United States leadership. A national effort is needed to ensure that NASA's aeronautics programs are leading contributors to the Nation's civil and military aviation needs, as well as to its exploration capabilities.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Aeronautics and Space Administration.

(2) ISS.—The term ''ISS'' means the International Space Station.

(3) NASA.—The term ''NASA'' means the National Aeronautics and Space Administration.

(4) SHUTTLE-DERIVED VEHICLE.—The term ''shuttle-derived vehicle'' means any new space transportation vehicle, piloted or unpiloted, that—

(A) is capable of supporting crew or cargo missions; and

(B) uses a major component of NASA's Space Transportation System, such as the solid rocket booster, external tank, engine, and orbiter.

(5) IN-SITU RESOURCE UTILIZATION.—The term ''in-situ resource utilization'' means the technology or systems that can convert indigenous or locally-situated substances into useful materials and products.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Authorizations

SEC. 101. FISCAL YEAR 2006.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2006, $16,556,400,000, as follows:

(1) For science, aeronautics and exploration, $9,661,000,000 for the following programs (including amounts for construction of facilities).

(2) For exploration capabilities, $6,863,000,000, (including amounts for construction of facilities), which shall be used for space operations, and out of which $100,000,000 shall be used for the purposes of section 202 of this Act.

(3) For the Office of Inspector General, $32,400,000.

SEC. 102. FISCAL YEAR 2007.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2007, $17,052,900,000, as follows:

(1) $10,549,800,000 for science, aeronautics and exploration (including amounts for construction of facilities).

(2) For exploration capabilities, $6,469,600,000, for the following programs (including amounts for construction of facilities), of which $6,469,600,000 shall be for space operations.

(3) For the Office of Inspector General, $33,500,000.

SEC. 103. FISCAL YEAR 2008.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2008, $17,470,900,000.

SEC. 104. FISCAL YEAR 2009.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2009, $17,995,000,000.

SEC. 105. FISCAL YEAR 2010.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2010, $18,534,900,000.

SEC. 106. EVALUATION CRITERIA FOR BUDGET REQUEST.

It is the sense of the Congress that each budget of the United States submitted to the Congress after the date of enactment of this Act should be evaluated for compliance with the findings and priorities established by this Act and the amendments made by this Act.

Subtitle B—General Provisions

SEC. 131. IMPLEMENTATION OF A SCIENCE PROGRAM THAT EXTENDS HUMAN KNOWLEDGE AND UNDERSTANDING OF THE EARTH, SUN, SOLAR SYSTEM, AND THE UNIVERSE.

The Administrator shall—

(1) conduct a rich and vigorous set of science activities aimed at better comprehension of the universe, solar system, and Earth, and ensure that the various areas within NASA's science portfolio are developed and maintained in a balanced and healthy manner, and, as part of this balanced science research program, provide, to the maximum extent feasible, continued support and funding for the Magnetospheric Multiscale Mission, SIM-Planet Quest, and Future Explorers programs, including determining whether these delayed missions and planned missions can be expedited to meet previous schedules, and may place a greater emphasis on science, including the programs described in this paragraph, throughout the fiscal years for which funds are authorized by this Act (and for this purpose, of the funds authorized by section 101(1) of this Act, no less than $5,341,200,000 shall be for science, and of the funds authorized by section 102(1) of this Act, no less than $5,960,300,000 shall be for science);

(2) plan projected Mars exploration activities in the context of planned lunar robotic precursor missions, ensuring the ability to conduct a broad set of scientific investigations and research around and on the Moon's surface;

(3) upon successful completion of the planned return-to-flight schedule of the Space Shuttle, determine the schedule for a Shuttle servicing mission to the Hubble Space Telescope, unless such a mission would compromise astronaut or safety or the integrity of NASA's other missions;

(4) ensure that, in implementing the provisions of this section, appropriate inter-agency and commercial collaboration opportunities are sought and utilized to the maximum feasible extent;

(5) seek opportunities to diversify the flight opportunities for scientific Earth science instruments and seek innovation in the development of instruments that would enable greater flight opportunities;

(6) develop a long term sustainable relationship with the United States commercial remote sensing industry, and, consistent with applicable policies and law, to the maximum practical extent, rely on their services;

(7) in conjunction with United States industry and universities, develop Earth science applications to enhance Federal, State, local, and tribal governments that use government and commercial remote sensing capabilities and other sources of geospatial information to address their needs;

(8) plan, develop, and implement a near-Earth object survey program to detect, track, catalogue, and characterize the physical characteristics of near-Earth asteroids and comets in order to assess the threat of such near-Earth objects in impacting the Earth; and

(9) ensure that, of the amount expended for aeronautics, a significant portion is directed toward the Vehicle System Program, as much of the basic, long-term, high-risk, and innovative research in aeronautical disciplines is performed within that program.

SEC. 132. BIENNIAL REPORTS TO CONGRESS ON SCIENCE PROGRAMS.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act and every 2 years thereafter, the Administrator shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science setting forth in detail—

(1) the findings and actions taken on NASA's assessment of the balance within its science portfolio and any efforts to adjust that balance among the major program areas, including the areas referred to in section 131;

(2) any activities undertaken by the Administration to conform with the Sun-Earth science and applications direction provided in section 131; and

(3) efforts to enhance near-Earth object detection and observation.

(b) EXTERNAL REVIEW FINDINGS.—The Administrator shall include in each report submitted under this section a summary of findings and recommendations from any external reviews of the Administration's science mission priorities and programs.

SEC. 133. STATUS REPORT ON HUBBLE SPACE TELESCOPE SERVICING MISSION.

Within 60 days after the landing of the second Space Shuttle mission for return-to-flight certification, the Administrator shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science a one-time status report on a Hubble Space Telescope servicing mission.

SEC. 134. DEVELOP EXPANDED PERMANENT HUMAN PRESENCE BEYOND LOW-EARTH ORBIT.

(a) IN GENERAL.—As part of the programs authorized under the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.), the Administrator shall establish a program to develop a permanently sustained human presence on the Moon, in tandem with an extensive precursor program, to support security, commerce, and scientific pursuits, and as a stepping-stone to future exploration of Mars. The Administrator is further authorized to develop and conduct international collaborations in pursuit of these goals, as appropriate.

(b) REQUIREMENTS.—In carrying out this section, the Administrator shall—

(1) implement an effective exploration technology program that is focused around the key needs to support lunar human and robotic operations;

(2) as part of NASA's annual budget submission, submit to the Congress the detailed mission, schedule, and budget for key lunar mission-enabling technology areas, including areas for possible innovative governmental and commercial activities and partnerships;

(3) as part of NASA's annual budget submission, submit to the Congress a plan for NASA's lunar robotic precursor and technology programs, including current and planned technology investments and scientific research that support the lunar program;

(4) conduct an intensive in-situ resource utilization technology program in order to develop the capability to use space resources to increase independence from Earth, and sustain exploration beyond low-Earth orbit;

(5) conduct a program to assure the health and safety of astronauts during extended space exploration missions which include more effective countermeasures to mitigate deleterious effects of such missions, and the means to provide in-space exploration medical care delivery to crews with little or no real-time support from Earth, relevant issues such as radiation exposure, exercise countermeasures, cardiac health, diagnostic and monitoring devices, and medical imaging;

(6) utilize advanced power and propulsion technologies, including nuclear and electric technologies, to enable or enhance robotic and human exploration missions when feasible; and

(7) develop a robust technology development program to provide surface power for use on the Moon and other locations relevant to NASA space exploration goals which, to the extent feasible, address needs for modular, scalable power sources for a range of applications on the Moon including human and vehicular uses.

SEC. 135. GROUND-BASED ANALOG CAPABILITIES.

(a) IN GENERAL.—The Administrator shall establish a ground-based analog capability in remote United States locations in order to assist in the development of lunar operations, life support, and in-situ resource utilization experience and capabilities.

(b) LOCATIONS.—The Administrator shall select locations for subsection (a) in places that—

(1) are regularly accessible;

(2) have significant temperature extremes and range; and

(3) have access to energy and natural resources (including geothermal, permafrost, volcanic, and other potential resources).

(c) INVOLVEMENT OF LOCAL POPULATIONS; PRIVATE SECTOR PARTNERS.—In carrying out this section, the Administrator shall involve local populations, academia, and industrial partners as much as possible to ensure that ground-based benefits and applications are encouraged and developed.

SEC. 136. SPACE LAUNCH AND TRANSPORTATION TRANSITION, CAPABILITIES, AND DEVELOPMENT.

(a) POST-ORBITER TRANSITION.—The Administrator shall develop an implementation plan for the transition to a new crew exploration vehicle and heavy-lift launch vehicle that uses the personnel, capabilities, assets, and infrastructure of the Space Shuttle to the fullest extent possible and addresses how NASA will accommodate the docking of the crew exploration vehicle to the ISS.

(b) AUTOMATED RENDEZVOUS AND DOCKING.—The Administrator is directed to pursue aggressively automated rendezvous and docking capabilities that can support ISS and other mission requirements and include these activities, progress reports, and plans in the implementation plan.

(c) CONGRESSIONAL SUBMISSION.—Within 120 days after the date of enactment of this Act the Administrator shall submit a copy of the implementation plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science.

SEC 137. LESSONS LEARNED AND BEST PRACTICES.

(a) IN GENERAL.—The Administrator shall provide an implementation plan describing NASA's approach for obtaining, implementing, and sharing lessons learned and best practices for its major programs and projects within 180 days after the date of enactment of this Act. The implementation plan shall be updated and maintained to assure that it is current and consistent with the burgeoning culture of learning and safety that is emerging at NASA.

(b) REQUIRED CONTENT.—The implementation plan shall contain as a minimum the lessons learned and best practices requirements for NASA, the organizations or positions responsible for enforcement of the requirements, the reporting structure, and the objective performance measures indicating the effectiveness of the activity.

(c) INCENTIVES.—The Administrator shall provide incentives to encourage sharing and implementation of lessons learned and best practices by employees, projects, and programs; as well as penalties for programs and projects that are determined not to have demonstrated use of those resources.

SEC. 138. SAFETY MANAGEMENT.

Section 6 of the National Aeronautics and Space Administration Authorization Act, 1968 (42 U.S.C. 2477) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''There'';

(2) by striking ''to it'' and inserting ''to it, including evaluating NASA's compliance with the return-to-flight and continue-to-fly recommendations of the Columbia Accident Investigation Board,'';

(3) by inserting ''and the Congress'' after ''advise the Administrator'';

(4) by striking ''and with respect to the adequacy of proposed or existing safety standards and shall'' and inserting ''with respect to the adequacy of proposed or existing safety standards, and with respect to management and culture. The Panel shall also''; and

(5) by adding at the end the following:

''(b) ANNUAL REPORT.—The Panel shall submit an annual report to the Administrator and to the Congress. In the first annual report submitted after the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2005, the Panel shall include an evaluation of NASA's safety management culture.

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

''(1) ensure that NASA employees can raise safety concerns without fear of reprisal;

''(2) continue to follow the recommendations of the Columbia Accident Investigation Board for safely returning and continuing to fly; and

''(3) continue to inform the Congress from time to time of NASA's progress in meeting those recommendations.''.

SEC. 139. CREATION OF A BUDGET STRUCTURE THAT AIDS EFFECTIVE OVERSIGHT AND MANAGEMENT.

In developing NASA's budget request for inclusion in the Budget of the United States for fiscal year 2007 and thereafter, the Administrator shall—

(1) include line items for—

(A) science, aeronautics, and exploration;

(B) exploration capabilities; and

(C) the Office of the Inspector General;

(2) enumerate separately, within the science, aeronautics, and exploration account, the requests for—

(A) space science;

(B) Earth science; and

(C) aeronautics;

(3) include, within the exploration capabilities account, the requests for—

(A) the Space Shuttle; and

(B) the ISS; and

(4) enumerate separately the specific request for the independent technical authority within the appropriate account.

SEC. 140. EARTH OBSERVING SYSTEM.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Administrator, in consultation with the Administrator of the National Oceanic and Atmospheric Administration and the Director of the United States Geological Survey, shall submit a plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science to ensure the long-term vitality of the earth observing system at NASA.

(b) PLAN REQUIREMENTS.—The plan shall—

(1) address such issues as—

(A) out-year budgetary projections;

(B) technical requirements for the system; and

(C) integration into the Global Earth Observing System of Systems; and

(2) evaluate—

(A) the need to proceed with any NASA missions that have been delayed or canceled;

(B) plans for transferring needed capabilities from some canceled or de-scoped missions to the National Polar-orbiting Environmental Satellite System;

(C) the technical base for exploratory earth observing systems, including new satellite architectures and instruments that enable global coverage, all-weather, day and night imaging of the Earth's surface features;

(D) the need to strengthen research and analysis programs; and

(E) the need to strengthen the approach to obtaining important climate observations and data records.

(c) EARTH OBSERVING SYSTEM DEFINED.—In this section, the term ''earth observing system'' means the series of satellites, a science component, and a data system for long-term global observations of the land surface, biosphere, solid Earth, atmosphere, and oceans.

SEC. 141. NASA HEALTHCARE PROGRAM.

The Administrator shall develop policies, procedures, and plans necessary for—

(1) the establishment of a lifetime healthcare program for NASA astronauts and their families; and

(2) the study and analysis of the healthcare data obtained in order to understand the longitudinal health effects of space flight on humans better.

SEC. 142. ASSESSMENT OF EXTENSION OF DATA COLLECTION FROM ULYSSES AND VOYAGER SPACECRAFT.

(a) ASSESSMENT.—Not later than 60 days after the date of the enactment of this Act, the Administrator shall carry out an assessment of the costs and benefits of extending, to such date as the Administrator considers appropriate for purposes of the assessment, the date of the termination of data collection from the Ulysses spacecraft and the Voyager spacecraft.

(b) REPORT.—Not later than 30 days after completing the assessment required by subsection (a), the Administrator shall submit a report on the assessment to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science.

SEC. 143. PROGRAM TO EXPAND DISTANCE LEARNING IN RURAL UNDERSERVED AREAS.

(a) IN GENERAL.—The Administrator shall develop or expand programs to extend science and space educational outreach to rural communities and schools through video conferencing, interpretive exhibits, teacher education, classroom presentations, and student field trips.

(b) PRIORITIES.—In carrying out subsection (a), the Administrator shall give priority to existing programs, including Challenger Learning Centers—

(1) that utilize community-based partnerships in the field;

(2) that build and maintain video conference and exhibit capacity;

(3) that travel directly to rural communities and serve low-income populations; and

(4) with a special emphasis on increasing the number of women and minorities in the science and engineering professions.

SEC. 144. INSTITUTIONS IN NASA'S MINORITY INSTITUTIONS PROGRAM.

The matter appearing under the heading ''SMALL AND DISADVANTAGED BUSINESS'' in title III of the Departments of Veterans Affairs and House and Urban Development, and Independent Agencies Appropriations Act, 1990 (42 U.S.C. 2473b; 103 Stat. 863) is amended by striking ''Historically Black Colleges and Universities and'' and inserting ''Historically Black Colleges and Universities that are part B institutions (as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2))), Hispanic-serving institutions (as defined in section 502(a)(5) of that Act (20 U.S.C. 1101a(a)(5)), Tribal Colleges or Universities (as defined in section 316(b)(3) of that Act (20 U.S.C. 1059c(b)(3)), Alaskan Native-serving institutions (as defined in section 317(b)(2) of that Act (20 U.S.C. 1059d)(b)(2)), Native Hawaiian-serving institutions (as defined in section 317(b)(4) of that Act (20 U.S.C. 1059d(b)(4)), and''.

SEC. 145. AVIATION SAFETY PROGRAM.

The Administrator shall make available upon request satellite imagery of remote terrain to the Administrator of the Federal Aviation Administration, or the Director of the Five Star Medallion Program, for aviation safety and aerial photography programs to assist and train pilots in navigating challenging topographical features of such terrain.

SEC. 146. ATMOSPHERIC, GEOPHYSICAL, AND ROCKET RESEARCH AUTHORIZATION.

There are authorized to be appropriated to the Administrator for atmospheric, geophysical, or rocket research at the Poker Flat Research Range and the Kodiak Launch Complex, not more than $1,000,000 for each of fiscal years 2006 through 2010.

SEC. 147. ORBITAL DEBRIS.

The Administrator, in conjunction with the heads of other Federal agencies, shall take steps to develop or acquire technologies that will enable NASA to decrease the risks associated with orbital debris.

SEC. 148. CONTINUATION OF CERTAIN EDUCATIONAL PROGRAMS.

From amounts appropriated to NASA for educational programs, the Administrator shall ensure continuation of the Space Grant Program, the Experimental Program to Stimulate Competitive Research, and the NASA Explorer School to motivate and develop the next generation of explorers.

SEC. 149. ESTABLISHMENT OF THE CHARLES "PETE" CONRAD ASTRONOMY AWARDS PROGRAM.

(a) IN GENERAL.—The Administrator shall establish a program to be known as the Charles ''Pete'' Conrad Astronomy Awards Program.

(b) AWARDS.—The Administrator shall make an annual award under the program of—

(1) $3,000 to the amateur astronomer or group of amateur astronomers who in the preceding calendar year discovered the intrinsically brightest near-Earth asteroid among the near-Earth asteroids that were discovered during that year by amateur astronomers or groups of amateur astronomers; and

(2) $3,000 to the amateur astronomer or group of amateur astronomers who made the greatest contribution to the Minor Planet Center's mission of cataloging near-Earth asteroids during the preceding year.

(c) QUALIFICATION FOR AWARD.—

(1) RECOMMENDATION.—These awards shall be made based on the recommendation of the Minor Planet Center of the Smithsonian Astrophysical Observatory.

(2) LIMITATION.—No individual who is not a citizen or permanent resident of the United States at the time of that individual's discovery or contribution may receive an award under this program.

SEC. 150. GAO ASSESSMENT OF FEASIBILITY OF MOON AND MARS EXPLORATION MISSIONS.

Within 9 months after the date of enactment of this Act, the Comptroller General shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science an assessment of the feasibility of NASA's planning for exploration of the Moon and Mars, giving special consideration to the long-term cost implications of program architecture and schedules. The Comptroller General shall include in this assessment the short- and long-term impact of the exploration program on other NASA program areas, including aeronautics, space science, earth science and NASA's overall research and technology development budget.

SEC. 151. WORKFORCE.

(a) IN GENERAL.—The Administrator shall develop a human capital strategy to ensure that NASA has a workforce of the appropriate size and with the appropriate skills to carry out the programs of NASA, consistent with the policies and plans developed pursuant to this section. The strategy shall ensure that current personnel are utilized, to the maximum extent feasible, in implementing the vision for space exploration and NASA's other programs. The strategy shall cover the period through fiscal year 2011.

(b) CONTENT.—The strategy shall describe, at a minimum—

(1) any categories of employees NASA intends to reduce, the expected size and timing of those reductions, the methods NASA intends to use to make the reductions, and the reasons NASA no longer needs those employees;

(2) any categories of employees NASA intends to increase, the expected size and timing of those increases, the methods NASA intends to use to recruit the additional employees, and the reasons NASA needs those employees;

(3) the steps NASA will use to retain needed employees; and

(4) the budget assumptions of the strategy, which for fiscal years 2006 and 2007 shall be consistent with the authorizations provided in subtitle A, and any expected additional costs or savings from the strategy by fiscal year.

(c) SCHEDULE.—The Administrator shall transmit the strategy developed under this section to the Senate Committee on Commerce, Science, and Transportation and House of Representatives Committee on Science not later than the date on which the President submits the proposed budget for the Federal Government for fiscal year 2007 to the Congress. At least 60 days before transmitting the strategy, NASA shall provide a draft of the strategy to its Federal Employee Unions for a 30-day consultation period after which NASA shall respond in writing to any written concerns provided by the Unions.

(d) LIMITATION.—

(1) IN GENERAL.—NASA may not initiate any buyout offer after the date of enactment of this Act until 60 days after the strategy required by this subsection has been transmitted to the Senate Committee on Commerce, Science, and Transportation and House of Representatives Committee on Science in accordance with subsection (c). NASA may not implement any reduction-in-force or other involuntary separations (except for cause) prior to June 1, 2007, except as provided in paragraph (2).

(2) EXCEPTIONS.—

(A) SPECIFIC BUY-OUTS.—Notwithstanding paragraph (1), NASA may make exceptions can be made for specific buy-outs on a case-by-case basis, if NASA provides information to the Committees that justifies those specific buy-outs, including why the relevant employees could not be utilized to fulfill other NASA missions.

(B) EMERGENCY REDUCTIONS-IN-FORCE.—NASA may also request an exception for an emergency reduction-in-force of management personnel by transmitting to the Committees—

(i) a detailed rationale for the proposed reduction-in-force;

(ii) an explanation of why the proposed reduction-in-force cannot wait until after the workforce strategy has been transmitted to the Committees in accordance with the requirements of this section; and

(iii) an explanation of why the relevant employees could not be utilized to fulfill other NASA missions.

SEC. 152. MAJOR RESEARCH EQUIPMENT AND FACILITIES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the National Science

Foundation may use funds in the major research equipment and facilities construction account for the design and development of projects that—

(1) have been given a very high rating by relevant scientific peer review panels in the relevant discipline;

(2) have substantial cost-sharing with non-Foundation entities; and

(3) have passed a critical design review.

(b) NATIONAL SCIENCE BOARD APPROVAL.—Nothing in subsection (a) shall be construed to eliminate the need for approval by the National Science Board before such equipment and facilities are eligible for acquisition, construction, commissioning, or upgrading.

SEC. 153. DATA ON SPECIFIC FIELDS OF STUDY.

(a) IN GENERAL.—The National Science Foundation shall collect statistically reliable data through the American Community Survey on the field of degree of college-educated individuals.

(b) ADDITIONAL CENSUS QUESTION.—In order to facilitate the implementation of subsection (a), the Secretary of Commerce shall expand the American Community Survey to include a question to elicit information concerning the field of study in which college-educated individuals received their degrees. The Director of the Bureau of the Census shall consult with the Director of the National Science Foundation concerning the wording of the question or questions to be added to the Survey.

Subtitle C—Limitations and Special Authority

SEC. 161. OFFICIAL REPRESENTATIONAL FUND.

Amounts appropriated pursuant to paragraphs (1) and (2) of section 101 may be used, but not to exceed $70,000, for official reception and representation expenses.

SEC. 162. FACILITIES MANAGEMENT.

NASA shall develop a facilities investment plan through fiscal year 2015 that takes into account uniqueness, mission dependency, and other studies required by this Act.

TITLE II—INTERNATIONAL SPACE STATION

SEC. 201. INTERNATIONAL SPACE STATION COMPLETION.

(a) ELEMENTS, CAPABILITIES, AND CONFIGURATION CRITERIA.—The Administrator shall ensure that the ISS will be able to—

(1) fulfill international partner agreements and provide a diverse range of research capacity, including a high rate of human biomedical research protocols, countermeasures, applied bio-technologies, technology and exploration research, and other priority areas;

(2) have an ability to support crew size of at least 6 persons;

(3) support crew exploration vehicle docking and automated docking of cargo vehicles or modules launched by either heavy-lift or commercially-developed launch vehicles; and

(4) be operated at an appropriate risk level.

(b) CONTINGENCY PLAN.—The transportation plan to support ISS shall include contingency options to ensure sufficient logistics and on-orbit capabilities to support any potential hiatus between Space Shuttle availability and follow-on crew and cargo systems, and provide sufficient pre-positioning of spares and other supplies needed to accommodate any such hiatus.

(c) CERTIFICATION.—Within 60 days after the date of enactment of this Act, and before making any change in the ISS assembly sequence in effect on the date of enactment of this Act, the Administrator shall certify in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science NASA's plan to meet the requirements of subsections (a) and (b).

(d) COST LIMITATION FOR THE ISS.—Within 6 months after the date of enactment of this Act, the Administrator shall submit to the Congress information pertaining to the impact of the Columbia accident and the implementation of full cost accounting on the development costs of the International Space Station. The Administrator shall also identify any statutory changes needed to section 202 of the NASA Authorization Act of 2000 to address those impacts.

SEC. 202. RESEARCH AND SUPPORT CAPABILITIES ON INTERNATIONAL SPACE STATION.

(a) IN GENERAL.—The Administrator shall—

(1) within 60 days after the date of enactment of this Act, provide an assessment of biomedical and life science research planned for implementation aboard the ISS that includes the identification of research which can be performed in ground-based facilities and then, if appropriate, validated in space to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science;

(2) ensure the capacity to support ground-based research leading to spaceflight of scientific research in a variety of disciplines with potential direct national benefits and applications that can advance significantly from the uniqueness of micro-gravity;

(3) restore and protect such potential ISS research activities as molecular crystal growth, animal research, basic fluid physics, combustion research, cellular biotechnology, low temperature physics, and cellular research at a level which will sustain the existing scientific expertise and research capabilities until such time as additional funding or resources from sources other than NASA can be identified to support these activities within the framework of the National Laboratory provided for in section 203 of this Act;

(4) consider the need for a life sciences centrifuge and any associated holding facilities; and

(5) within 1 year after the date of enactment of this Act, develop a research plan that will demonstrate the process by which NASA will evolve the ISS research portfolio in a manner consistent with the planned growth and evolution of ISS on-orbit and transportation capabilities.

(b) MAINTENANCE OF ON-ORBIT ANALYTICAL CAPABILITIES.—The Administrator shall ensure that on-orbit analytical capabilities to support diagnostic human research, as well as on-orbit characterization of molecular crystal growth, cellular research, and other research products and results are developed and maintained, as an alternative to Earth-based analysis requiring the capability of returning research products to Earth.

(c) ASSESSMENT OF POTENTIAL SCIENTIFIC USES.—The Administrator shall assess further potential possible scientific uses of the ISS for other applications, such as technology development, development of manufacturing processes, Earth observation and characterization, and astronomical observations.

(d) TRANSITION TO PUBLIC-PRIVATE RESEARCH OPERATIONS.—By no later than the date on which the assembly of the ISS is complete (as determined by the Administrator), the Administrator shall initiate steps to transition research operations on the ISS to a greater private–public operating relationship pursuant to section 203 of this Act.

SEC. 203. NATIONAL LABORATORY STATUS FOR INTERNATIONAL SPACE STATION.

(a) IN GENERAL.—In order to accomplish the objectives listed in section 202, the United States segment of the ISS is hereby designated a national laboratory facility. The Administrator, after consultation with the Director of the Office of Science and Technology Policy, shall develop the national laboratory facility to oversee scientific utilization of an ISS national laboratory within the organizational structure of NASA.

(b) NATIONAL LABORATORY FUNCTIONS.—The Administrator shall seek to use the national laboratory to increase the utilization of the ISS by other national and commercial users and to maximize available NASA funding for research through partnerships, cost-sharing agreements, and arrangements with non-NASA entities.

(c) IMPLEMENTATION PLAN.—Within 1 year after the date of enactment of this Act, the Administrator shall provide an implementation plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science for establishment of the ISS national laboratory facility which, at a minimum, shall include—

(1) proposed on-orbit laboratory functions;

(2) proposed ground-based laboratory facilities;

(3) detailed laboratory management structure, concept of operations, and operational feasibility;

(4) detailed plans for integration and conduct of ground and space-based research operations;

(5) description of funding and workforce resource requirements necessary to establish and operate the laboratory;

(6) plans for accommodation of existing international partner research obligations and commitments; and

(7) detailed outline of actions and timeline necessary to implement and initiate operations of the laboratory.

(d) U.S. SEGMENT DEFINED.—In this section the term ''United States Segment of the ISS'' means those elements of the ISS manufactured—

(1) by the United States; or

(2) for the United States by other nations in exchange for funds or launch services.

SEC. 204. COMMERCIAL SUPPORT OF INTERNATIONAL SPACE STATION OPERATIONS AND UTILIZATION.

The Administrator shall purchase commercial services for support of the ISS for cargo and other needs, and for enhancement of the capabilities of the ISS, to the maximum extent possible, in accordance with Federal procurement law.

SEC. 205. USE OF THE INTERNATIONAL SPACE STATION AND ANNUAL REPORT.

(a) POLICY.—It is the policy of the United States—

(1) to ensure diverse and growing utilization of benefits from the ISS; and

(2) to increase commercial operations in low-Earth orbit and beyond that are supported by national and commercial space transportation capabilities.

(b) USE OF INTERNATIONAL SPACE STATION.—The Administrator shall conduct broadly focused scientific and exploration research and development activities using the ISS in a manner consistent with the provisions of this title, and advance the Nation's exploration of the Moon and beyond, using the ISS as a test-bed and outpost for operations, engineering, and scientific research.

(c) REPORTS.—No later than March 31 of each year the Administrator shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science on the use of the ISS for these purposes, with implementation milestones and associated results.

TITLE III—NATIONAL SPACE TRANSPORTATION POLICY

SEC. 301. UNITED STATES HUMAN-RATED LAUNCH CAPACITY ASSESSMENT.

Notwithstanding any other provision of law, the Administrator shall, within 60 days after the date of enactment of this Act, provide to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science, a full description of the transportation requirements needed to support the space launch and transportation transition implementation plan required by section 136 of this Act, as well as for the ISS, including—

(1) the manner in which the capabilities of any proposed human-rated crew and launch vehicles meet the requirements of the implementation plan under section 136 of this Act;

(2) a retention plan of skilled personnel from the legacy Shuttle program which will sustain the level of safety for that program through the final flight and transition plan that will ensure that any NASA programs can utilize the human capital resources of the Shuttle program, to the maximum extent practicable;

(3) the implications for and impact on the Nation's aerospace industrial base;

(4) the manner in which the proposed vehicles contribute to a national mixed fleet launch and flight capacity;

(5) the nature and timing of the transition from the Space Shuttle to the workforce, the proposed vehicles, and any related infrastructure;

(6) support for ISS crew transportation, ISS utilization, and lunar exploration architecture;

(7) for any human rated vehicle, a crew escape system, as well as substantial protection against orbital debris strikes that offers a high level of safety;

(8) development risk areas;

(9) the schedule and cost;

(10) the relationship between crew and cargo capabilities; and

(11) the ability to reduce risk through the use of currently qualified hardware.

SEC. 302. SPACE SHUTTLE TRANSITION.

(a) POLICY STATEMENT.—It is the policy of the United States to possess the capability for assured human access to space. The Administrator shall act to ensure that the United States retains that capacity on a continuous basis. The Administrator shall conduct the transition from the Space Shuttle orbiter to a replacement capacity in a manner that efficiently uses the personnel, capabilities, and infrastructure that are currently available to the extent feasible.

(b) PROGRESS REPORT.—Within 180 days after the date of enactment of this Act and annually thereafter, the Administrator shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science on the progress and the estimated amount of time before the next generation human-rated NASA spacecraft will demonstrate crewed, orbital spaceflight.

(c) POLICY COMPLIANCE REPORT.—If, 1 year before the final flight of the Space Shuttle orbiter, the United States has not demonstrated a replacement human space flight system, the Administrator shall certify that the United States cannot uphold the policy outlined in subsection (a) and shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science describing—

(1) United States strategic risks associated with the hiatus or gap;

(2) the estimated length of time during which the United States will not have independent human access to space;

(3) what steps will be taken to shorten that length of time; and

(4) what other means will be used to allow human access to space during that time.

(d) TRANSITION PLAN REPORT.—After providing the information required by section 301 to the Committees, the Administrator shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science containing a detailed and comprehensive Space Shuttle transition plan that includes any necessary recertification, including requirements, assumptions, and milestones, in order to utilize the Space Shuttle orbiter beyond calendar year 2010.

(e) CONTRACT TERMINATIONS; VENDOR REPLACEMENTS.—The Administrator may not terminate any contracts nor replace any vendors associated with the Space Shuttle until the Administrator transmits the report required by subsection (b) to the Committees.

SEC. 303. COMMERCIAL LAUNCH VEHICLES.

It is the sense of Congress that the Administrator should use current and emerging commercial launch vehicles to fulfill appropriate mission needs, including the support of low-Earth orbit and lunar exploration operations.

SEC. 304. SECONDARY PAYLOAD CAPABILITY.

(a) IN GENERAL.—In order to help develop a cadre of experienced engineers and to provide more routine and affordable access to space, the Administrator shall provide the capabilities to support secondary payloads on United States launch vehicles, including free flyers, for satellites or scientific payloads weighing less than 500 kilograms.

(b) FEASIBILITY STUDY.—The Administrator shall initiate a feasibility study for establishing a National Free Flyer Launch Center as a means of consolidating and integrating secondary launch capabilities, launch opportunities, and payloads.

(c) ASSESSMENT.—The feasibility study required in this section shall include an assessment of the potential utilization of existing launch and launch support facilities and capabilities in the states of Montana and New Mexico and their respective contiguous states, and the state of Alaska, and shall include an assessment of the feasibility of integrating the potential National Free Flyer Launch Center within the operations and facilities of an existing non-profit organization such as the Inland Northwest Space Alliance in Missoula, Montana, or similar entity.

SEC. 305. POWER AND PROPULSION REPORTING.

The Administrator shall, within 180 days after the date of enactment of this Act, provide to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science, a full description of plans to develop and utilize nuclear power and nuclear propulsion capabilities to achieve agency goals and any requirements in this Act, and address how those plans meet the intent of the Vision for Space Exploration and the President's Space Transportation Policy Directive.

SEC. 306. UTILIZATION OF NASA FIELD CENTERS AND WORKFORCE.

(a) IN GENERAL.—In budgeting for and carrying out elements of this title, the Administrator shall make the most effective use of existing research, development, testing, and space exploration expertise and facilities resident within NASA field centers.

(b) RESPONSIBILITIES OF FIELD CENTERS.—The Administrator shall take appropriate action to balance responsibilities between the field centers for leading the development of systems relevant to the Vision for Space Exploration, including systems identified in this title or any architecture studies performed by NASA.

TITLE IV—ENABLING COMMERCIAL ACTIVITY

SEC. 401. COMMERCIALIZATION PLAN.

(a) IN GENERAL.—The Administrator, in consultation with the Associate Administrator for Space Transportation of the Federal Aviation Administration, the Director of the Office of Space Commercialization of the Department of Commerce, and any other relevant agencies, shall develop a commercialization plan to support the human missions to the Moon and Mars, to support Low-Earth Orbit activities and Earth science mission and applications, and to transfer science research and technology to society. The plan shall identify opportunities for the private sector to participate in the future missions and activities, including opportunities for partnership between NASA and the private sector in the development of technologies and services, shall emphasize the utilization by NASA of advancements made by the private sector in space launch and orbital hardware, and shall include opportunities for innovative collaborations between NASA and the private sector under existing authorities of NASA for reimbursable and non-reimbursable agreements under the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.).

(b) REPORT.—Within 180 days after the date of enactment of this Act, the Administrator shall submit a copy of the plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science.

SEC. 402. COMMERCIAL TECHNOLOGY TRANSFER PROGRAM.

(a) IN GENERAL.—The Administrator shall execute a commercial technology transfer program with the goal of facilitating the exchange services, products, and intellectual property between NASA and the private sector. This program shall be maintained in a manner that provides measurable benefits for the agency, the domestic economy, and research communities.

(b) PROGRAM STRUCTURE.—In carrying out the program described in paragraph (a), the Administrator shall maintain the funding and program structure of NASA's existing technology transfer and commercialization organizations through the end of fiscal year 2006.

SEC. 403. AUTHORITY FOR COMPETITIVE PRIZE PROGRAM TO ENCOURAGE DEVELOPMENT OF ADVANCED SPACE AND AERONAUTICAL TECHNOLOGIES.

Title III of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) is amended by adding at the end the following:

"SEC. 316. PROGRAM ON COMPETITIVE AWARD OF PRIZES TO ENCOURAGE DEVELOPMENT OF ADVANCED SPACE AND AERONAUTICAL TECHNOLOGIES.

"(a) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—The Administrator may carry out a program to award prizes to stimulate innovation in basic and applied research, technology development, and prototype demonstration that have the potential for application to the performance of the space and aeronautical activities of the Administration.

"(2) USE OF PRIZE AUTHORITY.—In carrying out the program, the Administrator shall seek to develop and support technologies and areas identified in section 134 of this Act or other areas that the Administrator determines to be providing impetus to NASA's overall exploration and science architecture and plans, such as private efforts to detect near Earth objects and, where practicable, utilize the prize winner's technologies in fulfilling NASA's missions. The Administrator shall widely advertise any competitions conducted under the program and must include advertising to research universities.

''(3) COORDINATION.—The program shall be implemented in compliance with section 138 of the National Aeronautics and Space Administration Authorization Act of 2005.

''(b) PROGRAM REQUIREMENTS.—

''(1) COMPETITIVE PROCESS.—Recipients of prizes under the program under this section shall be selected through one or more competitions conducted by the Administrator.

''(2) ADVERTISING.—The Administrator shall widely advertise any competitions conducted under the program.

''(c) REGISTRATION; ASSUMPTION OF RISK.—

''(1) REGISTRATION.—Each potential recipient of a prize in a competition under the program under this section shall register for the competition.

''(2) ASSUMPTION OF RISK.—In registering for a competition under paragraph (1), a potential recipient of a prize shall assume any and all risks, and waive claims against the United States Government and its related entities, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from participation in the competition, whether such injury, death, damage, or loss arises through negligence or otherwise, except in the case of willful misconduct.

''(3) RELATED ENTITY DEFINED.—In this subsection, the term 'related entity' includes a contractor or subcontractor at any tier, a supplier, user, customer, cooperating party, grantee, investigator, or detailee.

''(d) LIMITATIONS.—

''(1) TOTAL AMOUNT.—The total amount of cash prizes available for award in competitions under the program under this section in any fiscal year may not exceed $50,000,000.

''(2) APPROVAL REQUIRED FOR LARGE PRIZES.—No competition under the program may result in the award of more than $1,000,000 in cash prizes without the approval of the Administrator or a designee of the Administrator.

''(e) RELATIONSHIP TO OTHER AUTHORITY.—The Administrator may utilize the authority in this section in conjunction with or in addition to the utilization of any other authority of the Administrator to acquire, support, or stimulate basic and applied research, technology development, or prototype demonstration projects.

''(f) AVAILABILITY OF FUNDS.—Funds appropriated for the program authorized by this section shall remain available until expended.''.

SEC. 404. COMMERCIAL GOODS AND SERVICES.

It is the sense of the Congress that NASA should purchase commercially available space goods and services to the fullest extent feasible in support of the human missions beyond Earth and should encourage commercial use and development of space to the greatest extent practicable.

TITLE V—AERONAUTICS RESEARCH AND DEVELOPMENT

SEC. 501. GOVERNMENTAL INTEREST IN AERONAUTICS.

Congress reaffirms the national commitment to aeronautics research made in the National Aeronautics and Space Act of 1958. Aeronautical research and development remains a core mission of NASA. NASA is the lead agency for civil aeronautics research. NASA shall conduct a robust program of aeronautics research that includes fundamental basic research as well as research in the fields of vehicle systems and of safety and security.

SEC. 502. NATIONAL POLICY FOR AERONAUTICS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The President shall develop through NASA and other relevant entities, a national aeronautics policy to guide the aeronautics programs of the United States through the year 2020. The development of this policy shall utilize external studies that have been conducted on the state of United States aeronautics and aviation research and have suggested policies to ensure continued competitiveness.

(b) CONTENT.—At a minimum the national aeronautics policy shall describe—

(1) national goals for aeronautics research;

(2) the priority areas of research for aeronautics through fiscal year 2011;

(3) the basis of which and the process by which priorities for ensuing fiscal years will be selected; and

(4) respective roles and responsibilities of various Federal agencies in aeronautics research.

(c) NASA INPUT.—In providing input to and executing the National Aeronautics Policy, the Administrator, shall consider the following issues:

(1) The established governmental interest in conducting research and development programs for improvement of the usefulness, performance, speed, safety, and efficiency of aeronautical and vehicles, as described in section 102(c)(2) of the National Aeronautics and Space Act of 1958 and reaffirmed in section 501.

(2) The established governmental interest in conducting research and development programs that contribute to preservation of the role of the United States as a global leader in aeronautical technologies and in the application thereof in section 102(c)(5) of the National Aeronautics and Space Act of 1958 and reaffirmed in section 501.

(3) The appropriate balance between long-term, high risk research and shorter, more incremental research, and the expected impact on the United States economy and public good.

(4) The appropriate balance between in-house research and procurement with industry and academia.

(5) The extent to which NASA should address military and commercial aviation needs.

(6) How NASA will coordinate its aeronautics program with other Federal agencies.

(7) Opportunities for partnerships with the private sector.

(d) SCHEDULE.—

(1) No later than 1 year after the date of enactment of this Act, the President shall submit the national aeronautics policy to the Appropriations Committees of the House of Representatives and the Senate, the House Committee on Science, and the Senate Committee on Commerce, Science, and Transportation.

(2) No later than 60 days after the transmittal of the policy, the Administrator shall submit NASA's response to the policy, to the Appropriations Committees of the House of Representatives and the Senate, the House Committee on Science, and the Senate Committee on Commerce, Science and Transportation.

SEC. 503. HIGH PRIORITY AERONAUTICS RESEARCH AND DEVELOPMENT PROGRAMS.

(a) IN GENERAL.—In its role as lead agency for civil aeronautics research and development, NASA shall develop programs and projects in accordance with the National Aeronautics Policy described in section 502, as well program areas listed in subsection (b). These programs must be driven by scientific merit.

(b) RESEARCH AND DEVELOPMENT.—In executing an aeronautics research and development program, the Administrator shall, at a minimum, within the budgetary and programmatic resources provided, conduct programs in the following areas:

(1) FUNDAMENTAL RESEARCH.—The Administrator shall establish a program of long-term fundamental research in aeronautical sciences and technologies that is not tied to specific development projects. The Administrator shall set aside no less than 5 percent of the aeronautics budget for this program. As part of this program, the Administrator is encouraged to make merit-reviewed grants to institutions of higher learning, including such institutions located in states that participate in the Experimental Program to Stimulate Competitive Research.

(2) VEHICLE SYSTEMS RESEARCH AND TECHNOLOGY.—In order to maintain United States economic competitiveness and protect the environment, the Administrator shall establish programs in each of the following technology areas:

(A) ENVIRONMENTAL AIRCRAFT RESEARCH AND DEVELOPMENT.—The Administrator shall establish an initiative with the objective of developing and demonstrating in a relevant environment, technologies to enable the following commercial aircraft performance characteristics:

(i) NOISE.—Noise levels on takeoff and on airport approach and landing that do not exceed ambient noise levels in the absence of flight operations in the vicinity of airports from which such commercial aircraft would normally operate;

(ii) ENERGY CONSUMPTION.—Twenty-five percent reduction in the energy required for medium to long range flights, compared to aircraft in commercial service as of the date of enactment of this Act; and

(iii) EMISSIONS.—Nitrogen oxides on takeoff and landing that are significantly reduced, without adversely affecting hydrocarbons and smoke, relative to aircraft in commercial service as of the date of enactment of this Act.

(B) SUPERSONIC TRANSPORT RESEARCH AND DEVELOPMENT.—The Administrator shall establish an initiative with the objective of developing and demonstrating in a relevant environment within airframe and propulsion technologies to enable efficient, economical overland flight of supersonic civil transport aircraft with no significant impact on the environment.

(C) ROTORCRAFT AND OTHER RUNWAY-INDEPENDENT AIR VEHICLES.—The Administrator shall establish a rotorcraft and other runway-independent air vehicles initiative with the objective of developing and demonstrating improved safety, noise, and environmental impact in a relevant environment.

(D) HYPERSONICS RESEARCH.—The Administrator shall establish a hypersonics research program whose objective shall be to explore the science and technology of hypersonic flight using air-breathing propulsion concepts, through a mix of theoretical work, basic and applied research, and development of flight research demonstration vehicles. Emphasis in the program shall be given to advancing and demonstrating turbine engine technology in the transition to hypersonic range Mach 3 to Mach 5.

(E) REVOLUTIONARY AERONAUTICAL CONCEPTS.—The Administrator shall establish a research program which covers a unique range of subsonic, fixed wing vehicles and propulsion concepts. This research is intended to push technology barriers beyond current subsonic technology. Propulsion concepts include advanced materials, morphing engines, hybrid engines, and fuel cells.

(F) MORE ELECTRIC AIRCRAFT INITIATIVE.—The Administrator shall establish a program for innovative and focused research and development such as fuel cell technologies.

(3) AIRSPACE SYSTEMS RESEARCH.—The Airspace Systems Research program shall pursue research and development to enable revolutionary improvements to and modernization of the National Airspace system, as well

as to enable the introduction of new systems for vehicles that can take advantage of an improved, modern air transportation system. In pursuing research and development in this area, the Administrator shall align the projects of the Airspace Systems Research program so that they directly support the objectives of the Joint Planning and Development Office's Next Generation air Transportation System Integrated Plan.

(4) AVIATION SAFETY AND SECURITY RESEARCH.—The Aviation Safety and Security Research program shall pursue research and development activities that directly address the safety and security needs of the National Airspace System and the aircraft that fly in it.

SEC. 504. TEST FACILITIES.

(a) Prior to completion of the National Aeronautics Policy described in section 502 and transmittal of such policy pursuant to subsection (d) of that section, the Administrator may not close, suspend, or terminate contracts for the operation of major aeronautical test facilities, including wind tunnels, unless the Administrator—

(1) certifies in writing that such closure will not have an adverse impact on NASA's ability to execute the National Policy and achieve the goals described in that Policy; and

(2) provides notification to and receives concurrence from the Appropriations Committees of the House of Representatives and the Senate, the House Committee on Science, and the Senate Committee on Commerce, Science and Transportation 60 days in advance of such action.

SEC. 505. MISCELLANEOUS PROVISIONS.

(a) WORKFORCE DEVELOPMENT.—The Administrator shall encourage the development of a skilled and diverse aeronautics research workforce using appropriate available tools such as grants, scholarships for service, and fellowships.

(b) ALIGNMENT OF PROGRAMS.—Notwithstanding any other provision of this title, the Administrator shall align NASA's aeronautics program with priorities established by the Joint Planning and Development Office and by the National Aeronautics Policy described in section 502 of this Act.

TITLE VI—MISCELLANEOUS ADMINISTRATIVE IMPROVEMENTS

SEC. 601. EXTENSION OF INDEMNIFICATION AUTHORITY.

Section 309 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2458c) is amended by striking ''December 31, 2002'' and inserting ''December 31, 2007'', and by striking ''September 30, 2005'' and inserting ''December 31, 2009''.

SEC. 602. INTELLECTUAL PROPERTY PROVISIONS.

Section 305 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457) is amended by inserting after subsection (f) the following:

''(g) ASSIGNMENT OF PATENT RIGHTS, ETC.—

''(1) IN GENERAL.—Under agreements entered into pursuant to paragraph (5) or (6) of section 203(c) of this Act (42 U.S.C. 2473(c)(5) or (6)), the Administrator may—

''(A) grant or agree to grant in advance to a participating party, patent licenses or assignments, or options thereto, in any invention made in whole or in part by an Administration employee under the agreement; or

''(B) subject to section 209 of title 35, grant a license to an invention which is Federally owned, for which a patent application was filed before the signing of the agreement, and directly within the scope of the work under the agreement, for reasonable compensation when appropriate.

''(2) EXCLUSIVITY.—The Administrator shall ensure, through such agreement, that the participating party has the option to choose an exclusive license for a pre-negotiated field of use for any such invention under the agreement or, if there is more than 1 participating party, that the participating parties are offered the option to hold licensing rights that collectively encompass the rights that would be held under such an exclusive license by one party.

''(3) CONDITIONS.—In consideration for the Government's contribution under the agreement, grants under this subsection shall be subject to the following explicit conditions:

''(A) A nonexclusive, nontransferable, irrevocable, paid-up license from the participating party to the Administration to practice the invention or have the invention practiced throughout the world by or on behalf of the Government. In the exercise of such license, the Government shall not publicly disclose trade secrets or commercial or financial information that is privileged or confidential within the meaning of section 552 (b)(4) of title 5, United States Code, or which would be considered as such if it had been obtained from a non-Federal party.

''(B) If the Administration assigns title or grants an exclusive license to such an invention, the Government shall retain the right—

''(i) to require the participating party to grant to a responsible applicant a nonexclusive, partially exclusive, or exclusive license to use the invention in the applicant's licensed field of use, on terms that are reasonable under the circumstances; or

''(ii) if the participating party fails to grant such a license, to grant the license itself.

''(C) The Government may exercise its right retained under subparagraph (B) only in exceptional circumstances and only if the Government determines that—

''(i) the action is necessary to meet health or safety needs that are not reasonably satisfied by the participating party;

''(ii) the action is necessary to meet requirements for public use specified by Federal regulations, and such requirements are not reasonably satisfied by the participating party; or

''(iii) the action is necessary to comply with an agreement containing provisions described in section 12(c)(4)(B) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(4)(B)).

''(4) APPEAL AND REVIEW OF DETERMINATION.—A determination under paragraph (3)(C) is subject to administrative appeal and judicial review under section 203(b) of title 35, United States Code.''.

SEC. 603. RETROCESSION OF JURISDICTION.

Title III of the National Aeronautics and Space Act of 1958, as amended by section 602 of this Act, is further amended by adding at the end the following:

''SEC. 317. RETROCESSION OF JURISDICTION.

''Notwithstanding any other provision of law, the Administrator may, whenever the Administrator considers it desirable, relinquish to a State all or part of the legislative jurisdiction of the United States over lands or interests under the Administrator's control in that State. Relinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor of the State concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State may otherwise provide.''.

SEC. 604. RECOVERY AND DISPOSITION AUTHORITY.

Title III of the National Aeronautics and Space Act of 1958, as amended by section 603 of this Act, is further amended by adding at the end the following:

''SEC. 318. RECOVERY AND DISPOSITION AUTHORITY.

''(a) IN GENERAL.—

''(1) CONTROL OF REMAINS.—Subject to paragraph (2), when there is an accident or mishap resulting in the death of a crewmember of a NASA human space flight vehicle, the Administrator may take control over the remains of the crewmember and order autopsies and other scientific or medical tests.

''(2) TREATMENT.—Each crewmember shall provide the Administrator with his or her preferences regarding the treatment accorded to his or her remains and the Administrator shall, to the extent possible, respect those stated preferences.

''(b) DEFINITIONS.—In this section:

''(1) CREWMEMBER.—The term 'crewmember' means an astronaut or other person assigned to a NASA human space flight vehicle.

''(2) NASA HUMAN SPACE FLIGHT VEHICLE.—The term 'NASA human space flight vehicle' means a space vehicle, as defined in section 308(f)(1), that—

''(A) is intended to transport 1 or more persons;

''(B) designed to operate in outer space; and

''(C) is either owned by NASA, or owned by a NASA contractor or cooperating party and operated as part of a NASA mission or a joint mission with NASA.''.

SEC. 605. REQUIREMENT FOR INDEPENDENT COST ANALYSIS.

Section 301 of the National Aeronautics and Space Administration Authorization Act of 2000 (42 U.S.C. 2459g) amended—

(1) by striking ''Phase B'' in subsection (a) and inserting ''implementation'';

(2) by striking ''Chief Financial Officer'' each place it appears in subsection (a) and inserting ''Administrator'';

(3) by inserting ''and consider'' in subsection (a) after ''shall conduct''; and

(4) by striking subsection (b) and inserting the following:

''(b) IMPLEMENTATION DEFINED.—In this section, the term 'implementation' means all activity in the life cycle of a program or project after preliminary design, independent assessment of the preliminary design, and approval to proceed into implementation, including critical design, development, certification, launch, operations, disposal of assets, and, for technology programs, development, testing, analysis and communication of the results to the customers.''.

SEC. 606. ELECTRONIC ACCESS TO BUSINESS OPPORTUNITIES.

Title III of the National Aeronautics and Space Act of 1958, as amended by section 604 of this Act, is further amended by adding at the end the following:

''SEC. 319. ELECTRONIC ACCESS TO BUSINESS OPPORTUNITIES.

''(a) IN GENERAL.—The Administrator may implement a pilot program providing for reduction in the waiting period between publication of notice of a proposed contract action and release of the solicitation for procurements conducted by the National Aeronautics and Space Administration.

''(b) APPLICABILITY.—The program implemented under subsection (a) shall apply to non-commercial acquisitions—

''(1) with a total value in excess of $100,000 but not more than $5,000,000, including options;

''(2) that do not involve bundling of contract requirements as defined in section 3(o) of the Small Business Act (15 U.S.C. 632(o)); and

''(3) for which a notice is required by section 8(e) of the Small Business Act (15 U.S.C. 637(e)) and section 18(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)).

''(c) NOTICE.—

''(1) Notice of acquisitions subject to the program authorized by this section shall be made accessible through the single Government-wide point of entry designated in the Federal Acquisition Regulation, consistent with section 30(c)(4) of the Office of Federal Procurement Policy Act (41 U.S.C. 426(c)(4)).

''(2) Providing access to notice in accordance with paragraph (1) satisfies the publication requirements of section 8(e) of the Small Business Act (15 U.S.C. 637(e)) and section 18(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)).

''(d) SOLICITATION.—Solicitations subject to the program authorized by this section shall be made accessible through the Government-wide point of entry, consistent with requirements set forth in the Federal Acquisition Regulation, except for adjustments to the wait periods as provided in subsection (e).

''(e) WAIT PERIOD.—

''(1) Whenever a notice required by section 8(e)(1)(A) of the Small Business Act (15 U.S.C. 637(e)(1)(A)) and section 18(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)) is made accessible in accordance with subsection (c) of this section, the wait period set forth in section 8(e)(3)(A) of the Small Business Act (15 U.S.C. 637(e)(3)(A)) and section 18(a)(3)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)(3)(A)), shall be reduced by 5 days. If the solicitation applying to that notice is accessible electronically in accordance with subsection (d) simultaneously with issuance of the notice, the wait period set forth in section 8(e)(3)(A) of the Small Business Act (15 U.S.C. 637(e)(3)(A)) and section 18(a)(3)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)(3)(A)) shall not apply and the period specified in section 8(e)(3)(B) of the Small Business Act and section 18(a)(3)(B) of the Office of Federal Procurement Policy Act for submission of bids or proposals shall begin to run from the date the solicitation is electronically accessible.

''(2) When a notice and solicitation are made accessible simultaneously and the wait period is waived pursuant to paragraph (1), the deadline for the submission of bids or proposals shall be not less than 5 days greater than the minimum deadline set forth in section 8(e)(3)(B) of the Small Business Act (15 U.S.C. 637(e)(3)(B)) and section 18(a)(3)(B) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)(3)(B)).

''(f) IMPLEMENTATION.—

''(1) Nothing in this section shall be construed as modifying regulatory requirements set forth in the Federal Acquisition Regulation, except with respect to—

''(A) the applicable wait period between publication of notice of a proposed contract action and release of the solicitation; and

''(B) the deadline for submission of bids or proposals for procurements conducted in accordance with the terms of this pilot program.

''(2) This section shall not apply to the extent the President determines it is inconsistent with any international agreement to which the United States is a party.

''(g) STUDY.—Within 18 months after the effective date of the program, NASA, in coordination with the Small Business Administration, the General Services Administration, and the Office of Management and Budget, shall evaluate the impact of the pilot program and submit to Congress a report that—

''(1) sets forth in detail the results of the test, including the impact on competition and small business participation; and

''(2) addresses whether the pilot program should be made permanent, continued as a test program, or allowed to expire.

''(h) REGULATIONS.—The Administrator shall publish proposed revisions to the NASA Federal Acquisition Regulation Supplement necessary to implement this section in the Federal Register not later than 120 days after the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2005. The Administrator shall—

''(1) make the proposed regulations available for public comment for a period of not less than 60 days; and

''(2) publish final regulations in the Federal Register not later than 240 days after the date of enactment of that Act.

''(i) EFFECTIVE DATE.—

''(1) IN GENERAL.—The pilot program authorized by this section shall take effect on the date specified in the final regulations promulgated pursuant to subsection (h)(2).

''(2) LIMITATION.—The date so specified shall be no less than 30 days after the date on which the final regulation is published.

''(j) EXPIRATION OF AUTHORITY.—The authority to conduct the pilot program under subsection (a) and to award contracts under such program shall expire 2 years after the effective date established in the final regulations published in the Federal Register under subsection (h)(2).''.

SEC. 607. REPORTS ELIMINATION.

(a) REPEALS.—The following provisions of law are repealed:

(1) Section 201 of the National Aeronautics and Space Administration Authorization Act of 2000 (42 U.S.C. 2451 note).

(2) Section 304(d) of the Federal Aviation Administration Research, Engineering, and Development Authorization Act of 1992 (49 U.S.C. 47508 note).

(b) AMENDMENTS.—

(1) Section 315 of the National Aeronautics and Space Administration Act of 1958 (42 U.S.C. 2459j) is amended by striking subsection (a) and redesignating subsections (b) through (f) as subsections (a) through (e).

(2) Section 315(a) of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993 (42 U.S.C. 2487a(c)) is amended by striking subsection (c) and redesignating subsection (d) as subsection (c).

(3) Section 323 of the National Aeronautics and Space Administration Authorization Act of 2000 is amended by striking subsection (a).

SEC. 608. SMALL BUSINESS CONTRACTING.

(a) PLAN.—In consultation with the Small Business Administration, the Administrator shall develop a plan to maximize the number and amount of contracts awarded to small business concerns (within the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632) and to meet established contracting goals for such concerns.

(b) PRIORITY.—The Administrator shall establish, as a priority, meeting the contracting goals developed in conjunction with the Small Business Administration to maximize the amount of prime contracts, as measured in dollars, awarded in each fiscal year by NASA to small business concerns (within the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632)).

SEC. 609. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW AND REPORT.

(a) REVIEW.—The Comptroller General of the United States shall conduct a review of NASA's policies, processes, and procedures in the planning and management of applications research and development implemented in calendar years 2001 to 2005 within the Applied Sciences Directorate and former Earth Science Applications Program. A formal and transparent peer review process that instills public and stakeholder confidence in NASA's sponsored applications research and development programs is important and the process by which this program defines requirements, scopes programs, selects peer reviewers, manages the research competition, and selects proposals is of concern. The review shall include—

(1) the program planning and analysis process used to formulate applied science research and development requirements, priorities, and solicitation schedules, including changes to the process within the period under review, and the effects of such planning on the quality and clarity of applied sciences research announcements;

(2) the peer review process including—

(A) membership selection, determination of qualifications and use of NASA and non-NASA reviewers;

(B) management of conflicts of interest, including reviewers funded by the program with a significant consulting or contractual relationship with NASA, and individuals who both review proposals and participate in the submission of proposals under the same solicitation announcement;

(C) compensation of non-NASA proposal reviewers;

(3) the process for assigning or allocating applied research to NASA researchers and to non-NASA researchers; and

(4) alternative models for NASA planning and management of applied science and applications research, including an evaluation of—

(A) the National Institutes of Health's intramural and extramural research program structure, peer review process, management of conflicts of interests, compensation of reviewers, and the effects of compensation on reviewer efficiency and quality;

(B) the Department of Agriculture's research programs and structure, peer review process, management of conflicts of interest, compensation of reviewers, and the effects of compensation on reviewer efficiency and quality; and

(C) the ''best practices'' of both in the planning, selection, and management of applied sciences research and development.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science describing the results of the review conducted under subsection (a), including recommendations for NASA best practices.

(c) IMPLEMENTATION.—Not later than 90 days after receipt of the report, NASA shall provide the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science a plan describing the implementation of those recommendations.

MOTION OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOEHLERT of New York moves to strike all after the enacting clause of S. 1281 and insert in lieu thereof the text of H.R. 3070 as passed by the House, as follows:

S. 1281

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Aeronautics and Space Administration Authorization Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—GENERAL PRINCIPLES AND REPORTS
Sec. 101. Responsibilities, policies, and plans.
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SEC. 2. FINDINGS.

The Congress finds the following:

(1) On January 14, 2004, the President unveiled the Vision for Space Exploration to guide United States policy on human space exploration.

(2) The President's vision of returning humans to the Moon and working toward a sustainable human presence there and then venturing further into the solar system provides a sustainable rationale for the United States human space flight program.

(3) As we enter the Second Space Age, the National Aeronautics and Space Administration should continue to support robust programs in space science, aeronautics, and earth science as it moves forward with plans to send Americans to the Moon, Mars, and worlds beyond.

(4) The National Aeronautics and Space Administration's programs can advance the frontiers of science, expanding understanding of our planet and of the universe, and contribute to American prosperity.

(5) The United States should honor its international commitments to the International Space Station program.

(6) The United States must remain the leader in aeronautics and aviation. Any erosion of this preeminence is not in the Nation's economic or security interests. Past Federal investments in aeronautics research and development have benefited the economy and national security of the United States and improved the quality of life of its citizens.

(7) Long-term progress in aeronautics and space requires continued Federal investment in fundamental research, test facilities, and maintenance of a skilled civil service workforce at NASA's Centers.

(8) An important part of NASA's mission is education and outreach.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Aeronautics and Space Administration.

(2) ISS.—The term ''ISS'' means the International Space Station.

(3) NASA.—The term ''NASA'' means the National Aeronautics and Space Administration.

TITLE I—GENERAL PRINCIPLES AND REPORTS

SEC. 101. RESPONSIBILITIES, POLICIES, AND PLANS.

(a) GENERAL RESPONSIBILITIES.—

(1) PROGRAMS.—The Administrator shall ensure that NASA carries out a balanced set of programs that shall include, at a minimum, programs in—

(A) human space flight, in accordance with subsection (b);

(B) aeronautics research and development; and

(C) scientific research, which shall include, at a minimum—

(i) robotic missions to study planets, and to deepen understanding of astronomy, astrophysics, and other areas of science that can be productively studied from space;

(ii) earth science research and research on the Sun-Earth connection through the development and operation of research satellites and other means;

(iii) support of university research in space science, earth science and microgravity science.

(iv) research on microgravity, including research that is not directly related to human exploration.

(2) CONSULTATION AND COORDINATION.—In carrying out the programs of NASA, the Administrator shall—

(A) consult and coordinate to the extent appropriate with other relevant Federal agencies, including through the National Science and Technology Council;

(B) work closely with the private sector, including by—

(i) encouraging the work of entrepreneurs who are seeking to develop new means to launch satellites, crew, or cargo;

(ii) contracting with the private sector for crew and cargo services to the extent practicable; and

(iii) using commercially available products (including software) and services to the extent practicable to support all NASA activities; and

(C) involve other nations to the extent appropriate.

(b) VISION FOR SPACE EXPLORATION.—The Administrator shall manage human space flight programs to strive to achieve the following goals:

(1) Returning Americans to the Moon no later than 2020.

(2) Launching the Crew Exploration Vehicle as close to 2010 as possible.

(3) Increasing knowledge of the impacts of long duration stays in space on the human body using the most appropriate facilities available.

(4) Enabling humans to land on and return from Mars and other destinations on a timetable that is technically and fiscally possible.

(c) AERONAUTICS.—

(1) IN GENERAL.—The President of the United States, through the Administrator, and in consultation with other Federal agencies, shall develop a national aeronautics policy to guide the aeronautics programs of NASA through 2020.

(2) CONTENT.—At a minimum, the national aeronautics policy shall describe for NASA—

(A) the priority areas of research for aeronautics through fiscal year 2011;

(B) the basis on which and the process by which priorities for ensuing fiscal years will be selected;

(C) the facilities and personnel needed to carry out the aeronautics program through fiscal year 2011; and

(D) the budget assumptions on which the national aeronautics policy is based, which for fiscal years 2006 and 2007 shall be the authorized level for aeronautics provided in title II of this Act.

(3) CONSIDERATIONS.—In developing the national aeronautics policy, the President shall consider the following issues, which shall be discussed in the transmittal under paragraph (5):

(A) The extent to which NASA should focus on long-term, high-risk research or more incremental research, and the expected impact on the United States aircraft and airline industries of that decision.

(B) The extent to which NASA should address military and commercial needs.

(C) How NASA will coordinate its aeronautics program with other Federal agencies.

(D) The extent to which NASA will fund university research, and the expected impact of that funding on the supply of United States workers for the aeronautics industry.

(E) The extent to which the priority areas of research listed pursuant to paragraph (2)(A) should include the activities authorized by title IV of this Act, the discussion of which shall include a priority ranking of all of the activities authorized in title IV and an explanation for that ranking.

(4) CONSULTATION.—In the development of the national aeronautics policy, the Administrator shall consult widely with academic and industry experts and with other Federal agencies. The Administrator may enter into an arrangement with the National Academy of Sciences to help develop the national aeronautics policy.

(5) SCHEDULE.—The Administrator shall transmit the national aeronautics policy to the Committee on Appropriations and the Committee on Science of the House of Representatives, and to the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate, not later than the date on which the President submits the proposed budget for the Federal Government for fiscal year 2007 to the Congress. The Administrator shall make available to those committees any study done by a nongovernmental entity that was used in the development of the national aeronautics policy.

(d) SCIENCE.—

(1) IN GENERAL.—The Administrator shall develop a policy to guide the science programs of NASA through 2016.

(2) CONTENT.—At a minimum, the policy shall describe—

(A) the missions NASA will initiate, design, develop, launch, or operate in space science and earth science through fiscal year 2016, including launch dates;

(B) a priority ranking of all of the missions listed under subparagraph (A), and the rationale for the ranking;

(C) the budget assumptions on which the policy is based, which for fiscal years 2006 and 2007 shall be consistent with the authorizations provided in title II of this Act; and

(D) the facilities and personnel needed to carry out the policy through fiscal year 2016.

(3) CONSIDERATIONS.—In developing the science policy under this subsection, the Administrator shall consider the following issues, which shall be discussed in the transmittal under paragraph (6):

(A) What the most important scientific questions in space science and earth science are.

(B) The relationship between NASA's space and earth science activities and those of other Federal agencies.

(4) CONSULTATION.—In developing the policy under this subsection, the Administrator shall draw on decadal surveys and other reports in planetary science, astronomy, solar and space physics, earth science, and any other relevant fields developed by the National Academy of Sciences. The Administrator shall also consult widely with academic and industry experts and with other Federal agencies.

(5) HUBBLE SPACE TELESCOPE.—The policy developed under this subsection shall address plans for a human mission to repair the Hubble Space Telescope consistent with section 302 of this Act.

(6) SCHEDULE.—The Administrator shall transmit the policy developed under this subsection to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than the date on which the President submits the proposed budget for the Federal Government for fiscal year 2007 to the Congress. The Administrator shall make available to those committees any study done by a nongovernmental entity that was used in the development of the policy.

(e) FACILITIES.—

(1) IN GENERAL.—The Administrator shall develop a plan for managing NASA's facilities through fiscal year 2015. The plan shall be consistent with the policies and plans developed pursuant to this section.

(2) CONTENT.—At a minimum, the plan shall describe—

(A) any new facilities NASA intends to acquire, whether through construction, purchase, or lease, and the expected dates for doing so;

(B) any facilities NASA intends to significantly modify, and the expected dates for doing so;

(C) any facilities NASA intends to close, and the expected dates for doing so;

(D) any transaction NASA intends to conduct to sell, lease, or otherwise transfer the ownership of a facility, and the expected dates for doing so;

(E) how each of the actions described in subparagraphs (A), (B), (C), and (D) will enhance the ability of NASA to carry out its programs;

(F) the expected costs or savings expected from each of the actions described in subparagraphs (A), (B), (C), and (D);

(G) the priority order of the actions described in subparagraphs (A), (B), (C), and (D);

(H) the budget assumptions of the plan, which for fiscal years 2006 and 2007 shall be consistent with the authorizations provided in title II of this Act; and

(I) how facilities were evaluated in developing the plan.

(3) SCHEDULE.—The Administrator shall transmit the plan developed under this subsection to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than the date on which the President submits the proposed budget for the Federal Government for fiscal year 2008 to the Congress.

(f) WORKFORCE.—

(1) IN GENERAL.—The Administrator shall develop a human capital strategy to ensure that NASA has a workforce of the appropriate size and with the appropriate skills to carry out the programs of NASA, consistent with the policies and plans developed pursuant to this section. The strategy shall cover the period through fiscal year 2011.

(2) CONTENT.—The strategy shall describe, at a minimum—

(A) any categories of employees NASA intends to reduce, the expected size and timing of those reductions, the methods NASA intends to use to make the reductions, and the reasons NASA no longer needs those employees;

(B) any categories of employees NASA intends to increase, the expected size and timing of those increases, the methods NASA intends to use to recruit the additional employees, and the reasons NASA needs those employees;

(C) the steps NASA will use to retain needed employees; and

(D) the budget assumptions of the strategy, which for fiscal years 2006 and 2007 shall be consistent with the authorizations provided in title II of this Act, and any expected additional costs or savings from the strategy by fiscal year.

(3) SCHEDULE.—The Administrator shall transmit the strategy developed under this subsection to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than the date on which the President submits the proposed budget for the Federal Government for fiscal year 2007 to the Congress. At least 60 days before transmitting the strategy, NASA shall provide a draft of the strategy to its Federal Employee Unions for a 30-day consultation period after which NASA shall respond in writing to any written concerns provided by the Unions.

(4) LIMITATION.—NASA may not initiate any buyout offer until 60 days after the strategy required by this subsection has been transmitted to the Congress in accordance with paragraph (3). NASA may not implement any Reduction in Force or other involuntary separations (except for cause) prior to February 16, 2007.

(g) CENTER MANAGEMENT.—

(1) IN GENERAL.—The Administrator shall conduct a study to determine whether any of NASA's centers should be operated by or with the private sector by converting a center to a Federally Funded Research and Development Center or through any other mechanism.

(2) CONTENT.—The study shall, at a minimum—

(A) make a recommendation for the operation of each center and provide reasons for that recommendation; and

(B) describe the advantages and disadvantages of each mode of operation considered in the study.

(3) CONSIDERATIONS.—In conducting the study, the Administrator shall take into consideration the experiences of other relevant Federal agencies in operating laboratories and centers and any reports that have reviewed the mode of operation of those laboratories and centers, as well as any reports that have reviewed NASA's centers.

(4) SCHEDULE.—The Administrator shall transmit the study conducted under this subsection to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than May 31, 2006.

(h) BUDGETS.—The proposed budget for NASA submitted by the President for each fiscal year shall be accompanied by documents showing—

(1) the budget for each element of the human space flight program;

(2) the budget for aeronautics;

(3) the budget for space science;

(4) the budget for earth science;

(5) the budget for microgravity science;

(6) the budget for education;

(7) the budget for technology transfer programs;

(8) the budget for the Integrated Financial Management Program, by individual element;

(9) the budget for the Independent Technical Authority, both total and by center;

(10) the budget for public relations, by program;

(11) the comparable figures for at least the 2 previous fiscal years for each item in the proposed budget;

(12) the amount of unobligated funds and unexpended funds, by appropriations account—

(A) that remained at the end of the fiscal year prior to the fiscal year in which the budget is being presented that were carried over into the fiscal year in which the budget is being presented;

(B) that are estimated will remain at the end of the fiscal year in which the budget is being presented that are proposed to be carried over into the fiscal year for which the budget is being presented; and

(C) that are estimated will remain at the end of the fiscal year for which the budget is being presented; and

(13) the budget for safety, by program.

(i) GENERAL AND ADMINISTRATIVE EXPENSES.—NASA shall make available, upon request from the Committee on Science of the House of Representatives or the Committee on Commerce, Science, and Transportation of the Senate, information on Corporate and Center General and Administrative Costs and Service Pool costs, including—

(1) the total amount of funds being allocated for those purposes for any fiscal year for which the President has submitted an annual budget request to Congress;

(2) the amount of funds being allocated for those purposes for each center, for headquarters, and for each directorate; and

(3) the major activities included in each cost category.

(j) NASA TEST FACILITIES.—

(1) REVIEW.—The Director of the Office of Science and Technology Policy shall commission an independent review of the Nation's long-term strategic needs for test facilities and shall submit the review to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. The review shall include an evaluation of the facility needs described pursuant to subsection (c)(2)(C).

(2) LIMITATION.—The Administrator shall not close or mothball any aeronautical test facilities identified in the 2003 independent assessment by the RAND Corporation, entitled ''Wind Tunnel and Propulsion Test Facilities: An Assessment of NASA's Capabilities to Serve National Needs'' as being part of the minimum set of those facilities necessary to retain and manage to serve national needs, as well as any other non-aeronautical NASA test facilities that were in use as of January 1, 2004, until the review conducted under paragraph (1) has been transmitted to the Congress.

SEC. 102. REPORTS.

(a) IMMEDIATE ISSUES.—Not later than September 30, 2005, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on each of the following items:

(1) The research agenda for the ISS and its proposed final configuration.

(2) The number of flights the Space Shuttle will make before its retirement, the purpose of those flights, and the expected date of the final flight.

(3) A description of the means, other than the Space Shuttle, that may be used to ferry crew and cargo to and from the ISS.

(4) A plan for the operation of the ISS in the event that the Iran Nonproliferation Act of 2000 is not amended.

(5) A description of the launch vehicle for the Crew Exploration Vehicle.

(6) A description of any heavy lift vehicle NASA intends to develop, the intended uses of that vehicle, and whether the decision to develop that vehicle has undergone an interagency review.

(7) A description of the intended purpose of lunar missions and the architecture for those missions.

(8) The program goals for Project Prometheus.

(9) A plan for managing the cost increase for the James Webb Space Telescope.

(b) CREW EXPLORATION VEHICLE.—The Administrator shall not enter into a development contract for the Crew Exploration Vehicle until at least 30 days after the Administrator has transmitted to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing—

(1) the expected cost of the Crew Exploration Vehicle through fiscal year 2020, based on the specifications for that development contract;

(2) the expected budgets for each fiscal year through fiscal year 2020 for human space flight, aeronautics, space science, and earth science—

(A) first assuming inflationary growth for the budget of NASA as a whole and including costs for the Crew Exploration Vehicle as projected under paragraph (1); and

(B) then assuming inflationary growth for the budget of NASA as a whole and including at least two cost estimates for the Crew Exploration Vehicle that are higher than those projected under paragraph (1), based on NASA's past experience with cost increases for similar programs, along with a description of the reasons for selecting the cost estimates used for the calculations under this subparagraph and the probability that the cost of the Crew Exploration Vehicle will reach those estimated amounts; and

(3) the extent to which the Crew Exploration Vehicle will allow for the escape of the crew in the event of an emergency.

(c) SPACE COMMUNICATIONS STUDY.—

(1) STUDY.—The Administrator shall develop a plan for updating NASA's space communications architecture for both low-Earth orbital operations and deep space exploration so that it is capable of meeting NASA's needs over the next 20 years. The plan shall also include life-cycle cost estimates, milestones, estimated performance capabilities, and 5-year funding profiles. The plan shall also include an estimate of the amounts of any reimbursements NASA is likely to receive from other Federal agencies during the expected life of the upgrades described in the plan. The plan shall include a description of the following:

(A) Projected Deep Space Network requirements for the next decade, including those in support of human space exploration missions.

(B) Upgrades needed to support Deep Space Network requirements.

(C) Cost estimates for the maintenance of existing Deep Space Network capabilities.

(D) Cost estimates and schedules for the upgrades described in subparagraph (B).

(2) CONSULTATIONS.—The Administrator shall consult with other relevant Federal agencies in developing the plan under this subsection.

(3) REPORT.—The Administrator shall transmit the plan under this subsection to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than February 17, 2007.

(d) PUBLIC RELATIONS.—Not later than December 31, 2005, the Administrator shall transmit a plan to the Committee on Appropriations and the Committee on Science of the House of Representatives, and to the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate, describing the activities that will be undertaken as part of the national awareness campaign required by the report of the Committee on Appropriations of the House of Representatives accompanying the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006, and the expected cost of those activities. NASA may undertake activities as part of the national awareness campaign prior to the transmittal of the plan required by this subsection, but not until 15 days after notifying the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of any activity. The plan required by this subsection shall include the estimated costs of any activities undertaken pursuant to notice under the preceding sentence.

(e) JOINT DARK ENERGY MISSION.—The Administrator and the Director of the Department of Energy Office of Science shall jointly transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, not later than the date on which the President submits the proposed budget for the Federal Government for fiscal year 2007, a report on plans for a Joint Dark Energy Mission. The report shall include the amount of funds each agency intends to expend on the Joint Dark Energy Mission for each of the fiscal years 2007 through 2011, and any specific milestones for the development and launch of the Mission.

(f) SHUTTLE EMPLOYEE TRANSITION.—The Administrator shall consult with other appropriate Federal agencies and with NASA contractors and employees to develop a transition plan for Federal and contractor personnel engaged in the Space Shuttle program. The plan shall include actions to assist Federal and contractor personnel to take advantage of training, retraining, job placement, and relocation programs, and any other actions that NASA will take to assist the employees. The plan shall also describe how the Administrator will ensure that NASA and its contractors will have an appropriate complement of employees to allow for the safest possible use of the Space Shuttle through its final flight. The Administrator shall transmit the plan to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than February 1, 2006.

(g) OFFICE OF SCIENCE AND TECHNOLOGY POLICY.—

(1) STUDY.—The Director of the Office of Science and Technology Policy shall conduct a study to determine—

(A) if any research and development programs of NASA are unnecessarily duplicating aspects of programs of other Federal agencies; and

(B) if any research and development programs of NASA are neglecting any topics of national interest that are related to the mission of NASA.

(2) REPORT.—Not later than March 1, 2006, the Director of the Office of Science and Technology Policy shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that—

(A) describes the results of the study under paragraph (1);

(B) lists the research and development programs of Federal agencies other than NASA that were reviewed as part of the study, which shall include any program supporting research and development in an area related to the programs of NASA, and the most recent budget figures for those programs of other agencies;

(C) recommends any changes to the research and development programs of NASA that should be made to eliminate unnecessary duplication or address topics of national interest; and

(D) describes mechanisms the Office of Science and Technology Policy will use to ensure adequate coordination between NASA and Federal agencies that operate related programs.

(h) OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.—The Administrator shall transmit to the Committee on Science and the Committee on Small Business of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Small Business and Entrepreneurship of the Senate a quarterly report on the NASA Office of Small and Disadvantaged Business Utilization, which shall include a description of the outreach activities of the Office and the impact of such activities on the participation of small businesses, including small businesses owned by women and minorities, in NASA contracts.

SEC. 103. BASELINES AND COST CONTROLS.

(a) CONDITIONS FOR DEVELOPMENT.—

(1) IN GENERAL.—NASA shall not enter into a contract for the development phase of a major program unless the Administrator determines that—

(A) the technical, cost, and schedule risks of the program are clearly identified and the program has developed a plan to manage those risks; and

(B) the program complies with all relevant policies, regulations, and directives of NASA.

(2) REPORT.—The Administrator shall transmit a report describing the basis for the determination required under paragraph (1) to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at least 30 days before entering into a contract for development under a major program.

(3) NONDELEGATION.—The Administrator may not delegate the determination requirement under this subsection, except in cases in which the Administrator has a conflict of interest.

(b) MAJOR PROGRAM ANNUAL REPORTS.—

(1) REQUIREMENT.—Not later than February 15 of each year following the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on each major program for which NASA proposes to expend funds in the subsequent fiscal year. Reports under this section shall be known as Major Program Annual Reports.

(2) BASELINE REPORT.—The first Major Program Annual Report for each major program shall include a Baseline Report that shall, at a minimum, include—

(A) the purposes of the program and key technical characteristics necessary to fulfill those purposes;

(B) an estimate of the life-cycle cost for the program, with a detailed breakout of the development cost, program reserves, and an estimate of the annual costs until the development is completed;

(C) the schedule for the development, including key program milestones;

(D) the plan for mitigating technical, schedule, and cost risks prepared in accordance with subsection (a)(1)(A); and

(E) the name of the person responsible for making notifications under subsection (c), who shall be an individual whose primary responsibility is overseeing the program.

(3) INFORMATION UPDATES.—For major programs with respect to which a Baseline Report has been previously submitted, each subsequent Major Program Annual Report shall describe any changes to the information that had been provided in the Baseline Report, and the reasons for those changes.

(c) NOTIFICATION.—

(1) REQUIREMENT.—The individual identified under subsection (b)(2)(D) shall immediately notify the Administrator any time that individual has reasonable cause to believe that, for the major program for which he or she is responsible—

(A) the development cost of the program is likely to exceed the estimate provided in the Baseline Report of the program by 15 percent or more; or

(B) a milestone of the program is likely to be delayed by 6 months or more from the date provided for it in the Baseline Report of the program.

(2) REASONS.—Not later than 7 days after the notification required under paragraph (1), the individual identified under subsection (b)(2)(D) shall transmit to the Administrator a written notification explaining the reasons for the change in the cost or milestone of the program for which notification was provided under paragraph (1).

(3) NOTIFICATION OF CONGRESS.—Not later than 5 days after the Administrator receives a written notification under paragraph (2), the Administrator shall transmit the notification to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(d) FIFTEEN PERCENT THRESHOLD.—Not later than 30 days after receiving a written notification under subsection (c)(2), the Administrator shall determine whether the development cost of the program is likely to exceed the estimate provided in the Baseline Report of the program by 15 percent or more, or whether a milestone is likely to be delayed by 6 months or more. If the determination is affirmative, the Administrator shall—

(1) transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, not later than 14 days after making the determination, a report that includes—

(A) a description of the increase in cost or delay in schedule and a detailed explanation for the increase or delay;

(B) a description of actions taken or proposed to be taken in response to the cost increase or delay; and

(C) a description of any impacts the cost increase or schedule delay will have on any other program within NASA; and

(2) if the Administrator intends to continue with the program, promptly initiate an analysis of the program, which shall include, at a minimum—

(A) the projected cost and schedule for completing the program if current requirements of the program are not modified;

(B) the projected cost and the schedule for completing the program after instituting the actions described under paragraph (1)(B); and

(C) a description of, and the projected cost and schedule for, a broad range of alternatives to the program.

NASA shall complete an analysis initiated under paragraph (2) not later than 6 months after the Administrator makes a determination under this subsection. The Administrator shall transmit the analysis to the Committee on Science of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate not later than 30 days after its completion.

(e) THIRTY PERCENT THRESHOLD.—If the Administrator determines under subsection (d) that the development cost of a program will exceed the estimate provided in the Baseline Report of the program by more than the lower of 30 percent or $1,000,000,000, then, beginning 18 months after the date the Administrator transmits a report under subsection (d)(1), the Administrator shall not expend any additional funds on the program, other than termination costs, unless the Congress has subsequently authorized continuation of the program by law. An appropriation for the program enacted subsequent to a report being transmitted shall be considered an authorization for purposes of this subsection. If the program is continued, the Administrator shall submit a new Baseline Report for the program no later than 90 days after the date of enactment of the Act under which Congress has authorized continuation of the program.

(f) DEFINITIONS.—For the purposes of this section—

(1) the term ''development'' means the phase of a program following the formulation phase and beginning with the approval to proceed to implementation, as defined in NASA's Procedural Requirements 7120.5c, dated March 22, 2005;

(2) the term ''development cost'' means the total of all costs, including construction of facilities and civil servant costs, from the period beginning with the approval to proceed to implementation through the achievement of operational readiness, without regard to funding source or management control, for the life of the program;

(3) the term ''life-cycle cost'' means the total of the direct, indirect, recurring, and nonrecurring costs, including the construction of facilities and civil servant costs, and other related expenses incurred or estimated to be incurred in the design, development, verification, production, operation, maintenance, support, and retirement of a program over its planned lifespan, without regard to funding source or management control; and

(4) the term ''major program'' means an activity approved to proceed to implementation that has an estimated life-cycle cost of more than $150,000,000.

SEC. 104. PRIZE AUTHORITY.

The National Aeronautics and Space Act of 1958 (42 U.S.C. 2451, et seq.) is amended by inserting after section 313 the following new section:

''PRIZE AUTHORITY

''SEC. 314. (a) IN GENERAL.—The Administration may carry out a program to competitively award cash prizes to stimulate innovation in basic and applied research, technology development, and prototype demonstration that have the potential for application to the performance of the space and aeronautical activities of the Administration. The Administration may carry out a

program to award prizes only in conformity with this section.

''(b) TOPICS.—In selecting topics for prize competitions, the Administrator shall consult widely both within and outside the Federal Government, and may empanel advisory committees.

''(c) ADVERTISING.—The Administrator shall widely advertise prize competitions to encourage participation.

''(d) REQUIREMENTS AND REGISTRATION.—For each prize competition, the Administrator shall publish a notice in the Federal Register announcing the subject of the competition, the rules for being eligible to participate in the competition, the amount of the prize, and the basis on which a winner will be selected.

''(e) ELIGIBILITY.—To be eligible to win a prize under this section, an individual or entity—

''(1) shall have registered to participate in the competition pursuant to any rules promulgated by the Administrator under subsection (d);

''(2) shall have complied with all the requirements under this section;

''(3) in the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen or permanent resident of the United States; and

''(4) shall not be a Federal entity or Federal employee acting within the scope of their employment.

''(f) LIABILITY.—(1) Registered participants must agree to assume any and all risks and waive claims against the United States Government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from their participation in a competition, whether such injury, death, damage, or loss arises through negligence or otherwise. For the purposes of this paragraph, the term 'related entity' means a contractor or subcontractor at any tier, and a supplier, user, customer, cooperating party, grantee, investigator, or detailee.

''(2) Participants must obtain liability insurance or demonstrate financial responsibility in amounts determined by the Administrator, from claims by—

''(A) a third party for death, bodily injury, or property damage, or loss resulting from an activity carried out in connection with participation in a competition, with the Federal Government named as an additional insured under the registered participant's insurance policy and registered participants agreeing to indemnify the Federal Government against third party claims for damages arising from or related to competition activities; and

''(B) the United States Government for damage or loss to Government property resulting from such an activity.

''(g) JUDGES.—For each competition, the Administration, either directly or through a contract under subsection (h), shall assemble a panel of qualified judges to select the winner or winners of the prize competition on the basis described pursuant to subsection (d). Judges for each competition shall include individuals from outside the Administration, including from the private sector. A judge may not—

''(1) have personal or financial interests in, or be an employee, officer, director, or agent of any entity that is a registered participant in a competition; or

''(2) have a familial or financial relationship with an individual who is a registered participant.

''(h) ADMINISTERING THE COMPETITION.—The Administrator may enter into an agreement with a private, nonprofit entity to administer the prize competition, subject to the provisions of this section.

''(i) FUNDING.—(1) The Administrator may accept funds from other Federal agencies and from the private sector for cash prizes under this section. The Administrator may not give any special consideration to any private sector entity in return for a donation.

''(2) Notwithstanding any other provision of law, funds appropriated for prize awards under this section shall remain available until expended, and may be transferred, reprogrammed, or expended for other purposes only after the expiration of 10 fiscal years after the fiscal year for which the funds were originally appropriated. No provision in this section permits obligation or payment of funds in violation of the Anti-Deficiency Act (31 U.S.C. 1341).

''(3) No prize may be announced under subsection (d) until all the funds needed to pay out the announced amount of the prize have been appropriated or committed in writing by a private source. The Administrator may increase the amount of a prize after an initial announcement is made under subsection (d) if—

(A) notice of the increase is provided in the same manner as the initial notice of the prize; and

(B) the funds needed to pay out the announced amount of the increase have been appropriated or committed in writing by a private source.

''(4) No prize competition under this section may offer a prize in an amount greater than $10,000,000 unless 30 days have elapsed after written notice has been provided to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

''(j) USE OF NASA NAME AND INSIGNIA.—A registered participant in a competition under this section may use the Administration's name, initials, or insignia only after prior review and written approval by the Administration.

''(k) COMPLIANCE WITH EXISTING LAW.—The Federal Government shall not, by virtue of offering or providing a prize under this section, be responsible for compliance by registered participants in a prize competition with Federal law, including licensing, export control, and nonproliferation laws, and related regulations.''.

SEC. 105. FOREIGN LAUNCH VEHICLES.

(a) ACCORD WITH SPACE TRANSPORTATION POLICY.—NASA shall not launch a mission on a foreign launch vehicle except in accordance with the Space Transportation Policy announced by the President on December 21, 2004.

(b) INTERAGENCY COORDINATION.—NASA shall not launch a mission on a foreign launch vehicle unless NASA commenced the interagency coordination required by the Space Transportation Policy announced by the President on December 21, 2004, at least 90 days before entering into a development contract for the mission.

(c) APPLICATION.—This section shall not apply to any mission for which development has begun prior to the date of enactment of this Act, including the James Webb Space Telescope.

SEC. 106. SAFETY MANAGEMENT.

Section 6 of the National Aeronautics and Space Administration Authorization Act, 1968 (42 U.S.C. 2477) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''There is hereby'';

(2) by striking ''plans referred to it'' and inserting ''plans referred to it, including evaluating the National Aeronautics and Space Administration's compliance with the return-to-flight and continue-to-fly recommendations of the Columbia Accident Investigation Board,'';

(3) by inserting ''and the Congress'' after ''advise the Administrator'';

(4) by striking ''and with respect to the adequacy of proposed or existing safety standards and shall'' and inserting '', with respect to the adequacy of proposed or existing safety standards, and with respect to management and culture. The Panel shall also''; and

(5) by adding at the end the following:

''(b) ANNUAL REPORT.—The Panel shall submit an annual report to the Administrator and to the Congress. In the first annual report submitted after the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2005, the Panel shall include an evaluation of the Administration's safety management culture. Each annual report shall include an evaluation of the Administration's compliance with the recommendations of the Columbia Accident Investigation Board.''.

SEC. 107. LESSONS LEARNED AND BEST PRACTICES.

(a) IN GENERAL.—The Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an implementation plan describing NASA's approach for obtaining, implementing, and sharing lessons learned and best practices for its major programs and projects not later than 180 days after the date of enactment of this Act. The implementation plan shall be updated and maintained to ensure that it is current and consistent with the burgeoning culture of learning and safety that is emerging at NASA.

(b) REQUIRED CONTENT.—The implementation plan shall contain at a minimum the lessons learned and best practices requirements for NASA, the organizations or positions responsible for enforcement of the requirements, the reporting structure, and the objective performance measures indicating the effectiveness of the activity.

(c) INCENTIVES.—The Administrator shall provide incentives to encourage sharing and implementation of lessons learned and best practices by employees, projects, and programs, as well as penalties for programs and projects that are determined not to have demonstrated use of those resources.

SEC. 108. COMMERCIALIZATION PLAN.

(a) IN GENERAL.—The Administrator, in consultation with other relevant agencies, shall develop a commercialization plan to support the human missions to the Moon and Mars, to support Low-Earth Orbit activities and Earth science missions and applications, and to transfer science research and technology to society. The plan shall identify opportunities for the private sector to participate in the future missions and activities, including opportunities for partnership between NASA and the private sector in conducting research and the development of technologies and services. The plan shall include provisions for developing and funding sustained university and industry partnerships to conduct commercial research and technology development, to proactively translate results of space research to Earth benefits, to advance United States economic interests, and to support the vision for exploration.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit a copy of the plan to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 109. STUDY ON THE FEASIBILITY OF USE OF GROUND SOURCE HEAT PUMPS.

(a) IN GENERAL.—The Administrator shall conduct a feasibility study on the use of ground source heat pumps in future NASA facilities or substantial renovation of existing NASA facilities involving the installation of heating, ventilating, and air conditioning systems. Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit the study to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) CONTENTS.—The study shall examine—

(1) the life-cycle costs, including maintenance costs, of the operation of such heat pumps compared to generally available heating, cooling, and water heating equipment;

(2) barriers to installation, such as availability and suitability of terrain; and

(3) such other issues as the Administrator considers appropriate.

(c) DEFINITION.—In this section, the term ''ground source heat pump'' means an electric-powered system that uses the Earth's relatively constant temperature to provide heating, cooling, or hot water.

SEC. 110. SPACE SHUTTLE RETURN TO FLIGHT.

It is the sense of Congress that, in keeping with the President's Vision for Space Exploration, the Space Shuttle should return to flight as soon as the Administrator determines that a flight can be accomplished with an acceptable level of safety.

SEC. 111. WHISTLEBLOWER PROTECTION.

Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate a plan describing steps to be taken by NASA to protect the employment status of NASA employees who raise or have raised concerns about a potentially catastrophic risk to health or safety.

TITLE II—AUTHORIZATION OF APPROPRIATIONS

SEC. 201. STRUCTURE OF BUDGETARY ACCOUNTS.

Section 313 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2459f) is amended to read as follows:

''SEC. 313. BUDGETARY ACCOUNTS.

''Appropriations for the Administration for fiscal year 2007 and thereafter shall be made in four accounts, 'Science, Aeronautics, and Education', 'Exploration Systems', 'Space Operations', and an account for amounts appropriated for the necessary expenses of the Office of the Inspector General. Appropriations shall remain available for two fiscal years, unless otherwise specified in law. Each account shall include the planned full costs of Administration activities.''.

SEC. 202. FISCAL YEAR 2006.

There are authorized to be appropriated to NASA for fiscal year 2006 $16,965,650,000, as follows:

(1) For Science, Aeronautics and Education (including amounts for construction of facilities), $6,870,250,000 of which—

(A) $962,000,000 shall be for Aeronautics;

(B) $150,000,000 shall be for a Hubble Space Telescope servicing mission;

(C) $24,000,000 shall be for the National Space Grant College and Fellowship Program; and

(D) $8,900,000 for the Science and Technology Scholarship Program.

(2) For Exploration Systems (including amounts for construction of facilities), $3,844,100,000.

(3) For Space Operations (including amounts for construction of facilities), $6,218,900,000.

(4) For the Office of Inspector General, $32,400,000.

SEC. 203. FISCAL YEAR 2007.

There are authorized to be appropriated to NASA for fiscal year 2007 $17,726,800,000, as follows:

(1) For Science, Aeronautics and Education (including amounts for construction of facilities), $7,331,600,000 of which—

(A) $990,000,000 shall be for Aeronautics; and

(B) $24,000,000 shall be for the National Space Grant College and Fellowship Program.

(2) For Exploration Systems (including amounts for construction of facilities), $4,514,000,000.

(3) For Space Operations (including amounts for construction of facilities), $5,847,700,000.

(4) For the Office of Inspector General, $33,500,000.

SEC. 204. ISS RESEARCH.

The Administrator shall allocate at least 15 percent of the funds budgeted for ISS research to research that is not directly related to supporting the human exploration program.

SEC. 205. TEST FACILITIES.

(a) CHARGES.—The Administrator shall establish a policy of charging users of NASA's test facilities for the costs associated with their tests at a level that is competitive with alternative test facilities. As a general principle, NASA shall not seek to recover the full costs of the operation of those facilities from the users. The Administrator shall not implement a policy of seeking full cost recovery for a facility until at least 30 days after transmitting a notice to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) FUNDING ACCOUNT.—The Administrator shall establish a funding account that shall be used for all test facilities. The account shall be sufficient to maintain the viability of test facilities during periods of low utilization.

SEC. 206. PROPORTIONALITY.

If the total amount appropriated for NASA pursuant to section 202 or 203 is less than the amount authorized under such section, the amounts authorized under each of the accounts specified in such section shall be reduced proportionately.

SEC. 207. LIMITATIONS ON AUTHORITY.

Notwithstanding any other provision of this Act, no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for the particular program by section 202 or 203, unless a period of 30 days has passed after the receipt, by the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, of notice given by the Administrator containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such a proposed action. NASA shall keep the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate fully and currently informed with respect to all activities and responsibilities within the jurisdiction of those Committees.

SEC. 208. NOTICE OF REPROGRAMMING.

If any funds authorized by this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 209. COST OVERRUNS.

When reprogramming funds to cover unexpected cost growth within a program, the Administrator shall, to the maximum extent practicable, protect funds intended for fundamental and applied Research and Analysis.

SEC. 210. OFFICIAL REPRESENTATIONAL FUND.

Amounts appropriated pursuant to this Act may be used, but not to exceed a total of $35,000 in any fiscal year, for official reception and representation expenses.

SEC. 211. INTERNATIONAL SPACE STATION COST CAP.

Section 202 of the National Aeronautics and Space Administration Authorization Act of 2000 (42 U.S.C. 2451 note) is repealed.

TITLE III—SCIENCE

Subtitle A—General Provisions

SEC. 301. PERFORMANCE ASSESSMENTS.

(a) IN GENERAL.—Performance of each discipline in the Science account of NASA shall be reviewed and assessed by the National Academy of Sciences at 5-year intervals.

(b) TIMING.—Beginning with the first fiscal year following the date of enactment of this Act, the Administrator shall select at least one discipline for review under this section. The Administrator shall select disciplines so that all disciplines will have received their first review within six fiscal years of the date of enactment of this Act.

(c) REPORTS.—Not later than March 1 of each year, beginning with the first fiscal year after the date of enactment of this Act, the Administrator shall transmit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(1) setting forth in detail the results of any external review under subsection (a);

(2) setting forth in detail actions taken by NASA in response to any external review; and

(3) including a summary of findings and recommendations from any other relevant external reviews of NASA's science mission priorities and programs.

SEC. 302. STATUS REPORT ON HUBBLE SPACE TELESCOPE SERVICING MISSION.

It is the sense of the Congress that the Hubble Space Telescope is an extraordinary instrument that has provided, and should continue to provide, answers to profound scientific questions. In accordance with the recommendations of the National Academy of Sciences study titled ''Assessment of Options for Extending the Life of the Hubble Space Telescope'', all appropriate efforts should be expended to complete the Space Shuttle servicing mission. Upon successful completion of the planned return-to-flight schedule of the Space Shuttle, the Administrator shall determine the schedule for a Space Shuttle servicing mission to the Hubble Space Telescope, unless such a mission would compromise astronaut safety. Not later than 60 days after the landing of the second Space Shuttle mission for return-to-flight certification, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a status report on plans for a Hubble Space Telescope servicing mission.

SEC. 303. INDEPENDENT ASSESSMENT OF LANDSAT-NPOESS INTEGRATED MISSION.

(a) ASSESSMENT.—In view of the importance of ensuring continuity of Landsat data and in view of the challenges facing the National Polar-Orbiting Environmental Satellite System program, the Administrator shall seek an independent assessment of the

costs as well as the technical, cost, and schedule risks associated with incorporating the Landsat instrument on the first National Polar-Orbiting Environmental Satellite System spacecraft versus undertaking a dedicated Landsat data ''gap-filler'' mission followed by the incorporation of the Landsat instrument on the second National Polar-Orbiting Environmental Satellite System spacecraft. The assessment shall also include an evaluation of the budgetary requirements of each of the options under consideration.

(b) REPORT.—The Administrator shall transmit the independent assessment to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 180 days after the date of enactment of this Act.

SEC. 304. ASSESSMENT OF SCIENCE MISSION EXTENSIONS.

(a) ASSESSMENT.—The Administrator shall carry out annual termination reviews within each of the Science disciplines to assess the cost and benefits of extending the date of the termination of data collection for those missions which are beyond their primary goals. In addition:

(1) Not later than 60 days after the date of enactment of this Act, the Administrator shall carry out such an assessment for the following missions: FAST, TIMED, Cluster, Wind, Geotail, Polar, TRACE, Ulysses, and Voyager.

(2) For those missions that have an operational component, the National Oceanic and Atmospheric Administration shall be consulted and the potential benefits of instruments on missions which are beyond their primary goals taken into account.

(b) REPORT.—Not later than 30 days after completing the assessments required by subsection (a)(1), the Administrator shall transmit a report on the assessment to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 305. MICROGRAVITY RESEARCH.

(a) IN GENERAL.—The Administrator shall—

(1) not later than 60 days after the date of enactment of this Act, provide to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an assessment of microgravity research planned for implementation aboard the ISS that includes the identification of research which can be performed in ground-based facilities and then validated in space;

(2) ensure the capacity to support ground-based research leading to space-based basic and applied scientific research in a variety of disciplines with potential direct national benefits and applications that can advance significantly from the uniqueness of microgravity and the space environment; and

(3) carry out, to the maximum extent practicable basic, applied, and commercial ISS research activities such as molecular crystal growth, animal research, basic fluid physics, combustion research, cellular biotechnology, low temperature physics, and cellular research at a level which will sustain the existing scientific expertise and research capabilities.

(b) ON-ORBIT CAPABILITIES.—The Administrator shall ensure that the on-orbit analytical capabilities of the ISS are sufficient to support any diagnostic human research and on-orbit characterization of molecular crystal growth, cellular research, and other research that NASA believes is necessary to conduct, but for which NASA lacks the capacity to return the materials that need to be analyzed to Earth.

(c) ASSESSMENT OF POTENTIAL SCIENTIFIC USES.—The Administrator shall assess further potential scientific uses of the ISS for other applications, such as technology development, development of manufacturing processes, Earth observation and characterization, and astronomical observations.

SEC. 306. COORDINATION WITH THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) JOINT WORKING GROUP.—The Administrator and the Administrator of the National Oceanic and Atmospheric Administration shall appoint a Joint Working Group, which shall review and monitor missions of the two agencies to ensure maximum coordination in the design, operation, and transition of missions. The Joint Working Group shall also prepare the transition plans required by subsection (c).

(b) COORDINATION REPORT.—Not later than February 15 of each year, the Administrator and the Administrator of the National Oceanic and Atmospheric Administration shall jointly transmit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on how the earth science programs of the National Oceanic and Atmospheric Administration and NASA will be coordinated during the fiscal year following the fiscal year in which the report is transmitted.

(c) COORDINATION OF TRANSITION PLANNING AND REPORTING.—The Administrator, in conjunction with the Administrator of the National Oceanic and Atmospheric Administration, shall evaluate all NASA missions for their potential operational capabilities and shall prepare transition plans for all existing and future Earth observing systems found to have potential operational capabilities and all National Oceanic and Atmospheric Administration operational space-based systems.

(d) LIMITATION.—The Administrator shall not transfer any NASA earth science mission or Earth observing system to the National Oceanic and Atmospheric Administration until the transition plan required under subsection (c) has been approved by the Administrator and the Administrator of the National Oceanic and Atmospheric Administration and until financial resources have been identified to support the transition or transfer in the President's budget request for the National Oceanic and Atmospheric Administration.

Subtitle B—Remote Sensing

SEC. 311. DEFINITIONS.

In this subtitle—

(1) the term ''geospatial information'' means knowledge of the nature and distribution of physical and cultural features on the landscape based on analysis of data from airborne or spaceborne platforms or other types and sources of data;

(2) the term ''high resolution'' means resolution better than five meters; and

(3) the term ''institution of higher education'' has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

SEC. 312. PILOT PROJECTS TO ENCOURAGE PUBLIC SECTOR APPLICATIONS.

(a) IN GENERAL.—The Administrator shall establish a program of grants for competitively awarded pilot projects to explore the integrated use of sources of remote sensing and other geospatial information to address State, local, regional, and tribal agency needs.

(b) PREFERRED PROJECTS.—In awarding grants under this section, the Administrator shall give preference to projects that—

(1) make use of commercial data sets, including high resolution commercial satellite imagery and derived satellite data products, existing public data sets where commercial data sets are not available or applicable, or the fusion of such data sets;

(2) integrate multiple sources of geospatial information, such as geographic information system data, satellite-provided positioning data, and remotely sensed data, in innovative ways;

(3) include funds or in-kind contributions from non-Federal sources;

(4) involve the participation of commercial entities that process raw or lightly processed data, often merging that data with other geospatial information, to create data products that have significant value added to the original data; and

(5) taken together demonstrate as diverse a set of public sector applications as possible.

(c) OPPORTUNITIES.—In carrying out this section, the Administrator shall seek opportunities to assist—

(1) in the development of commercial applications potentially available from the remote sensing industry; and

(2) State, local, regional, and tribal agencies in applying remote sensing and other geospatial information technologies for growth management.

(d) DURATION.—Assistance for a pilot project under subsection (a) shall be provided for a period not to exceed 3 years.

(e) REPORT.—Each recipient of a grant under subsection (a) shall transmit a report to the Administrator on the results of the pilot project within 180 days of the completion of that project.

(f) WORKSHOP.—Each recipient of a grant under subsection (a) shall, not later than 180 days after the completion of the pilot project, conduct at least one workshop for potential users to disseminate the lessons learned from the pilot project as widely as feasible.

(g) REGULATIONS.—The Administrator shall issue regulations establishing application, selection, and implementation procedures for pilot projects, and guidelines for reports and workshops required by this section.

SEC. 313. PROGRAM EVALUATION.

(a) ADVISORY COMMITTEE.—The Administrator shall establish an advisory committee, consisting of individuals with appropriate expertise in State, local, regional, and tribal agencies, the university research community, and the remote sensing and other geospatial information industry, to monitor the program established under section 312. The advisory committee shall consult with the Federal Geographic Data Committee and other appropriate industry representatives and organizations. Notwithstanding section 14 of the Federal Advisory Committee Act, the advisory committee established under this subsection shall remain in effect until the termination of the program under section 312.

(b) EFFECTIVENESS EVALUATION.—Not later than December 31, 2009, the Administrator shall transmit to the Congress an evaluation of the effectiveness of the program established under section 312 in exploring and promoting the integrated use of sources of remote sensing and other geospatial information to address State, local, regional, and tribal agency needs. Such evaluation shall have been conducted by an independent entity.

SEC. 314. DATA AVAILABILITY.

The Administrator shall ensure that the results of each of the pilot projects completed under section 312 shall be retrievable through an electronic, Internet-accessible database.

SEC. 315. EDUCATION.

The Administrator shall establish an educational outreach program to increase awareness at institutions of higher education and State, local, regional, and tribal

agencies of the potential applications of remote sensing and other geospatial information.

Subtitle C—George E. Brown, Jr. Near-Earth Object Survey

SEC. 321. GEORGE E. BROWN, JR. NEAR-EARTH OBJECT SURVEY.

(a) SHORT TITLE.—This section may be cited as the ''George E. Brown, Jr. Near-Earth Object Survey Act''.

(b) FINDINGS.—The Congress makes the following findings:

(1) Near-Earth objects pose a serious and credible threat to humankind, as many scientists believe that a major asteroid or comet was responsible for the mass extinction of the majority of the Earth's species, including the dinosaurs, nearly 65,000,000 years ago.

(2) Similar objects have struck the Earth or passed through the Earth's atmosphere several times in the Earth's history and pose a similar threat in the future.

(3) Several such near-Earth objects have only been discovered within days of the objects' closest approach to Earth, and recent discoveries of such large objects indicate that many large near-Earth objects remain undiscovered.

(4) The efforts taken to date by NASA for detecting and characterizing the hazards of near-Earth objects are not sufficient to fully determine the threat posed by such objects to cause widespread destruction and loss of life.

(c) DEFINITIONS.—For purposes of this section the term ''near-Earth object'' means an asteroid or comet with a perihelion distance of less that 1.3 Astronomical Units from the Sun.

(d) NEAR-EARTH OBJECT SURVEY.—

(1) SURVEY PROGRAM.—The Administrator shall plan, develop, and implement a Near-Earth Object Survey program to detect, track, catalogue, and characterize the physical characteristics of near-Earth objects equal to or greater than 100 meters in diameter in order to assess the threat of such near-Earth objects to the Earth. It shall be the goal of the Survey program to achieve 90 percent completion of its near-Earth object catalogue (based on statistically predicted populations of near-Earth objects) within 15 years after the date of enactment of this Act.

(2) AMENDMENTS.—Section 102 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451) is amended—

(A) by redesignating subsection (g) as subsection (h);

(B) by inserting after subsection (f) the following new subsection:

''(g) The Congress declares that the general welfare and security of the United States require that the unique competence of the National Aeronautics and Space Administration be directed to detecting, tracking, cataloguing, and characterizing near-Earth asteroids and comets in order to provide warning and mitigation of the potential hazard of such near-Earth objects to the Earth.''; and

(C) in subsection (h), as so redesignated by subparagraph (A) of this paragraph, by striking ''and (f)'' and inserting ''(f), and (g)''.

(3) ANNUAL REPORT.—The Administrator shall transmit to the Congress, not later than February 28 of each of the next 5 years beginning after the date of enactment of this Act, a report that provides the following:

(A) A summary of all activities taken pursuant to paragraph (1) for the previous fiscal year.

(B) A summary of expenditures for all activities pursuant to paragraph (1) for the previous fiscal year.

(4) INITIAL REPORT.—The Administrator shall transmit to Congress not later than 1 year after the date of enactment of this Act an initial report that provides the following:

(A) An analysis of possible alternatives that NASA may employ to carry out the Survey program, including ground-based and space-based alternatives with technical descriptions.

(B) A recommended option and proposed budget to carry out the Survey program pursuant to the recommended option.

(C) An analysis of possible alternatives that NASA could employ to divert an object on a likely collision course with Earth.

TITLE IV—AERONAUTICS

SEC. 401. DEFINITION.

For purposes of this title, the term ''institution of higher education'' has the meaning given that term by section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

Subtitle A—National Policy for Aeronautics Research and Development

SEC. 411. POLICY.

It shall be the policy of the United States to reaffirm the National Aeronautics and Space Act of 1958 and its identification of aeronautical research and development as a core mission of NASA. Further, it shall be the policy of the United States to promote aeronautical research and development that will expand the capacity, ensure the safety, and increase the efficiency of the Nation's air transportation system, promote the security of the Nation, protect the environment, and retain the leadership of the United States in global aviation.

Subtitle B—NASA Aeronautics Breakthrough Research Initiatives

SEC. 421. ENVIRONMENTAL AIRCRAFT RESEARCH AND DEVELOPMENT INITIATIVE.

(a) OBJECTIVE.—The Administrator may establish an initiative with the objective of developing, and demonstrating in a relevant environment, within 10 years after the date of enactment of this Act, technologies to enable the following commercial aircraft performance characteristics:

(1) NOISE.—Noise levels on takeoff and on airport approach and landing that do not exceed ambient noise levels in the absence of flight operations in the vicinity of airports from which such commercial aircraft would normally operate.

(2) ENERGY CONSUMPTION.—Twenty-five percent reduction in the energy required for medium to long range flights, compared to aircraft in commercial service as of the date of enactment of this Act. This reduction may be achieved by a combination of improvements to—

(A) specific fuel consumption;

(B) lift-to-drag ratio; and

(C) structural weight fraction.

(3) EMISSIONS.—Nitrogen oxides on take-off and landing that are reduced by 50 percent relative to aircraft in commercial service as of the date of enactment of this Act.

(b) STUDY.—

(1) REQUIREMENT.—The Administrator shall enter into an arrangement for the National Research Council to conduct a study to identify and quantify new markets that would be created, as well as existing markets that would be expanded, by the incorporation of the technologies developed pursuant to this section into future commercial aircraft. The study shall identify whether any of the performance characteristics specified in subsection (a) would need to be made more stringent in order to create new markets or expand existing markets. The National Research Council shall seek input from at least the aircraft manufacturing industry, academia, and the airlines in carrying out the study.

(2) REPORT.—A report containing the results of the study conducted under paragraph (1) shall be provided to Congress not later than 18 months after the date of enactment of this Act.

SEC. 422. CIVIL SUPERSONIC TRANSPORT RESEARCH AND DEVELOPMENT INITIATIVE.

The Administrator may establish an initiative with the objective of developing, and demonstrating in a relevant environment, within 20 years after the date of enactment of this Act, technologies to enable overland flight of supersonic civil transport aircraft with at least the following performance characteristics:

(1) Mach number of at least 1.4.

(2) Range of at least 4,000 nautical miles.

(3) Payload of at least 24 passengers.

(4) Noise levels on takeoff and on airport approach and landing that meet community noise standards in place at airports from which such commercial supersonic aircraft would normally operate at the time the aircraft would enter commercial service.

(5) Shaped sonic boom signatures sufficiently low to permit overland flight over populated areas.

(6) Nitrogen oxide, carbon dioxide, and water vapor emissions consistent with regulations likely to be in effect at the time of this aircraft's introduction.

SEC. 423. ROTORCRAFT AND OTHER RUNWAY-INDEPENDENT AIR VEHICLES RESEARCH AND DEVELOPMENT INITIATIVE.

The Administrator may establish a rotorcraft and other runway-independent air vehicles initiative with the objective of developing and demonstrating in a relevant environment, within 10 years after the date of enactment of this Act, technologies to enable significantly safer, quieter, and more environmentally compatible operation from a wider range of airports under a wider range of weather conditions than is the case for rotorcraft and other runway-independent air vehicles in service as of the date of enactment of this Act.

Subtitle C—Other NASA Aeronautics Research and Development Activities

SEC. 431. FUNDAMENTAL RESEARCH AND TECHNOLOGY BASE PROGRAM.

(a) OBJECTIVE.—In order to ensure that the Nation maintains needed capabilities in fundamental areas of aeronautical research, the Administrator shall establish a program of long-term fundamental research in aeronautical sciences and technologies that is not tied to specific development projects.

(b) ASSESSMENT.—The Administrator shall enter into an arrangement with the National Research Council for an assessment of the Nation's future requirements for fundamental aeronautics research and whether the Nation will have a skilled research workforce and research facilities commensurate with those requirements. The assessment shall include an identification of any projected gaps, and recommendations for what steps should be taken by the Federal Government to eliminate those gaps.

(c) REPORT.—The Administrator shall transmit the assessment, along with NASA's response to the assessment, to Congress not later than 2 years after the date of enactment of this Act.

SEC. 432. AIRSPACE SYSTEMS RESEARCH.

(a) OBJECTIVE.—The Airspace Systems Research program shall pursue research and development to enable revolutionary improvements to and modernization of the National Airspace System, as well as to enable the introduction of new systems for vehicles that can take advantage of an improved, modern air transportation system.

(b) ALIGNMENT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall align the projects of the

Airspace Systems Research program so that they directly support the objectives of the Joint Planning and Development Office's Next Generation Air Transportation System Integrated Plan.

SEC. 433. AVIATION SAFETY AND SECURITY RESEARCH.

(a) OBJECTIVE.—The Aviation Safety and Security Research program shall pursue research and development activities that directly address the safety and security needs of the National Airspace System and the aircraft that fly in it. The program shall develop prevention, intervention, and mitigation technologies aimed at causal, contributory, or circumstantial factors of aviation accidents.

(b) PLAN.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress a 5-year prioritized plan for the research to be conducted within the Aviation Safety and Security Research program. The plan shall be aligned with the objectives of the Joint Planning and Development Office's Next Generation Air Transportation System Integrated Plan.

SEC. 434. ZERO-EMISSIONS AIRCRAFT RESEARCH.

(a) OBJECTIVE.—The Administrator may establish a zero-emissions aircraft research program whose objective shall be to develop and test concepts to enable a hydrogen fuel cell-powered aircraft that would have no hydrocarbon or nitrogen oxide emissions into the environment.

(b) APPROACH.—The Administrator may establish a program of competitively awarded grants available to teams of researchers that may include the participation of individuals from universities, industry, and government for the conduct of this research.

SEC. 435. MARS AIRCRAFT RESEARCH.

(a) OBJECTIVE.—The Administrator may establish a Mars Aircraft project whose objective shall be to develop and test concepts for an uncrewed aircraft that could operate for sustained periods in the atmosphere of Mars.

(b) APPROACH.—The Administrator may establish a program of competitively awarded grants available to teams of researchers that may include the participation of individuals from universities, industry, and government for the conduct of this research.

SEC. 436. HYPERSONICS RESEARCH.

The Administrator may establish a hypersonics research program whose objective shall be to explore the science and technology of hypersonic flight using air-breathing propulsion concepts, through a mix of theoretical work, basic and applied research, and development of flight research demonstration vehicles.

SEC. 437. NASA AERONAUTICS SCHOLARSHIPS.

(a) ESTABLISHMENT.—The Administrator shall establish a program of scholarships for full-time graduate students who are United States citizens and are enrolled in, or have been accepted by and have indicated their intention to enroll in, accredited Masters degree programs in aeronautical engineering at institutions of higher education. Each such scholarship shall cover the costs of room, board, tuition, and fees, and may be provided for a maximum of 2 years.

(b) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish regulations governing the scholarship program under this section.

(c) COOPERATIVE TRAINING OPPORTUNITIES.—Students who have been awarded a scholarship under this section shall have the opportunity for paid employment at one of the NASA Centers engaged in aeronautics research and development during the summer prior to the first year of the student's Masters program, and between the first and second year, if applicable.

SEC. 438. AVIATION WEATHER RESEARCH.

The Administrator may carry out a program of collaborative research with the National Oceanic and Atmospheric Administration on convective weather events, with the goal of significantly improving the reliability of 2-hour to 6-hour aviation weather forecasts.

SEC. 439. ASSESSMENT OF WAKE TURBULENCE RESEARCH AND DEVELOPMENT PROGRAM.

(a) ASSESSMENT.—The Administrator may enter into an arrangement with the National Research Council for an assessment of Federal wake turbulence research and development programs. The assessment shall address at least the following questions:

(1) Are the Federal research and development goals and objectives well defined?

(2) Are there any deficiencies in the Federal research and development goals and objectives?

(3) What roles should be played by each of the relevant Federal agencies, such as NASA, the Federal Aviation Administration, and the National Oceanic and Atmospheric Administration, in wake turbulence research and development?

(b) REPORT.—A report containing the results of the assessment conducted pursuant to subsection (a) shall be provided to Congress not later than 1 year after the date of enactment of this Act.

SEC. 440. UNIVERSITY-BASED CENTERS.

(a) IN GENERAL.—The Administrator may award grants to institutions of higher education (or consortia thereof) to establish one or more centers for the purpose described in subsection (b).

(b) PURPOSE.—The purpose of the centers is to conduct basic and applied research on the impact of new technologies and procedures, particularly those related to aeronautical navigation and control.

(c) APPLICATION.—An institution of higher education (or a consortium of such institutions) seeking funding under this section shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require, including, at a minimum, a 5-year research plan.

(d) AWARD DURATION.—An award made by the Administrator under this section shall be for a period of 5 years and may be renewed on the basis of—

(1) satisfactory performance in meeting the goals of the research plan proposed by the Center in its application under subsection (c); and

(2) other requirements as specified by the Administrator.

TITLE V—HUMAN SPACE FLIGHT

SEC. 501. INTERNATIONAL SPACE STATION COMPLETION.

(a) ELEMENTS, CAPABILITIES, AND CONFIGURATION CRITERIA.—The Administrator shall ensure that the ISS will be able to—

(1) be used for a diverse range of microgravity research, including fundamental, applied, and commercial research;

(2) have an ability to support crew size of at least 6 persons, unless the Administrator transmits a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate prior to awarding a development contract for the Crew Exploration Vehicle, explaining why such a requirement should not be met and the impact of not meeting the requirement on the ISS research agenda and operations;

(3) support Crew Exploration Vehicle docking and automated docking of cargo vehicles or modules launched by either heavy-lift or commercially-developed launch vehicles; and

(4) be operated at an appropriate risk level.

(b) CONTINGENCY PLAN.—The transportation plan to support ISS shall include contingency options to ensure sufficient logistics and on-orbit capabilities to support any potential period during which the Space Shuttle or its follow-on crew and cargo systems is unavailable, and require sufficient surge delivery capability or prepositioning of spares and other supplies needed to accommodate any such hiatus.

(c) CERTIFICATION.—Not later than 60 days after the date of enactment of this Act, and before making any change in the ISS assembly sequence in effect on the date of enactment of this Act, the Administrator shall certify in writing to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate NASA's plan to meet the requirements of subsections (a) and (b).

(d) CENTRIFUGE.—Nothing in this Act shall be construed to prohibit the installation of the centrifuge on the ISS.

SEC. 502. HUMAN EXPLORATION PRIORITIES.

(a) IN GENERAL.—The Administrator shall—

(1) construct an architecture and implementation plan for NASA's human exploration program that is not critically dependent on the achievement of milestones by fixed dates; and

(2) determine the relative priority of each of the potential elements of NASA's implementation plan for its human exploration program in case funding shortfalls or cost growth necessitate the adjustment of NASA's implementation plan.

(b) PRIORITIES.—Development of a Crew Exploration Vehicle with a robust crew escape system, development of a launch system for the Crew Exploration Vehicle, and definition of an overall architecture and prioritized implementation plan shall be the highest priorities of the human exploration program over the period governed by this Act.

SEC. 503. GAO ASSESSMENT.

Not later than 9 months after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an assessment of the milestones and estimated costs of the plans submitted under section 102(a)(7).

TITLE VI—OTHER PROGRAM AREAS

Subtitle A—Space and Flight Support

SEC. 601. ORBITAL DEBRIS.

The Administrator, in conjunction with the heads of other Federal agencies, shall take steps to develop or acquire technologies that will enable NASA to decrease the risks associated with orbital debris.

SEC. 602. SECONDARY PAYLOAD CAPABILITY.

The Administrator is encouraged to provide the capabilities to support secondary payloads on United States launch vehicles, including freeflyers, for satellites or scientific payloads.

Subtitle B—Education

SEC. 611. INSTITUTIONS IN NASA'S MINORITY INSTITUTIONS PROGRAM.

The matter appearing under the heading ''NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, SMALL AND DISADVANTAGED BUSINESS'' in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1990 (42 U.S.C. 2473b; 103 Stat. 863) is amended by striking ''Historically Black Colleges and Universities and'' and inserting ''Historically Black Colleges and Universities that are part B institutions (as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2))), Hispanic-serving institutions (as defined in section 502(a)(5) of that Act (20 U.S.C.

1101a(a)(5))), Tribal Colleges or Universities (as defined in section 316(b)(3) of that Act (20 U.S.C. 1059c(b)(3))), Alaskan Native-serving institutions (as defined in section 317(b)(2) of that Act (20 U.S.C. 1059d)(b)(2))), Native Hawaiian-serving institutions (as defined in section 317(b)(4) of that Act (20 U.S.C. 1059d(b)(4))), and''.

SEC. 612. PROGRAM TO EXPAND DISTANCE LEARNING IN RURAL UNDERSERVED AREAS.

(a) IN GENERAL.—The Administrator shall develop or expand programs to extend science and space educational outreach to rural communities and schools through video conferencing, interpretive exhibits, teacher education, classroom presentations, and student field trips.

(b) PRIORITIES.—In carrying out subsection (a), the Administrator shall give priority to existing programs—

(1) that utilize community-based partnerships in the field;

(2) that build and maintain video conference and exhibit capacity;

(3) that travel directly to rural communities and serve low-income populations; and

(4) with a special emphasis on increasing the number of women and minorities in the science and engineering professions.

SEC. 613. CHARLES "PETE" CONRAD ASTRONOMY AWARDS.

(a) SHORT TITLE.—This section may be cited as the ''Charles 'Pete' Conrad Astronomy Awards Act''.

(b) DEFINITIONS.—For the purposes of this section—

(1) the term ''amateur astronomer'' means an individual whose employer does not provide any funding, payment, or compensation to the individual for the observation of asteroids and other celestial bodies, and does not include any individual employed as a professional astronomer;

(2) the term ''Minor Planet Center'' means the Minor Planet Center of the Smithsonian Astrophysical Observatory;

(3) the term ''near-Earth asteroid'' means an asteroid with a perihelion distance of less than 1.3 Astronomical Units from the Sun; and

(4) the term ''Program'' means the Charles ''Pete'' Conrad Astronomy Awards Program established under subsection (c).

(c) PETE CONRAD ASTRONOMY AWARD PROGRAM.—

(1) IN GENERAL.—The Administrator shall establish the Charles ''Pete'' Conrad Astronomy Awards Program.

(2) AWARDS.—The Administrator shall make awards under the Program based on the recommendations of the Minor Planet Center.

(3) AWARD CATEGORIES.—The Administrator shall make one annual award, unless there are no eligible discoveries or contributions, for each of the following categories:

(A) The amateur astronomer or group of amateur astronomers who in the preceding calendar year discovered the intrinsically brightest near-Earth asteroid among the near-Earth asteroids that were discovered during that year by amateur astronomers or groups of amateur astronomers.

(B) The amateur astronomer or group of amateur astronomers who made the greatest contribution to the Minor Planet Center's mission of cataloguing near-Earth asteroids during the preceding year.

(4) AWARD AMOUNT.—An award under the Program shall be in the amount of $3,000.

(5) GUIDELINES.—(A) No individual who is not a citizen or permanent resident of the United States at the time of his discovery or contribution may receive an award under this section.

(B) The decisions of the Administrator in making awards under this section are final.

SEC. 614. REVIEW OF EDUCATION PROGRAMS.

(a) IN GENERAL.—The Administrator shall enter into an arrangement with the National Research Council of the National Academy of Sciences to conduct a review and evaluation of NASA's science, technology, engineering, and mathematics education program. The review and evaluation shall be documented in a report to the Administrator and shall include such recommendations as the National Research Council determines will improve the effectiveness of the program.

(b) REVIEW.—The review and evaluation under subsection (a) shall include—

(1) an evaluation of the effectiveness of the overall program in meeting its defined goals and objectives;

(2) an assessment of the quality and educational effectiveness of the major components of the program, including an evaluation of the adequacy of assessment metrics and data collection requirements available for determining the effectiveness of individual projects;

(3) an evaluation of the funding priorities in the program, including a review of the funding level and funding trend for each major component of the program and an assessment of whether the resources made available are consistent with meeting identified goals and priorities; and

(4) a determination of the extent and the effectiveness of coordination and collaboration between NASA and other Federal agencies that sponsor science, technology, engineering, and mathematics education activities.

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the report required under subsection (a).

SEC. 615. EQUAL ACCESS TO NASA'S EDUCATION PROGRAMS.

The Administrator shall strive to ensure equal access for minority and economically disadvantaged students to NASA's Education programs. Not later than 1 year after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall submit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the efforts by the Administrator to ensure equal access for minority and economically disadvantaged students under this section, and the results of such efforts. As part of the report, the Administrator shall provide data on minority participation in NASA's education programs, at a minimum in the following categories: elementary and secondary education, undergraduate education, and graduate education.

SEC. 616. MUSEUMS.

The Administrator may provide grants to, and enter into cooperative agreements with museums and planetariums to enable them to enhance programs related to space exploration, aeronautics, space science, earth science, or microgravity.

SEC. 617. REVIEW OF MUST PROGRAM.

Not later than 60 days after the date of enactment of this Act, the Administrator shall transmit a report to Congress on the legal status of the Motivating Undergraduates in Science and Technology program. If the report concludes that the program is in compliance with the laws of the United States, NASA shall implement the program, as planned in the July 5, 2005 National Research Announcement.

TITLE VII—MISCELLANEOUS AMENDMENTS

SEC. 701. RETROCESSION OF JURISDICTION.

The National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) is amended by adding at the end of title III the following new section:

''RETROCESSION OF JURISDICTION

''SEC. 316. (a) Notwithstanding any other provision of law, the Administrator may relinquish to a State all or part of the legislative jurisdiction of the United States over lands or interests under the control of the Administrator in that State.

''(b) For purposes of this section, the term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.''.

SEC. 702. EXTENSION OF INDEMNIFICATION.

Section 309 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2458c) is amended in subsection (f)(1) by striking ''December 31, 2002'' through ''September 30, 2005'' and inserting, ''December 31, 2010, except that the Administrator may extend the termination date to a date not later than September 30, 2015, if the Administrator has entered into an arrangement with the National Academy of Public Administration to determine the impact on private parties and the Federal Government of eliminating this section''.

SEC. 703. NASA SCHOLARSHIPS.

(a) AMENDMENTS.—Section 9809 of title 5, United States Code, is amended—

(1) in subsection (a)(2) by striking ''Act.'' and inserting ''Act (42 U.S.C. 1885a or 1885b).'';

(2) in subsection (c) by striking ''require.'' and inserting ''require to carry out this section.'';

(3) in subsection (f)(1) by striking the last sentence; and

(4) in subsection (g)(2) by striking ''Treasurer of the'' and all that follows through ''by 3'' and inserting ''Treasurer of the United States''.

(b) REPEAL.—The Vision 100—Century of Aviation Reauthorization Act is amended by striking section 703 (42 U.S.C. 2473e).

SEC. 704. INDEPENDENT COST ANALYSIS.

Section 301 of the National Aeronautics and Space Administration Authorization Act of 2000 (42 U.S.C. 2459g) is amended—

(1) by striking ''Phase B'' in subsection (a) and inserting ''implementation'';

(2) by striking ''Chief Financial Officer'' each place it appears in subsection (a) and inserting ''Administrator'';

(3) by inserting ''and consider'' in subsection (a) after ''shall conduct''; and

(4) by striking subsection (b) and inserting the following:

''(b) IMPLEMENTATION DEFINED.—In this section, the term 'implementation' means all activity in the life cycle of a project after preliminary design, independent assessment of the preliminary design, and approval to proceed into implementation, including critical design, development, certification, launch, operations, disposal of assets, and, for technology programs, development, testing, analysis and communication of the results.''.

SEC. 705. LIMITATIONS ON OFF-SHORE PERFORMANCE OF CONTRACTS FOR THE PROCUREMENT OF GOODS AND SERVICES.

(a) CONVERSIONS TO CONTRACTOR PERFORMANCE OF ADMINISTRATION ACTIVITIES.—Except as provided in subsection (c), an activity or function of the Administration that is converted to contractor performance under Office of Management and Budget Circular A–

76 may not be performed by the contractor or any subcontractor at a location outside the United States.

(b) CONTRACTS FOR THE PROCUREMENT OF SERVICES.—(1) Except as provided in subsection (c), a contract for the procurement of goods or services that is entered into by the Administrator may not be performed outside the United States unless it is to meet a requirement of the Administration for goods or services specifically at a location outside the United States.

(2) The President may waive the prohibition in paragraph (1) in the case of any contract for which the President determines in writing that it is necessary in the national security interests of the United States for goods or services under the contract to be performed outside the United States.

(3) The Administrator may waive the prohibition in paragraph (1) in the case of any contract for which the Administrator determines in writing that essential goods or services under the contract are only available from a source outside the United States.

(c) EXCEPTION.—Subsections (a) and (b)(1) shall not apply to the extent that the activity or function under the contract was previously performed by Federal Government employees outside the United States.

(d) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—The provisions of this section shall not apply to the extent that they are inconsistent with obligations of the United States under international agreements.

(e) ANNUAL REPORT.—The Administrator shall submit to Congress, not later than 120 days after the end of each fiscal year, a report on the contracts performed overseas and amount of purchases by NASA from foreign entities in that fiscal year. Such report shall separately indicate the dollar value of contracts for which the provisions of this section were waived and the dollar value of items for which the Buy American Act was waived pursuant to obligations of the United States under international agreements.

SEC. 706. LONG DURATION FLIGHT.

No provision of this or any other Act shall be construed to prohibit NASA from accommodating the exercise of religion by astronauts engaged in long duration space flight missions.

TITLE VIII—INDEPENDENT COMMISSIONS

SEC. 801. DEFINITIONS.

For purposes of this title—

(1) the term ''Commission'' means a Commission established under this title; and

(2) the term ''incident'' means either an accident or a deliberate act.

Subtitle A—International Space Station Independent Safety Commission

SEC. 811. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—The President shall establish an independent, nonpartisan Commission within the executive branch to discover and assess any vulnerabilities of the International Space Station that could lead to its destruction, compromise the health of its crew, or necessitate its premature abandonment.

(b) DEADLINE FOR ESTABLISHMENT.—The President shall issue an executive order establishing a Commission within 30 days after the date of enactment of this Act.

SEC. 812. TASKS OF THE COMMISSION.

The Commission established under section 811 shall, to the extent possible, undertake the following tasks:

(1) Catalog threats to and vulnerabilities of the ISS, including design flaws, natural phenomena, computer software or hardware flaws, sabotage or terrorist attack, number of crewmembers, and inability to adequately deliver replacement parts and supplies, and management or procedural deficiencies.

(2) Make recommendations for corrective actions.

(3) Provide any additional findings or recommendations related to ISS safety.

(4) Prepare a report to Congress, the President, and the public.

SEC. 813. SUNSET.

The Commission established under this subtitle shall transmit its final report not later than 1 year after the date on which the full Commission membership is appointed.

Subtitle B—Human Space Flight Independent Investigation Commission

SEC. 821. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—The President shall establish an independent, nonpartisan Commission within the executive branch to investigate any incident that results in the loss of—

(1) a Space Shuttle;

(2) the International Space Station or its operational viability;

(3) any other United States space vehicle carrying humans that is owned by the Federal Government or that is being used pursuant to a contract with the Federal Government; or

(4) a crew member or passenger of any space vehicle described in this subsection.

(b) DEADLINE FOR ESTABLISHMENT.—The President shall issue an executive order establishing a Commission within 7 days after an incident specified in subsection (a).

SEC. 822. TASKS OF THE COMMISSION.

A Commission established pursuant to this subtitle shall, to the extent possible, undertake the following tasks:

(1) Investigate the incident.

(2) Determine the cause of the incident.

(3) Identify all contributing factors to the cause of the incident.

(4) Make recommendations for corrective actions.

(5) Provide any additional findings or recommendations deemed by the Commission to be important, whether or not they are related to the specific incident under investigation.

(6) Prepare a report to Congress, the President, and the public.

Subtitle C—Organization and Operation of Commissions

SEC. 831. COMPOSITION OF COMMISSIONS.

(a) NUMBER OF COMMISSIONERS.—A Commission established pursuant to this title shall consist of 15 members.

(b) SELECTION.—The members of a Commission shall be chosen in the following manner:

(1) The President shall appoint the members, and shall designate the Chairman and Vice Chairman of the Commission from among its members.

(2) Four of the 15 members appointed by the President shall be selected by the President in the following manner:

(A) The majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives shall each provide to the President a list of candidates for membership on the Commission.

(B) The President shall select one of the candidates from each of the 4 lists for membership on the Commission.

(3) In the case of a Commission established under subtitle A, the President shall select one candidate from a list of candidates for membership on the Commission provided by the President of the collective-bargaining organization including the largest number of NASA engineers.

(4) No officer or employee of the Federal Government shall serve as a member of the Commission.

(5) No member of the Commission shall have, or have pending, a contractual relationship with NASA.

(6) The President shall not appoint any individual as a member of a Commission under this section who has a current or former relationship with the Administrator that the President determines would constitute a conflict of interest.

(7) To the extent practicable, the President shall ensure that the members of the Commission include some individuals with experience relative to human carrying spacecraft, as well as some individuals with investigative experience and some individuals with legal experience.

(8) To the extent practicable, the President shall seek diversity in the membership of the Commission.

(9) The President may waive the prohibitions in paragraphs (5) and (6) with respect to the selection of not more than two members of a Commission established under subtitle A.

(c) DEADLINE FOR APPOINTMENT.—All members of a Commission established under subtitle A shall be appointed no later than 60 days after issuance of the executive order establishing the Commission. All members of a Commission established under subtitle B shall be appointed no later than 30 days after the incident.

(d) INITIAL MEETING.—A Commission shall meet and begin operations as soon as practicable.

(e) QUORUM; VACANCIES.—After its initial meeting, a Commission shall meet upon the call of the Chairman or a majority of its members. Eight members of a Commission shall constitute a quorum. Any vacancy in a Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 832. POWERS OF COMMISSION.

(a) HEARINGS AND EVIDENCE.—A Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this title—

(1) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents,

as the Commission or such designated subcommittee or designated member may determine advisable.

(b) CONTRACTING.—A Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—A Commission may secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this title. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by

members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to a Commission on a reimbursable basis administrative support and other services for the performance of the Commission's tasks.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(3) NASA ENGINEERING AND SAFETY CENTER.—The NASA Engineering and Safety Center shall provide data and technical support as requested by a Commission.

SEC. 833. PUBLIC MEETINGS, INFORMATION, AND HEARINGS.

(a) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—A Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the reports required under this Act.

(b) PUBLIC HEARINGS.—Any public hearings of a Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

SEC. 834. STAFF OF COMMISSION.

(a) APPOINTMENT AND COMPENSATION.—The Chairman, in consultation with Vice Chairman, in accordance with rules agreed upon by a Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions.

(b) DETAILEES.—Any Federal Government employee, except for an employee of NASA, may be detailed to a Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) CONSULTANT SERVICES.—A Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code. Any consultant or expert whose services are procured under this subsection shall disclose any contract or association it has with NASA or any NASA contractor.

SEC. 835. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of a Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of a Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 836. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with a Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements. No person shall be provided with access to classified information under this title without the appropriate security clearances.

SEC. 837. REPORTING REQUIREMENTS AND TERMINATION.

(a) INTERIM REPORTS.—A Commission may submit to the President and Congress interim reports containing such findings, conclusions, and recommendations for corrective actions as have been agreed to by a majority of Commission members.

(b) FINAL REPORT.—A Commission shall submit to the President and Congress, and make concurrently available to the public, a final report containing such findings, conclusions, and recommendations for corrective actions as have been agreed to by a majority of Commission members. Such report shall include any minority views or opinions not reflected in the majority report.

(c) TERMINATION.—

(1) IN GENERAL.—A Commission, and all the authorities of this title with respect to that Commission, shall terminate 60 days after the date on which the final report is submitted under subsection (b).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—A Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the final report.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to S. 1281, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? The Chair hears none, and without objection, appoints the following conferees:

From the Committee on Science, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Messrs. BOEHLERT, CALVERT, HALL, SMITH of Texas, GORDON, UDALL of COLORADO, and HONDA.

Provided, that Ms. JACKSON-LEE of Texas is appointed in lieu of Mr. HONDA for consideration of sections 111 and 615 of the House amendment, and modifications committed to conference.

From the Committee on Government Reform, for consideration of sections 153 and 606 of the Senate bill, and section 703 of the House amendment, and modifications committed to conference: Messrs. TOM DAVIS of Virginia, TURNER, and WAXMAN.

For consideration of the Senate bill and House amendment, and modifications committed to conference: Mr. DELAY.

BETTY DICK RESIDENCE PROTECTION ACT

Mrs. MUSGRAVE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 584) to require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

Mr. KANJORSKI. Objection.

The SPEAKER pro tempore. Objection is heard.

PREDISASTER MITIGATION PROGRAM REAUTHORIZATION ACT OF 2005

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the bill (H.R. 4324) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster mitigation program, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

Mr. KANJORSKI. Objection.

The SPEAKER pro tempore. Objection is heard.

NATIONAL FLOOD INSURANCE PROGRAM FURTHER ENHANCED BORROWING AUTHORITY ACT OF 2005

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that it be in order to consider a motion to take from the Speaker's table the bill (H.R. 4133) to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program, with Senate amendments thereto, and concur therein, and that the motion be debatable for not to exceed 20 minutes, equally divided between myself and the gentleman from Massachusetts (Mr. FRANK).

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

On page 2, line 12, strike ''8,500,000,000'' and insert ''18,500,000,000''.

On page 2, after line 12, insert:

SEC. 3. EMERGENCY SPENDING.

The amendment made under section 2 is designated as emergency spending, as provided under section 402 of H. Con. Res. 95 (109th Congress).

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. OXLEY) and the gentleman from Massachusetts (Mr. FRANK) each will control 10 minutes.

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

□ 1815

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

Mr. Speaker, I rise today in support of H.R. 4133, a bill that would temporarily increase the borrowing authority of the Federal Emergency Management Agency National Flood Insurance Program.

This bill was introduced by our friend and colleague from Pennsylvania (Mr. FITZPATRICK) in response to the terrible destruction that has resulted from Hurricane Katrina. The original version of this bill increased the borrowing authority of the National Flood Insurance Program from $3.5 billion to $8.5 billion. However, the extra $5 billion would have only allowed FEMA to make claims and payments through next week.

The Senate amended the bill to increase the borrowing authority to $18.5 billion and designate the funds as emergency spending. That amended version is now before us for consideration.

FEMA has run out of money to pay claims arising from Hurricanes Katrina and Rita and has directed the insurance companies to stop paying the estimated 225,000 Katrina and Rita policyholders who have already filed a claim. These homeowners who have a contract with the NFIP to cover flood events could initiate legal action against FEMA and the U.S. Government if we do not act now.

I remain committed to seeing the National Flood Insurance Program implement the reforms begun last year when we passed the Bunning-Bereuter-Blumenauer Act, and I look forward to working during the coming months to ensure greater accountability of the flood insurance program.

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

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

Mr. Speaker, along with the chairman, I have a sense of deja vu. A couple of years ago we agreed, the chairman and I and members of our committee, to support the efforts of our former colleague from Nebraska, Mr. Bereuter, our current colleague from Oregon (Mr. BLUMENAUER), to reform the flood insurance program. We made substantial progress. We did not get everything we wanted; there was some resistance.

Then came Katrina, and suddenly the point we were making about the need both to compensate people but also to be environmentally and fiscally responsible in what we promised became somewhat relevant. Our committee had a good mark-up earlier this week and passed out a bill, not a perfect bill from any one standpoint, but which would continue the process of reforms along with the money. And then the Senate, as it did last time, showed a certain reluctance to go along with the reforms. They sent us a bill which is simply the additional money.

The additional money is needed and the additional money is to compensate people who have already been flooded, so there is no necessary connection between that and going forward. I, therefore, did not object to the request, and I hope we will vote the money that has been asked to compensate the people already hurt.

But it is also important that we reform the program. I appreciate the commitment which the gentleman from Ohio has freely given the House, that we are both going to work hard to try to bring the reform package up early next year.

So we will acknowledge the importance of getting the money in the hands of the people who need it, and I will be yielding to some of my colleagues from the area; but we do want to note that we will go forward with the money now, but we have not lost our interest in further reforming the program; and we will be back on the floor I hope, and I know the gentleman from Ohio will be working diligently on that in the future.

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

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

Mr. Speaker, I just want to thank my good friend and ranking member, the gentleman from Massachusetts (Mr. FRANK), for his support on this. This is critically important for the folks down in the gulf region that they get compensated under their insurance program that they paid premiums into FEMA for. This is an obligation by the Federal Government to make sure that those people are paid. FEMA is out of money as I speak. We need to get this done. I would ask the House's cooperation in this effort.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I do not want to impose on the House's time except we are killing time anyway while you try to figure out what you are going to do with that foolish resolution of yours.

Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. JEFFERSON), who has been at the center of the effort to deal with this tragedy. I will say as the ranking member on our side on the committee, he has been constantly in touch with us and has advised us and impressed us on the importance of action, and I am very grateful for his willingness to work with us in the midst of all the stress that has accrued to his district.

Mr. JEFFERSON. Mr. Speaker, I thank the gentleman from Ohio (Mr. OXLEY) for the work that he has done on the bill and for the entire committee and all who have had a hand in it.

Like the gentleman from Massachusetts (Mr. FRANK), I would liked to have seen this bill involve the reforms we have talked about to make it easier for people to make claims once they have them. We have had the unprecedented flooding in our area, which is the reason why this bill is needed. FEMA is out of money for the very clear reason that we have had flooding that nobody could have possibly anticipated. We have claims far beyond what anyone had imagined. There have been 220,000 homes, just homes in our area, that have been affected by flooding; 108,000 of these have been rental units, and the rest are single residences. It is unheard of.

Sixty thousand of these will probably have to be gotten rid of because they cannot be cleaned up and put back into commerce. We have had the insurance companies take the position that every instance of damage was caused by flooding as opposed to the wind-driven rain that would cover them under their homeowners insurance, consequently creating more pressure to pay on the flood insurance than ever before.

For these two reasons, I would urge that we adopt this provision because it is much needed by the people back home both because we have had an unprecedented level of loss in flooding and because insurance companies have pushed all the emphasis down on the flood insurance program and made it very difficult for people to recover otherwise.

I urge the House to adopt this because we need it so much in our area.

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FITZPATRICK).

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I thank the gentleman from Ohio (Mr. OXLEY) for his leadership on issues regarding the National Flood Insurance Program.

Mr. Speaker, on Wednesday of this week, the House passed by voice vote H.R. 4133, the National Flood Insurance Program Further Enhanced Borrowing Act of 2005. This important piece of legislation will empower residents of the gulf coast by increasing the National Flood Insurance Program's ability to borrow $5 billion in additional funds from the United States Treasury to cover claims resulting from the recent devastating hurricanes of Katrina and Rita.

Today, the Senate amended and passed H.R. 4133, raising the amount the NFIP can borrow from the Treasury from $8.5 billion to $18.5 billion, an increase that will remain in place until our return after the December recess.

Mr. Speaker, this legislation is a necessary stop-gap measure to ensure the solvency of the National Flood Insurance Program. For this hurricane season alone, FEMA estimates that more than 225,000 Katrina and Rita claims will be filed with a total cost exceeding $22 billion. This total for one hurricane season, Mr. Speaker, will surpass the total amount paid by the National Flood Insurance Program since its inception in 1965.

Mr. Speaker, I represent a section of Philadelphia, Bucks County, Pennsylvania, that has sustained two floods

during the last year. In each of those occasions, FEMA and the National Flood Insurance Program administrators have been there, paid the claims that they are obligated to pay. The residents of the gulf coast area and region deserve no less.

FEMA is quickly running out of money. The flood insurance program must be able to handle the claims resulting from the catastrophic losses. Historically, whenever the National Flood Insurance Program has borrowed from the Treasury, it has been paid back in full. We need to act to enable this stop-gap measure to cover claims from the gulf coast. We should not think of this as a new obligation. Instead, it is a necessary step to keep a legal promise that Congress has made to homeowners and business owners when Congress passed the National Flood Insurance Act.

We have a moral obligation to honor our commitments, Mr. Speaker, and to provide the coverage we promised to provide, to help victims. They need help to rebuild their homes and their lives. I ask my colleagues for their support and seek adoption of the Senate language in this bill.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I rise troubled, I must say, by this legislation. I appreciate the chairman's commitment to reform and also the ranking member. They have been steering, I think, a good course with Financial Services, and I am encouraged by their words that we are going to go ahead and attempt to continue the process of reforming the flood insurance program.

But today in signing off on $22 billion that cannot be supported simply by the premiums by the individuals that are covered right now, I personally think is a tremendous lost opportunity.

We heard a lot of rhetoric the last couple of days. People come to the floor talking about how to save taxpayer dollars, but we have not undertaken to make reforms that would protect taxpayers in the first place.

Our colleague from Mississippi has been focusing on the problem with flood insurance not being available to a whole range of people. No expectation they should have it. People behind levees are not required to have flood insurance. We have not dealt with subsidized insurance for areas that are vacation homes, second homes.

I am concerned that there is never really a good time to be able for us to seize this opportunity. While I say I am heartened by what I have heard from the ranking member and the gentleman from Ohio (Mr. OXLEY), and certainly they steered a difficult course last time in being able to make some of these incremental achievements, but if there was ever a time that the attention of this Congress should be on the dangers of the way that the program works now and the people that are in harm's way, the opportunity to not just save money but save lives by these reforms.

Nonetheless, I look forward to working with the ranking member and the Chair, and I will do anything in my power, but I would hope the House does not ever again allow something like this to come forward and miss such an opportunity.

Mr. FRANK of Massachusetts. Mr. Speaker, I would say to the gentleman I agree with him this is a lost opportunity, but like the book ''I Lost It At The Movies,'' we lost it at the Senate. So we are doing the best we can.

Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. TAYLOR), who has worked harder in the aftermath of this than I have ever seen any Member work in trying to deal with the desperate situation imposed on the people he represents.

Mr. TAYLOR of Mississippi. Mr. Speaker, as I speak, one of the greatest legal scams in American history is being perpetrated on the people of Louisiana, Mississippi, and Alabama, honest Americans who purchased insurance policies to protect their families in time of a hurricane. They paid their premiums for decades. They are being told one by one ''we are not going to pay your claim.''

See, in a typical insurance policy known as a ''wind policy,'' you would think it would protect you from the 140- to 160-knot breezes of Hurricane Katrina; but somehow buried in that policy is small language that says they are not going to pay for wind-driven water.

Now, for most of us, you would think of wind-driven water as maybe the water driven under the stoop of your door in a rain storm, or if you have an older house like I had, under the windows, maybe get some curtains wet or the sheet rock under that window.

So if the wind blew a tree into your house, you could file a claim. If the wind blew a car into your house, you could file a claim. But if the wind generates a 30-foot wall of water, well, then the American insurance industry en mass is telling those people in Mississippi, Louisiana, Texas, and the Alabama gulf coast, You're out of luck. We took your money. You're a chump.

Our Nation has a flood insurance policy separate from that where the credibility of this Nation is at stake. I have already told you what I have thought the private sector is doing to my people. But this is us. We also collected people's money in good faith that when there was a flood of their homes that would be paid. We had an unprecedented natural disaster.

Now, two things can happen. We can go the way of the private sector which is doing everything they can to scam my constituents, and please use that word, or we can honor our claims. Because a person or a nation is only as good as its word. Our Nation gave our word that we would pay these claims if substantiated. Those claims have been substantiated. Let us set a precedent that hopefully the insurance industry will follow and pay our claims.

□ 1830

I want to commend Chairman OXLEY. I want to commend Ranking Member FRANK for bringing this to the floor in a timely manner. I very much want to commend the other body for plussing this up so that we can fulfill our obligation as a Nation for those people who had flood insurance policies, that we will pay those claims in a timely manner.

At the same time I want to go on record as saying that I think there ought to be a national registry of child molesters and, at the moment, insurance industry executives because I think Americans ought to know if they live near one.

Mr. FRANK of Massachusetts. Mr. Speaker, for my remaining 30 seconds, I want to send a message to FEMA.

The gentleman from Louisiana (Mr. MELANCON) has called to our attention a delay on the part of FEMA in telling people what elevations are required for new construction or replacement construction in the flooded areas. Until they have those elevations, they cannot proceed with the construction, and the gentleman told me we have been told there is a delay of perhaps up to 2 years. That is clearly unacceptable. So had we been able to bring a substitute bill to the floor, we were going to address that issue.

I hope FEMA will listen. I think I speak for both sides. I know the gentleman from Louisiana (Mr. BAKER) agreed with this when we raised it in committee that FEMA will promptly do the elevations necessary so that construction can proceed.

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

The motion was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 31 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1957

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TERRY) at 7 o'clock and 57 minutes p.m.

PROVIDING FOR CONSIDERATION OF H. RES. 571, EXPRESSING SENSE OF HOUSE THAT DEPLOYMENT OF FORCES IN IRAQ BE TERMINATED IMMEDIATELY

Mr. GINGREY, from the Committee on Rules, submitted a privileged report

(Rept. No. 109–312) on the resolution (H. Res. 572) providing for consideration of the resolution (H. Res. 571) expressing the sense of the House of Representatives that the deployment of United States forces in Iraq be terminated immediately and providing for consideration of the concurrent resolution (H. Con. Res. 308) directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.R. 3058, which was referred to the House Calendar and ordered to be printed.

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 572 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 572

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 571) expressing the sense of the House of Representatives that the deployment of United States forces in Iraq be terminated immediately. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations; and (2) one motion to recommit which may not contain instructions.

Sec. 2. Upon adoption of this resolution, House Concurrent Resolution 308 is hereby adopted.

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

PARLIAMENTARY INQUIRY

Mr. EDWARDS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. EDWARDS. Mr. Speaker, given that the subject of this issue deals with the solemn subject of war, my question is, would I be in order to ask for unanimous consent that each Member of the House be allowed up to 5 minutes to speak his or her conscience on this war-related resolution?

□ 2000

The SPEAKER pro tempore (Mr. TERRY). The Chair has recognized the gentleman from Georgia (Mr. GINGREY) for 1 hour. He controls the time. He may yield for a unanimous consent request if he so chooses.

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

Mr. Speaker, House Resolution 572 provides for the consideration of House Resolution 571, expressing the sense of the House of Representatives that the deployment of the United States forces in Iraq be terminated immediately. Section 2 of the rule provides that upon adoption of the rule House Concurrent Resolution 308 is hereby adopted.

Tonight, Mr. Speaker, this House, the people's House, stands at a crossroads. In one direction lies the forced retreat and dishonor for our troops who have placed their lives on the line for the defense of this country; and in the other direction, Mr. Speaker, we can stand together as one Nation, as one Congress, in celebration of those who have made an unparalleled commitment to their country.

For this Member of Congress who represents the eleventh district of Georgia, I know which direction I will choose. I know which course I will take. I will stand here tonight with our servicemen and -women who spend their days and nights fighting in the desert of Iraq to secure the freedom of a new democracy. Their Nation called them to arms. Their Nation called upon them for help in time of war. And, Mr. Speaker, they answered that call. They departed their country. They left their homes, their families to fight a war on foreign soil against an enemy that despises everything they and everything their country stands for.

They went to fight a tyrant by the name of Saddam Hussein who had murdered his own people, sought to conquer the Middle East for his own empire, and would have sought the destruction of the West and the values that we hold so dear. This tyrant was and is an enemy of liberty, and he had to be stopped.

Mr. Speaker, nightly on the floor of this House, some Members imply that the President misled our Nation, and they demand an immediate withdrawal of troops from Iraq, ceding victory to the enemy. And now we have to answer the call of those who would besmirch their mission, who would besmirch their sacrifice.

Mr. Speaker, I stand prepared, along with my colleagues, to debate this rule and the underlying resolution.

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

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

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

Ms. SLAUGHTER. Mr. Speaker, the speed with which the majority has sought to challenge the frank and honest appraisal of the war in Iraq offered yesterday by my friend, the gentleman from Pennsylvania (Mr. MURTHA), proves that what he said resonated with the American people.

Over 60 percent of our Nation no longer believes that we are headed in the right direction in Iraq. When Mr. MURTHA spoke yesterday, he spoke for the majority of our country. Concerns such as those voiced by Mr. MURTHA are not a sign of weakness, nor are they the product of a failure of resolve or willingness to cower before adversity as many administration apologists have suggested.

Rather, they follow from a logical assessment of one of the most respected military affairs in international relations experts that we have in all of these United States, and that is exactly what has this congressional leadership and this White House so concerned.

That is why they have gone out of their way in the last 24 hours to attack the gentleman from Pennsylvania (Mr. MURTHA). It amounts to nothing more than another swift boat attack on an American hero.

After all, attacking those who have the temerity to challenge this White House is what Republicans in Congress do best. But they have chosen a formidable target in JACK MURTHA.

Unlike our President, our Vice President, our Secretary of Defense, the Secretary of State or the vast, vast majority of the Members in this House, JACK MURTHA knows combat. At the age of 34, he did not have to go and fight in Vietnam, but he did. He is a decorated veteran and an American hero at a time when many others were shirking any possibility of going to Vietnam.

He knows our troops and he cares for them deeply and he has regularly visited them in the hospitals. There he has seen their wounds. He has stood by them during their time of need and listened to their hopes and fears. He has been to Iraq and seen the state of the nation with his own eyes. He is a true patriot and wants only the success of the United States and the Iraqi people, and that is why he spoke with such passion yesterday.

Representative MURTHA spoke for the American people when he said that the time has come for a change in direction, and everyone in this Chamber knows that because JACK MURTHA is one of the most widely respected Members in this House. No matter the attack that this majority chooses to employ against those who would question them, the reality on the ground is obvious to all who wish to see it.

America's continued military occupation of that nation will not bring stability. Our forces are drawing fire, not suppressing it; and their presence on foreign soil is serving as a catalyst for all of those who wish to do us and Iraq harm. Insurgent attacks are on the rise, and more American and Iraqi lives are lost every single day. We can no longer continue on this failing path, unwavering with no end in sight.

We can no longer ask Americans and Iraqis to give up their lives for a goal which we are making less sustainable by the hour. We must chart a new course.

Mr. MURTHA's redeployment plan comes from an experienced statesman and soldier who has and will continue to do whatever he thinks is best for this Nation.

I implore my colleagues across this aisle to realize that continued Republican attacks which seek to dismiss and to discredit the valuable critiques

of knowledgeable legislators, as well as the heartfelt will of the American people, will succeed in silencing neither. Nor will they change the reality on the ground in Iraq.

More Republican assaults will not hide the gross management and corruption which has plagued the administration's attempt to prosecute the war, and they will not mollify America's growing concerns over flawed intelligence, broken trust, subverted values, and shameful acts of torture, all forced by the hand of an administration that answers in half-truths and obfuscations.

These cynical and all-too-typical Republican attempts to silence dissension, stifle debate, and discredit those who would dare to hold them accountable will only serve to elevate the power of the message that Mr. MURTHA is delivering to this government and to the American people and to our troops. The Republicans today by attacking him succeed only in betraying themselves.

The dramatic nature of their panicked response has clearly demonstrated how incredibly valued Mr. MURTHA's judgement is to military experts at the Pentagon, to Members of Congress, and to the American intelligence community.

And the strangest thing that I shall ever see is the people who believed that they were rewriting Mr. MURTHA's resolution. Mr. MURTHA, with a reasoned withdrawal, had nothing even remotely like the resolution we are debating this evening, which is the Republican resolution written by the gentleman from California (Mr. HUNTER) which calls for the immediate withdrawal of the troops in Iraq.

I believe they have got some explaining to do.

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

Mr. GINGREY. Mr. Speaker, I yield 1¼ minutes to the gentleman from Pennsylvania (Mr. PITTS).

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

Mr. PITTS. Mr. Speaker, I rise in support of the rule and in strong opposition to the underlying resolution.

I too am a Vietnam veteran. I flew 116 combat missions in B–52s in Vietnam, and I was deeply troubled to hear my colleague from Pennsylvania, a fellow Vietnam veteran, yesterday call for the immediate withdrawal of our troops from Iraq. It brought to my mind the outrage that I and so many of my fellow veterans felt so many years ago as a young Air Force officer in Vietnam when we would hear the politicians in Washington undermining the war effort for political purposes.

For the past few weeks, much of the criticism of the war in Iraq, Mr. Speaker, has been nothing more than an attempt to undermine our Commander in Chief. Unfortunately, this comes at the expense of our troops in the field. How do you think this call to immediately withdraw will affect our brave soldiers fighting on the ground overseas and their families at home awaiting their return?

I will just say it is demoralizing and insulting to them. It emboldens the terrorists.

We should not misrepresent the mission in Iraq. Our troops are not occupiers. They are liberators. They are there serving the cause of freedom and freedom is not free. It is costly.

Mr. Speaker, I rise in strong support of the rule and opposition to the underlying resolution.

I am a Vietnam veteran. I flew 116 combat missions in B–52's in Vietnam. I was deeply troubled to hear my colleague from Pennsylvania, a fellow Vietnam veteran, yesterday call for our immediate withdrawal from Iraq.

It brought to mind the outrage I, and so many of my fellow veterans, felt so many years ago, as a young Air Force Officer in Vietnam, when we would hear the politicians in Washington undermining the war effort for political purposes.

For the past few weeks, much of the criticism of the war in Iraq, Mr. Speaker, has been nothing more than an attempt to undermine our Commander in Chief.

Unfortunately, this comes at the expense of our troops in the field.

How do you think this call to immediately withdraw will affect our brave soldiers fighting on the ground overseas and their families at home awaiting their return? It is demoralizing and insulting to them.

And what do you think such comments like those made yesterday do for our terrorist enemies in Iraq? It emboldens them and puts our troops at greater risk, Mr. Speaker.

How dare some of my colleagues on the left misrepresent our mission in Iraq. They call our troops occupiers rather than liberators, and it seems they're more interested in demonizing Bush than defeating terrorists and defending freedom.

History has some lessons to teach us. One is written in words on the mall. It says "freedom is not free."

While we respect those who disagree with us and who may even protest, we should always remember that our freedoms were not won with poster paint. They were won by the blood of patriots.

Winning and protecting freedom is costly. That's what our troops are doing in Iraq.

As a combat veteran who served in an unpopular conflict during another painful time in our history, I can tell you that our troops will always remember which politicians supported them, and which undermined their efforts.

Walking away from Iraq before the job is done would be surrendering Iraq to terrorism and an incredible insult to the many brave men and women who have sacrificed so much.

If the war against terrorism is lost, it will not be lost by our magnificent troops on the battlefield. It will be lost right here at home in the halls of Congress by politicians who lose their resolve.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Missouri (Mr. SKELTON).

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

In the rush to the floor, the resolution before us, any country lawyer across the country could say it is flawed in the way it is written. It makes no reference whatsoever to the redeployment. It is a sad mistake when you rush to judgment to get something to the floor.

One thing that really concerns me a great deal is our friend, our colleague, the recipient of the Bronze Star, two Purple Hearts from Vietnam, the gentleman from Pennsylvania (Mr. MURTHA) being attacked as he has.

I remember in 1978 Congressman Sonny Montgomery who led a group of us to Vietnam to bring back remains of those who had died in combat. I remember the reverence with which the gentleman from Pennsylvania (Mr. MURTHA) treated those 14 coffins of his former colleagues who were killed in action in Vietnam.

I have seen in the 29 years I have been in Congress his supporting our troops, supporting under the Constitution our duty to raise and maintain those wonderful young people who protect our freedoms. He has a resolution. He introduced it. He represents the people of Pennsylvania.

I admire his assessment of the war. We disagree on the outcome. I have a proposal myself. I sent a letter to the President on October 20 setting forth, the only person that has set a formula, for three Iraqi brigades of level number one, one American brigade may be redeployed.

It is interesting to note that there has been no hearing on this resolution, no hearing on similar issues that are of utmost importance to our country. Now, though mistakes have been made, and they have, such as allowing the looting and disbanding the Iraqi Army rather than giving them a pick and shovel and a small paycheck, and as a result many of them became insurgents against the Americans, no one here as spoken of the success that is needed in Iraq.

If we are not successful, if the Iraqi military is not successful, Iraq will be a snake pit for terrorists, every bit as bad as the Taliban had in Afghanistan, and lo and behold the problems it may raise in stability for Jordan and Saudi Arabia. It is important that we have success.

But it is also important that we have fair and full debate. It is important that we have hearings in the Committee on Armed Services on issues such as this, which we have not had. Hearings yes, but not on the war issues as we need them discussed in a full hearing with proper witnesses as we can ask questions of them.

At least, Mr. Speaker, let me say that we have wonderful young people in uniform representing us in Iraq and Afghanistan and across the globe. I am so proud of them. I am so proud of what they do in bringing the fight to a successful conclusion.

And the issue of redeployment, whether I agree with the gentleman from Pennsylvania (Mr. MURTHA) or not, and I do not, because my formula

I think is the best and I have had positive results in my home State with positive unsolicited newspaper articles saying that it was a good and reasonable method of redeployment, we must do our best to have success there and proper redeployment of our troops from Iraq.

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Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Mr. Speaker, I rise in support of the rule, H. Res. 572, and we have talked a lot about exit strategy, about withdrawal. If I can say one thing tonight, Mr. Speaker, I want to say do not believe all the crap that you see on the TV. Do not believe all the crap that you hear in the news.

I have had an opportunity to go to Iraq. I have seen the soldiers. I have seen the leaders. I have seen the people, and I look at the faces out here tonight, Mr. Speaker, and the faces that I see, the biggest majority, are not the faces like myself, gray-haired and receding hairline.

They are 18- and 19- and 20-year-old heroes a couple of years older than my oldest son; soldiers that are getting on Blackhawks with faces painted and M–16s getting ready to go on a mission at 120 knots above the tree level, 18- and 19- and 20-year-old heroes; soldiers that are kicking in doors with NVGs, and scared to death, but they are rooting out terrorists, 18- and 19- and 20-year-old heroes; guys that are humping rucks. They are tired, and they are cold, and they miss their mama and their wife and their family and everything they know and everything they love, 18- and 19- and 20-year-old heroes.

When I was sworn in as a United States Congressman, I raised my right hand, put my left hand on the Bible and said I would support and defend the Constitution of the United States. I will support and defend this country. I will support and defend my soldiers. As long as I am a United States Congressman, I will not cut and run on the people of Iraq. I will not cut and run on the soldiers fighting the battle. I will not cut and run on the United States of America.

Let us not talk about an exit strategy. Let us talk about freedom. Let us talk about democracy. Let us talk about victory.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. WATT), the chairman of the Congressional Black Caucus.

Mr. WATT. Mr. Speaker, I rise tonight to speak on behalf of the 42 members of the Congressional Black Caucus. By doing so, we wish to make clear positions the Congressional Black Caucus has consistently taken from before the time the war in Iraq commenced and to put those positions in the RECORD. Our votes tonight will not be misinterpreted or mischaracterized.

As early as July 27, 2005, the top United States commander in Iraq stated that a transition of U.S. troops from Iraq could begin as early as this spring. Iraq's interim Prime Minister echoed General Casey's sentiments and added that ''the time has arrived to plan a coordinated transition from American to Iraqi military control throughout the country.''

The members of the Congressional Black Caucus reaffirm our Statement of Principles as to War against Iraq, issued in October 2002, which I would place in the RECORD at this point.

CONGRESSIONAL BLACK CAUCUS STATEMENT OF PRINCIPLES AS TO WAR AGAINST IRAQ, OCTOBER 2002

We oppose a unilateral, first-strike action by the United States without a clearly demonstrated and imminent threat of attack on the United States.

Only Congress has the authority to declare war.

Every conceivable diplomatic option must be exhausted.

A unilateral first strike would undermine the moral authority of the United States, destabilize the Middle East region and undermine the ability of our Nation to address unmet domestic priorities.

Further, any post-strike plan for maintaining stability in the region would be costly and require a long-term commitment.

Mr. Speaker, we reaffirm our Further Statement of Principles as to President's Request for Appropriations for Efforts in Iraq issued in September 2003, which I ask to insert into the RECORD at this point.

CONGRESSIONAL BLACK CAUCUS FURTHER STATEMENT OF PRINCIPLES AS TO PRESIDENT'S REQUEST FOR APPROPRIATIONS FOR EFFORTS IN IRAQ, SEPTEMBER 2003

In October 2002, before the President made the decision to proceed to war, the Congressional Black Caucus (CBC) issued a ''Statement of Principles as to the War Against Iraq.''

In light of the President's request for $87 billion to pursue continuing operations in Iraq, the CBC believes that it is desirable to issue these Further Principles that will guide our evaluation of the President's request for additional funding:

1. We reaffirm our Statement of Principles issued in October 2002 (copy attached).

2. Despite the President's failure to follow our original Statement of Principles in his decisions leading to the war, we express our full resolve to support and protect our troops and their families.

3. The Administration should provide an accounting of all funds expended to date that were previously appropriated by the Congress, including details about all contracts for work in or related to Iraq.

4. The President should provide sufficient details about how the proposed funding will be spent to enable Congress and its Committees to evaluate separately funding proposed for the protection and maintenance of our troops and funding proposed for rebuilding Iraq. Congress should vote on these funding proposals separately.

5. The President should provide full details about how the efforts will be paid for, including a full accounting of Iraqi resources (recovered and anticipated) and how the President proposes to use those resources to reduce or reimburse the U.S. obligation.

6. The President should provide full details about the future obligations of the United States (personnel, funding and decision making) and about how responsibility and authority for these obligations will be shared with the United Nations and/or other nations going forward.

7. The Administration should provide to Congress full details of information relied on by the President in his decision to go to war.

8. The President should provide details of the criteria he will expect to be met before bringing U.S. troops home and of his exit strategy.

The members of the Congressional Black Caucus further urge President Bush to end the deployment of U.S. Armed Forces in Iraq expeditiously by submitting to Congress a detailed plan to withdraw U.S. forces from Iraq and redeploy those forces at the earliest practicable date;

To accelerate the training of Iraqi security forces to prepare them to accept full responsibility for maintaining internal security in Iraq and transfer responsibility for internal security to the Iraqi Government;

To incorporate the United Nations and other international organizations in the transition and reconstruction process;

To pursue security and stability in Iraq through diplomatic and economic means;

To assure that there will be no permanent military bases in Iraq;

And to ensure full support of our military families and our veterans, particularly with respect to service benefits and health care.

Our vote tonight, our votes, 42 of us, will not be misinterpreted and not be mischaracterized. This is our position. We have submitted it for the RECORD. That is what we stand on, and that is what we say to this House and to the President of the United States of America.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), the distinguished vice chairman of the Rules Committee.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank the gentleman for the time.

Sometimes subtleties are lost, especially when we are dealing with very difficult, critical issues, such as war and peace, and unfortunately, the message has gone out quite clearly to the world press, as recorded throughout the world today by the media, that there is a serious diminution in support for the mission that the United States of America is engaged in in Iraq here in Congress.

So I think that this resolution today is very important to eliminate any confusion that may exist by virtue of a very clear message that has spread around the world today of a serious diminution of the mission of our troops, and that this resolution will clear up that confusion.

Let us say very clearly with this resolution, with the overwhelming defeat of the message of diminution of support, that we stand with the troops and that we stand with the mission of the troops; of being in Iraq until there is a

stable, democratic government there. That is critical for the security not only of the Iraqi people, but of all of the neighborhood in that area and of the United States.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. CROWLEY).

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

Mr. CROWLEY. Mr. Speaker, I thank my friend and colleague from New York for yielding me time.

Mr. Speaker, bringing this resolution to the floor this evening, it is not about the withdrawal of our troops from Iraq. It is about the Republicans playing politics and questioning the patriotism of one of Congress' most decorated veterans.

The Republicans are doing what they do best, creating a smoke screen to hide the fact that this administration has misled our country into war.

This resolution was rushed to the floor in the Republicans' hopes of dividing Democrats, but unfortunately, Mr. Speaker, what it has proven to be is a device to divide Americans.

I will not stand here and let Republicans question the patriotism of Mr. MURTHA or any Democrat.

In America, it is not unpatriotic to question a war in which almost 2,100 Americans have lost their lives and some 25,000 Americans have been gravely injured.

When a mother who has lost her son camps out in Crawford, Texas, wanting only to speak to the President, she was called unpatriotic. When a POW GOP Senator offered an amendment to ban the use of torture, he was called unpatriotic. Now, when one of the most decorated veterans in America questions the planning and the direction of this war, what is he called? Unpatriotic.

I do not believe the Republican Caucus is unpatriotic, but I do believe this evening they are pathetic. Our country demands answers about how to win this war and to get our troops home safely.

Mr. GINGREY. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, what we have before us tonight is not an attack on any one Member. It is not about politics, but it is about whether or not you support our troops who are in harm's way.

When I was in Iraq, I will never forget a nurse coming up to me in a hospital that had been pretty darn damaged and neglected by Saddam Hussein, and she said, please do not leave. I thought she was talking about me not leaving the hospital, and I said to her, I have to go. She said, no, I do not mean you; I want your troops to stay until our country is safe, until our country is secure. I will never forget that woman.

That message has been relayed time and time again from the troops who come home, who say we cannot leave prematurely. We do have an exit strategy. It is when the Iraqi people can control their own country. When the Iraqi people stand up, we will stand down. That nurse I will never disappoint.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I spent 3 years making the case against the war in Iraq, working with other Members leading a nationwide opposition to the war, developing an exit strategy once we got in, working with colleagues on both sides of the aisle on plans to withdraw from Iraq, to bring our troops home, but I will vote against this resolution because it is a fraud.

What more does anyone need to know but that the sponsor himself has called for defeat of his own proposition? If his real intention is to bring the troops home right now, why would he vote against his own resolution?

Wake up, America. The American people are fed up with politicians who say one thing and do another. Everyone of conscience and intelligence knows the magnitude of withdrawing 150,000 troops requires a plan.

The American people deserve a real debate on Iraq. Where are the WMDs? Where is Osama bin Laden? What did Iraq have to do with 9/11?

This Congress, which is a coequal branch of government, which has the war power, has the oversight responsibility and has a moral obligation to find out why almost everything of significance we were told about the war turned out to be false. Instead, those who raise questions have their military service or their honor impugned.

They took JOHN KERRY on a swift boat. We are not going to let them take JACK MURTHA on a swift boat, nor are the American people. We have to stand up and expose the fakery when we see it.

ANALYSIS OF JOINT RESOLUTION ON IRAQ BY DENNIS J. KUCINICH

The following is an analysis of the resolution which took America to war in Iraq.

October 2, 2002. Whereas in 1990 in response to Iraq's war of aggression against an illegal occupation of Kuwait, the United States forged a coalition of nations to liberate Kuwait and its people in order to defend the national security of the United States and enforce United Nations Security Council resolutions relating to Iraq;

Key issue: In the Persian Gulf war there was an international coalition. World support was for protecting Kuwait. There is no world support for invading Iraq.

Whereas after the liberation of Kuwait in 1991, Iraq entered into a United Nations sponsored cease-fire agreement pursuant to which Iraq unequivocally agreed, among other things, to eliminate its nuclear, biological, and chemical weapons programs and the means to deliver and develop them, and to end its support for international terrorism;

Whereas the efforts of international weapons inspectors, United States intelligence agencies, and Iraqi defectors led to the discovery that Iraq had large stockpiles of chemical weapons and a large scale biological weapons program, and that Iraq had an advanced nuclear weapons development program that was much closer to producing a nuclear weapon than intelligence reporting had previously indicated;

Key issue: UN inspection teams identified and destroyed nearly all such weapons. A lead inspector, Scott Ritter, said that he believes that nearly all other weapons not found were destroyed in the Gulf War. Furthermore, according to a published report in the Washington Post, the Central Intelligence Agency has no up to date accurate report on Iraq's WMD capabilities.

Whereas Iraq, in direct and flagrant violation of the cease-fire, attempted to thwart the efforts of weapons inspectors to identify and destroy Iraq's weapons of mass destruction stockpiles and development capabilities, which finally resulted in the withdrawal of inspectors from Iraq on October 31, 1998;

Key issues: Iraqi deceptions always failed. The inspectors always figured out what Iraq was doing. It was the United States that withdrew from the inspections in 1998. And the United States then launched a cruise missile attack against Iraq 48 hours after the inspectors left. In advance of a military strike, the U.S. continues to thwart (the Administration's word) weapons inspections.

Whereas in 1998 Congress concluded that Iraq's continuing weapons of mass destruction programs threatened vital United States interests and international peace and security, declared Iraq to be in ''material and unacceptable breach of its international obligations'' and urged the President ''to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations'' (Public Law 105–235);

Whereas Iraq both poses a continuing threat to the national security of the United States and international peace and security in the Persian Gulf region and remains in material and unacceptable breach of its international obligations by, among other things, continuing to possess and develop a significant chemical and biological weapons capability, actively seeking a nuclear weapons capability, and supporting and harboring terrorist organizations;

Key issues: There is no proof that Iraq represents an imminent or immediate threat to the United States. A ''continuing'' threat does not constitute a sufficient cause for war. The Administration has refused to provide the Congress with credible intelligence that proves that Iraq is a serious threat to the United States and is continuing to possess and develop chemical and biological and nuclear weapons. Furthermore there is no credible intelligence connecting Iraq to Al Qaida and 9/11.

Whereas Iraq persists in violating resolutions of the United Nations Security Council by continuing to engage in brutal repression of its civilian population thereby threatening international peace and security in the region, by refusing to release, repatriate, or account for non-Iraqi citizens wrongfully detained by Iraq, including an American serviceman, and by failing to return property wrongfully seized by Iraq from Kuwait;

Key issues: This language is so broad that it would allow the President to order an attack against Iraq even when there is no material threat to the United States. Since this resolution authorizes the use of force for all Iraq related violations of the UN Security Council directives, and since the resolution cites Iraq's imprisonment of non-Iraqi prisoners, this resolution would authorize the President to attack Iraq in order to liberate Kuwaiti citizens who may or may not be in Iraqi prisons, even if Iraq met compliance with all requests to destroy any weapons of

mass destruction. Though in 2002 at the Arab Summit, Iraq and Kuwait agreed to bilateral negotiations to work out all claims relating to stolen property and prisoners of war. This use-of-force resolution enables the President to commit U.S. troops to recover Kuwaiti property.

Whereas the current Iraqi regime has demonstrated its capability and willingness to use weapons of mass destruction against other nations and its own people;

Whereas the current Iraqi regime has demonstrated its continuing hostility toward, and willingness to attack, the United States, including by attempting in 1993 to assassinate former President Bush and by firing on many thousands of occasions on United States and Coalition Armed Forces engaged in enforcing the resolutions of the United Nations Security Council;

Key issue: The Iraqi regime has never attacked nor does it have the capability to attack the United States. The ''no fly'' zone was not the result of a UN Security Council directive. It was illegally imposed by the United States, Great Britain and France and is not specifically sanctioned by any Security Council resolution.

Whereas members of al Qaida, an organization bearing responsibility for attacks on the United States, its citizens, and interests, including the attacks that occurred on September 11, 2001, are known to be in Iraq;

Key issue: There is no credible intelligence that connects Iraq to the events of 9/11 or to participation in those events by assisting Al Qaida.

Whereas Iraq continues to aid and harbor other international terrorist organizations, including organizations that threaten the lives and safety of American citizens;

Key issue: Any connection between Iraq support of terrorist groups in Middle East, is an argument for focusing great resources on resolving the conflict between Israel and the Palestinians. It is not sufficient reason for the U.S. to launch a unilateral preemptive strike against Iraq.

Whereas the attacks on the United States of September 11, 2001 underscored the gravity of the threat posed by the acquisition of weapons of mass destruction by international terrorist organizations;

Key issue: There is no connection between Iraq and the events of 9/11.

Whereas Iraq's demonstrated capability and willingness to use weapons of mass destruction, the risk that the current Iraqi regime will either employ those weapons to launch a surprise attack against the United States or its Armed Forces or provide them to international terrorists who would do so, and the extreme magnitude of harm that would result to the United States and its citizens from such an attack, combine to justify action by the United States to defend itself;

Key issue: There is no credible evidence that Iraq possesses weapons of mass destruction. If Iraq has successfully concealed the production of such weapons since 1998, there is no credible evidence that Iraq has the capability to reach the United States with such weapons. In the 1991 Gulf War, Iraq had a demonstrated capability of biological and chemical weapons, but did not have the willingness to use them against the United States Armed Forces. Congress has not been provided with any credible information, which proves that Iraq has provided international terrorists with weapons of mass destruction.

Whereas United Nations Security Council Resolution 678 authorizes the use of all necessary means to enforce United Nations Security Council Resolution 660 and subsequent relevant resolutions and to compel Iraq to cease certain activities that threaten international peace and security, including the development of weapons of mass destruction and refusal or obstruction of United Nations weapons inspections in violation of United Nations Security Council Resolution 687, repression of its civilian population in violation of United Nations Security Council Resolution 688, and threatening its neighbors or United Nations operations in Iraq in violation of United Nations Security Council Resolution 949;

Key issue: The UN Charter forbids all member nations, including the United States, from unilaterally enforcing UN resolutions.

Whereas Congress in the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102–1) has authorized the President ''to use United States Armed Forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolutions 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677'';

Key issue: The UN Charter forbids all member nations, including the United States, from unilaterally enforcing UN resolutions with military force.

Whereas in December 1991, Congress expressed its sense that it ''supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 687 as being consistent with the Authorization of Use of Military Force Against Iraq Resolution (Public Law 102–1), '' that Iraq's repression of its civilian population violates United Nations Security Council Resolution 688 and ''constitutes a continuing threat to the peace, security, and stability of the Persian Gulf region,'' and that Congress, ''supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 688'';

Key issue: This clause demonstrates the proper chronology of the international process, and contrasts the current march to war. In 1991, the UN Security Council passed a resolution asking for enforcement of its resolution. Member countries authorized their troops to participate in a UN-led coalition to enforce the UN resolutions. Now the President is asking Congress to authorize a unilateral first strike before the UN Security Council has asked its member states to enforce UN resolutions.

Whereas the Iraq Liberation Act (Public Law 105–338) expressed the 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;

Key issue: This ''Sense of Congress'' resolution was not binding. Furthermore, while Congress supported democratic means of removing Saddam Hussein it clearly did not endorse the use of force contemplated in this resolution, nor did it endorse assassination as a policy.

Whereas on September 12, 2002, President Bush committed the United States to ''work with the United Nations Security Council to meet our common challenge'' posed by Iraq and to ''work for the necessary resolutions,'' while also making clear that ''the Security Council resolutions will be enforced, and the just demands of peace and security will be met, or action will be unavoidable'';

Whereas the United States is determined to prosecute the war on terrorism and Iraq's ongoing support for international terrorist groups combined with its development of weapons of mass destruction in direct violation of its obligations under the 1991 ceasefire and other United Nations Security Council resolutions make clear that it is in the national security interests of the United States and in furtherance of the war on terrorism that all relevant United Nations Security Council resolutions be enforced, including through the use of force if necessary;

Key issue: Unilateral action against Iraq will cost the United States the support of the world community, adversely affecting the war on terrorism. No credible intelligence exists which connects Iraq to the events of 9/11 or to those terrorists who perpetrated 9/11. Under international law, the United States does not have the authority to unilaterally order military action to enforce UN Security Council resolutions.

Whereas Congress has taken steps to pursue vigorously the war on terrorism through the provision of authorities and funding requested by the President to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001 or harbored such persons or organizations;

Key issue: The Administration has not provided Congress with any proof that Iraq is in any way connected to the events of 9/11.

Whereas the President and Congress are determined to continue to take all appropriate actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001, or harbored such persons or organizations;

Key issue: The Administration has not provided Congress with any proof that Iraq is in any way connected to the events of 9/11. Furthermore, there is no credible evidence that Iraq has harbored those who were responsible for planning, authorizing or committing the attacks of 9/11.

Whereas the President has authority under the Constitution to take action in order to deter and prevent acts of international terrorism against the United States, as Congress recognized in the joint resolution on Authorization for Use of Military Force (Public Law 107–40); and

Key issue: This resolution was specific to 9/11. It was limited to a response to 9/11.

Whereas it is in the national security of the United States to restore international peace and security to the Persian Gulf region;

Key issue: If by the ''national security interests'' of the United States, the Administration means oil, it ought to communicate such to the Congress. A unilateral attack on Iraq by the United States will cause instability and chaos in the region and sow the seeds of future conflicts all other the world.

Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This joint resolution may be cited as the ''*Authorization for the Use of Military Force Against Iraq*''.

SEC. 2. SUPPORT FOR UNITED STATES DIPLOMATIC EFFORTS

The Congress of the United States supports the efforts by the President to—

(a) strictly enforce through the United Nations Security Council all relevant Security Council resolutions applicable to Iraq and encourages him in those efforts; and

(b) obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion and noncompliance and promptly and strictly complies with all relevant Security Council resolutions.

Key issue: Congress can and should support this clause. However Section 3 (which follows) undermines the effectiveness of this

section. Any peaceful settlement requires Iraq compliance. The totality of this resolution indicates the Administration will wage war against Iraq no matter what. This undermines negotiations.

SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

AUTHORIZATION.—The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to—

(1) defend the national security of the United States against the continuing threat posed by Iraq; and

(2) enforce all relevant United Nations Security Council Resolutions regarding Iraq.

Key issue: This clause is substantially similar to the authorization that the President originally sought.

It gives authority to the President to act prior to and even without a UN resolution, and it authorizes the President to use U.S. troops to enforce UN resolutions even without UN request for it. This is a violation of Chapter VII of the UN Charter, which reserves the ability to authorize force for that purpose to the Security Council, alone.

Under Chapter VII of the Charter of the United Nations, ''The Security Council shall determine the existence of any threat to the peace . . . and shall make recommendations to maintain or restore international peace and security.'' (Article 39). Only the Security Council can decide that military force would be necessary, ''The Security Council may decide what measures . . . are to be employed to give effect to its decisions (Article 41) . . . [and] it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security.'' (Article 43). Furthermore, the resolution authorizes use of force illegally, since the UN Security Council has not requested it. According to the UN Charter, members of the UN, such as the US, are required to ''make available to the Security Council, *on its call* and in accordance with a special agreement or agreements, armed forces . . .'' (Article 43, emphasis added). The UN Security Council has not called upon its members to use military force against Iraq at the current time.

Furthermore, changes to the language of the previous use-of-force resolution, drafted by the White House and objected to by many members of Congress, are cosmetic:

In section (1), the word ''continuing'' was added to ''the threat posed by Iraq''.

In section (2), the word ''relevant'' is added to ''United Nations Security Council Resolutions'' and the words ''regarding ''Iraq'' were added to the end.

While these changes are represented as a compromise or a new material development, the effects of this resolution are largely the same as the previous White House proposal.

The UN resolutions, which could be cited by the President to justify sending U.S. troops to Iraq, go far beyond addressing weapons of mass destruction. These could include, at the President's discretion, such ''relevant'' resolutions ''regarding Iraq'' including resolutions to enforce human rights and the recovery of Kuwaiti property.

PRESIDENTIAL DETERMINATION.—

In connection with the exercise of the authority granted in subsection (a) to use force the President shall, prior to such exercise or as soon there after as may be feasible, but no later than 48 hours after exercising such authority, make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) reliance by the United States on further diplomatic or other peaceful means alone either (A) will not adequately protect the national security of the United States against the continuing threat posed by Iraq or (B) is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq, and

(2) acting pursuant to this resolution is consistent with the United States and other countries continuing to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorists attacks that occurred on September 11, 2001.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5 (b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

SEC. 4. REPORTS TO CONGRESS.

(a) The President shall, at least once every 60 days, submit to the Congress a report on matters relevant to this joint resolution, including actions taken pursuant to the exercise of authority granted in section 2 and the status of planning for efforts that are expected to be required after such actions are completed, including those actions described in section 7 of Public Law 105–338 (the Iraq Liberation Act of 1998).

(b) To the extent that the submission of any report described in subsection (a) coincides with the submission of any other report on matters relevant to this joint resolution otherwise required to be submitted to Congress pursuant to the reporting requirements of Public Law 93–148 (the War Powers Resolution), all such reports may be submitted as a single consolidated report to the Congress.

(c) To the extent that the information required by section 3 of Public Law 102–1 is included in the report required by this section, such report shall be considered as meeting the requirements of section 3 of Public Law 102–1.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I certainly thank the gentleman for yielding me time.

Mr. Speaker, since the start of Operation Iraqi Freedom, the goal of this Nation has been the same, to topple the dictatorship of Saddam Hussein and to bring freedom to the Iraqi people.

Our coalition forces were successful in bringing down Saddam, and today he is facing the justice of the Iraqi people in a country that is beginning to understand and to live under the rule of law, not the rule of a barbaric and brutal dictator.

Today the people of Iraq have elected an interim government that drafted a Constitution, subsequently approved by the Iraqi people, and on December 15 they will again go to the polls to elect a permanent Parliament. None of this could have been achieved without the sacrifice of the brave men and women who serve in our armed services.

While we have been working to establish a democratic government, we have also been working to reestablish the Iraqi Army and security forces, and when the Iraqi forces are ready, our troops will come home, their mission accomplished.

The question before the Congress today is shall we pull our troops out now before their mission is complete. Let us examine just for a second the consequences of such action.

If our forces leave now, we would empower terrorists such as Zarqawi to spread violence against innocent civilians, unchecked. Iraq could then devolve into anarchy and become a base of terror operations. That is the question, and that is the risk, and I believe we must fight the terrorists at the heart of their power, not in the streets of America.

Mr. Speaker, many of the same Members who voted in 2002 to support this effort now say that the President misled them. If they actually believe such an outrageous allegation, why did the President not just simply plant weapons of mass destruction in Iraq while he was at it? This whole train of thought is absolutely nuts. They just looked at the same intelligence, and they cannot simply rewrite history.

Mr. Speaker, with our assistance Iraq is making remarkable progress, and when our American forces do come home, they will come home as heroes, and our Nation will be more secure. I urge my colleagues to support this rule.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I represent over 40,000 patriotic Americans who have served in Iraq. Over 200 Army soldiers have given their lives there. I revere them, their service and their sacrifice, and that is exactly why I believe a vote on war is the single most solemn responsibility we ever have as a Member of Congress.

□ 2030

Yet tonight the House leadership, on a partisan basis, has given each Member of Congress on average 7.8 seconds. That is right, 7.8 seconds to speak his or her conscience on whether or not we should keep or remove our troops from Iraq.

This process, especially without a single hearing, a single witness, on a resolution just introduced a few hours ago, does a disservice to the enormity of the issue of war and peace before us, to the integrity of this House, and to the sacrifice of our servicemen and -women now in harm's way.

In 1991, when this House debated whether to go to war in Iraq, and I was in that debate, Speaker Foley gave each Member of the House 5 minutes, and the country was mesmerized by the voices of conscience on each side. What was the result? When the vote was cast, the country was united and the troops I represented knew their Nation was behind them.

But this partisan process tonight does a disservice to our troops. It divides our Nation, and it divides this

Congress. If we are going to debate the issue, the solemn issue of war and peace, let us do it the right way. Vote ''no'' on this resolution and let every Member of the House have the right to voice his or her conscience.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. RENZI), a proud veteran.

Mr. RENZI. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time.

I want to be honest with a lot of people in this House. My father served this Nation for 34 years. He has been friends with JACK MURTHA for 20 years. Our families have known each other for over 20 years.

JACK MURTHA's resolution calls for a redeployment. Jack Murtha's Web site talks about redeployment. DUNCAN HUNTER's resolution talks about immediate withdrawal. They are two separate issues. Both men do not impugn each other's character.

The media may have taken Mr. MURTHA's idea and spun it into immediate withdrawal, and that message may not be the message that our troops need to hear from this Congress. We need to be straight, and we need to be honest with each other.

Leading up to this, there have been individuals who have come down here and have been insightful. We have got some tough guys in the House who want to say that this President manipulated prewar intelligence. Sandy Berger said, Saddam Hussein will use his weapons of mass destruction and he will use them again probably 10 times. Madeleine Albright said, He jeopardizes stability in the region with weapons of mass destruction. The WMD Commission said they found no evidence of manipulation, and the 9/11 Commission said they found no evidence of manipulation. Those are facts.

JACK MURTHA is a great man and a patriot. DUNCAN HUNTER wants to send a message to our troops that says we are not saying we have to immediately withdraw. We need to come back after Thanksgiving, we need to think about it and go through what our strategy is in Iraq to best protect our boys and girls and to bring peace and stability to the region. And it needs to be thoughtful.

But tough guys coming down here saying that this President manipulated evidence is a bald-faced deception.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, in the last week, two Vietnam veterans, one Democrat, one Republican, one in the House, one in the Senate, came to the same conclusion: the present course is not succeeding and is not working. Both have different solutions and different recommendations. Senator HAGEL has his. Congressman MURTHA has his. Senator MCCAIN has his. Congressman SKELTON has his. But what all of them have in common is that the present course is not succeeding. Doing more of the same and expecting a different result is failing our troops and failing our country.

These policies and the policies the President has are not succeeding. But the reason each of these men has come forward with a recommendation is because all we are offered is more of the same. It is a policy void of leading us to a strategy of success and victory and departure. This is not a discussion about relitigating the past. It is a debate about how we succeed and exit, not about how we got in, but how we get out with victory.

Now, I would think that after a series of the last 2½ years, what we can be criticized for here in this House is not for raising questions but for not having raised questions. We have given the administration an appropriated $450 billion, everything they have asked for. They have gotten everything from this Congress. Our role is to appropriate. We have appropriated. What we have not done is ask the questions, and we deserve criticism for not having had oversight, not having asked questions. That is where the fault lies in this House, because we did not ask the questions.

What do we have? We appropriated $450 billion, 2,000 troops in Iraq, 200 or more in Afghanistan, 15,000 fellow citizens wounded, and we have a single Iraqi battalion to show for it?

We have a job to ask the questions in oversight. We abdicated our response. This is a course tonight to begin to ask and to begin debate because for 2½ years this Congress was silent in its role and the American people have asked us and demanded of us to speak up to the responsibility in our sworn oath and responsibilities.

Whether it is Kevlar vests; whether it is Humvees; whether it is the Secretary of Defense, who originally said only 75,000 troops were needed; whether it was the Deputy Secretary of Defense, who said this would be 7 days and a short war, our men and women deserve a policy of success and victory and exit so they can come home to their families. And tonight we are having, finally, some debate, but we also need an overture of our responsibility and some oversight of what goes on. After $450 billion, 2,000 American lives, we have a responsibility.

Mr. GINGREY. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Speaker, I thank my colleague from Georgia for yielding me this time.

Mr. Speaker, I am here in the role of a parent. I am very proud that my oldest son served in the field artillery of the Army National Guard for a year in Iraq. He saw the progress of building a civil society in Iraq to protect American families. I am also grateful my second son is a doctor in the Navy, graduated from medical school this year. My third son graduated from signal school this year, just got back from serving a month in Egypt, again promoting democracy and freedom. My fourth son has indicated that next year he will be enlisting in the marines.

My four sons understand September 11 was the beginning of a war, a global war against terrorism. I am very proud of their participation. We understand that we must face the enemy overseas, or we will be facing them here on the streets of America.

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

Mr. GINGREY. Mr. Speaker, I yield 1½ minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time. I appreciate the opportunity to address this House and the opportunity for us all to sit and listen to this debate.

I hear a couple of different numbers, 25,000 wounded but 15,000 wounded coming from the same side of the aisle. I am wondering if that is indicative of some of the other statistics that we have heard.

But I ask this question: Why have I not heard any objections to our operations in Afghanistan? Twenty-five million people liberated and freed and standing on free soil, voting for their own freedom and their own national destiny, a cost of 200 American lives. Nobody set a value on that. How many is too many in Afghanistan?

Twenty-five million Iraqis free, voting on free soil for the first time in their real lives, and what does this mean to America? It means that we have erased some of the habitat that breeds terror. Do we not understand this greater mission here is to eradicate that habitat so Arab people can breathe free and that free people do not go to war against free people? Could we look at this broader mission of 50 million people freed? 2,200 American lives, tens of thousands of other lives. We have not been attacked in this country since that date for a lot of good reasons.

You cannot separate the mission from the troops. You cannot sit here and say, I support the troops. Mr. President, we ought to bring the troops home. I do not support their mission. You cannot ask somebody to put their life on the line for your freedom and not support their mission, but tell them that you support the troops.

Further more, I sat in Kuwait City and watched on television as Moqtada al-Sadr said, ''They will go home the same way they did from Vietnam, Lebanon, and Mogadishu.''

We must stay the course.

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

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

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

Mr. Speaker, I rise in strong support of this rule for the consideration of House Resolution 571.

But first I want to state for the record that I have a great deal of respect for the gentleman from Pennsylvania. I do not believe that this resolution is about him or anyone else in this Chamber. This resolution is about our troops, our mission, and our commitment to finishing the job in Iraq. It is about communicating to the world where the Members of this Chamber stand on immediate withdrawal of our troops from Iraq.

A number of my colleagues and I visited Iraq several times and met with the women who had run for office in elections there. These women, Sunnis, Shiites, Kurds, risked their lives to help build a better Iraq. One woman lost her son and her bodyguard to assassins. Another was kidnapped and finally returned after a ransom was paid for her. Still others told harrowing stories about the pressures brought upon them simply because they were exercising the kind of rights that we take for granted.

Mr. Speaker, the one thing that these brave women told us repeatedly was this: do not leave us. Do not leave us until we have a stable government. Do not leave us like you did before in 1990 after the gulf war, and do not leave us until we have the security that a stable government will provide.

Let us honor this commitment. Let us honor our troops. Let us be clear of our intentions. I urge my colleagues to support the rule and reject the underlying resolution.

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

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, please let us tonight think about what we have accomplished, not in terms of what we have up in front of us, but what we have accomplished so far.

Did the Members know that 47 countries have reestablished embassies in Iraq? Did the Members know that 3,100 schools have been renovated? Did the Members know that Iraq's higher education structure consists of 20 universities, 46 institutes or colleges, and four research centers, all operating? Did the Members know that 25 Iraq students departed for the United States in January to reestablish the Fulbright program? Did the Members know that the Iraqi Navy is operational? Did the Members know that the Iraqi Air Force consists of three operational squadrons? Did the Members know that Iraq has a counterterrorist unit and a commando battalion?

Did the Members know that the Iraqi police service has over 55,000 fully trained and equipped police officers? Did the Members know that there are five police academies in Iraq that produce over 3,500 new officers every 8 weeks? Did the Members know that Iraq has an independent media that consists of 75 radio stations, 180 newspapers, 10 television stations? Did the Members know that two candidates in the Iraq presidential election had a televised debate recently?

We have accomplished a great deal. We are on the road to success.

I, like every other American, I am sure everybody in this room, want every American home tomorrow. I want them home and safe. I voted for the resolution to put these people in harm's way; and, therefore, like everybody here who did the same thing, I know that you feel as I do, a knife goes through your heart every time you see something on television, every time you read a report of another American being killed in Iraq. I want them home.

□ 2045

I want them home as soon as that mission is completed, the mission we sent them on, and a mission that I do not want extended by 1 hour or 1 minute because of what we may do here.

Now, Mr. Speaker, I will tell you, it is not a secret to anybody in this body, I am not on the best terms with the President and the White House. Certainly I do not get invited over there any more than my colleagues on the other side of the aisle because I have been in opposition to many of his plans and proposals. However, I ask my friends on the other side of the aisle to do this, and I beg them to do this: Please do not let your hatred for the President of the United States get in the way of what I know is your basic love for this country.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, today my heart has ached more than it has in 12 years in being in the United States Congress. It has ached not because of this debate, because we should be having this debate, but not at this time of day, it should happen after the recess, but because the gentleman from Pennsylvania who I think is a great American, and it has hurt my heart that he has been under attack unfairly.

Surely anyone who has ever worn the uniform for this Nation should be able to express themselves. And if you have not worn the uniform, you should be able to express yourself. Our Armed Forces are in Iraq and Afghanistan tonight fighting for freedom.

Let me share with Members what James Webb, Secretary of Navy under Ronald Reagan and Vietnam veteran, wrote me when I joined my colleagues on the other side and the Republican side in voting for the House Resolution 55, bipartisan, he wrote me this letter, and I will read three sentences. ''When American citizens are being asked to war, it is their most basic right that the strategic issues be explained in clearly understandable terms. And if the endpoint cannot be clearly explained, there is, in fact, no really strategy.''

That is what Mr. MURTHA is asking for. That is what Senator FEINGOLD is asking for. That is what WALTER JONES and RON PAUL and DENNIS KUCINICH and Neil Abercrombie are asking: Tell us what the strategy is.

I close with this. It is so ironic that we are having this debate tonight because on April 9, 1999, Governor Bush criticized President Clinton for not having a strategy. This is his quote in the Houston Chronicle: ''Victory means exit strategy, and it is important for the President to explain to us what the exit strategy is.'' That is all we are asking for.

My last quote is from the New York Times on June 6, 1999. ''I think it is also important for the President to lay out a timetable as to how long they will be involved and when they will be withdrawn.'' That is Governor Bush asking President Clinton. Tonight we are asking President Bush the same thing he asked President Clinton.

God, please bless our men and women in uniform; and please, God, bless America.

Mr. GINGREY. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I remind the gentleman from North Carolina that this resolution is not an attack on any Member of this body. This resolution is about an attack on those Islamic Fascist terrorists who would destroy the men and women who are defending this country.

Mr. Speaker, I yield 1 minute 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, calling for the immediate withdrawal or even a phased, detailed plan for withdrawal from Iraq is a recipe for absolute disaster. It is the wrong message for our soldiers and marines who are truly doing the work of freedom in Iraq and Afghanistan.

Frankly, I am concerned, as we all should be, that such talk will only embolden the terrorists and demoralize our warfighters, those who literally put their lives on the line each and every day. Domestic politics should not trump our promises to the people of Iraq and Afghanistan that we would be loyal to their aspirations for freedom, that we would see them through the difficult steps of constituting new governments and laying the groundwork for free elections.

Our only exit strategy from Iraq should be victory. Anything less than that virtually guarantees the next battleground may be closer to home. We need to support our troops, these young troops. We cannot cut their feet out from underneath them. They need our support, and they need it tonight.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker, JACK MURTHA is a decorated Vietnam war veteran. He is a United

States Marine, retired colonel. This debate is not about the Iraq war, it is about silencing the opinion of a respected veteran marine and Member of Congress.

I supported the Iraq war resolution and voted for every defense appropriation for that effort, and I am voting against this resolution. But we know with each casualty from Iraq that something is wrong. Our men and women in uniform are fighting heroically, and I honor them and their families for their sacrifice.

It is civilian leadership and this administration and the Department of Defense that did not prepare to fight this war with either material or enough troops. I may not totally agree with my colleague from Pennsylvania, but I know him as a respected, decorated war veteran and a Member of Congress, and he has earned that right to be able to give his opinion without having a resolution attack him or have the Members attack him personally.

Mr. GINGREY. Mr. Speaker, I yield 1 minute to the gentleman from Nevada (Mr. GIBBONS).

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

Mr. GIBBONS. Mr. Speaker, as a veteran of two wars, I know that our military men and women fighting overseas watch what we do right here all the time. They see this on TV, they hear it on the radio, and they read our words in the newspapers. I know our brave men and women want to see their brave leaders, us, those of us in Congress here at home, have the political fortitude, yes, indeed the political stomach, to support their actions abroad.

Like many in this Chamber from both sides of the aisle, I have been to Iraq, I have been to Afghanistan, I have met with our troops there, and I have met with them as they have returned home to Nevada. They know, they see, and they hear. They read what we are doing in Congress, and they listen, and they are listening to us today.

What message do you want to send to these soldiers on the front line, a message of surrender, or do you want to send a message of support, a message that we will bring them to victory?

Some will call this vote symbolic or political. Well, call it what you want, but I want our troops overseas to read about this vote, and I want them to know that we support them.

As a veteran of two wars, I know first hand that our military men and women fighting for our freedoms overseas watch our actions at home.

They see this on TV, they hear it on radio, and they read it in the newspapers.

I know our brave men and women watch to see whether their leaders at home have the political fortitude, and the stomach to support their actions abroad.

Like many in this Chamber, from both sides of the aisle, I have been to Iraq.

I have been to Afghanistan.

I have met with our troops there, and I have met with them as they have returned home to Nevada.

They know, see, hear and read what we are doing in Congress, and they are listening to us today.

What message do you want to send these soldiers on the front line?

A message of surrender or a message of strength and support, that will bring us victory.

Some call this vote simply symbolic or political.

Well, you call it what you want, but I want our troops overseas to read about this vote.

To hear about this vote.

And I hope we can demonstrate not through just words, but our actions, that we are with them in this hour.

We will remain with them, and supply them, and support them, until the job is done, until we are victorious, and until we can proudly bring them home and applaud their victory.

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

Mr. GINGREY. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. LEWIS).

Mr. LEWIS of Kentucky. Mr. Speaker, how do you withdraw from the war on terror when we have been attacked over and over and over again? We were attacked at the World Trade Centers, the first time by a bomb. Then our African embassies were attacked; the Khobar Towers in Saudi Arabia where our young men and women were killed; the Cole naval vessel; and then 9/11.

How do you tell Osama bin Laden and Zarqawi that we do not want to participate, we do not want to fool with fighting against terror?

The last administration tried that, and we felt the pain of death and destruction on 9/11 from terrorist murderers' hands. We have to win in Iraq. By the way, we won the war in Iraq. Now we are fighting with our allies in Iraq to defeat terror. If we do not win in Iraq, we will fail in the greater Middle East, and what happens if Pakistan falls? What happens if Saudi Arabia falls? Weapons of mass destruction in the hands of Islamic extremists will be a disaster for the world.

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

Mr. GINGREY. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I would like to remind the Member what the focus of our attention should be: David Branning, Dale Burger, Robert Guy, Jason Mileo, Adam Mooney, Bryan Nicholas Spry, William Allers, Samuel Bowen, Jarrett Thompson, Patrick Adle, Neil Prince, and Keith Mariotti.

They are the dead,
short days ago they lived,
felt dawn, saw sunset glow,
and now they lie in Flanders Field,
from my district.

What are they asking us with a sense of urgency for the living? What are the quick and the dead asking us to do: Know more than they did.

Why are our troops successful in harm's way? Because our troops bond together with an integration of integrity bound with trust.

Let us debate how to finish the war, not how to continue to fight the war.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

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

Mr. GEORGE MILLER of California. Mr. Speaker, a little over 24 hours ago, an American military hero suggested to this country that this Congress should debate the policy, the current policy in Iraq. He had some suggestions on how that policy should be changed. He believed, as we believe him, that he was doing this for the sake of our troops, for the sake of our country, for security in the Middle East, and the security of this country.

In those 24 hours, he has come under unrelenting attack, characterizing him as an individual, as a Member of Congress, as to his motives, as to what he proposed, as opposed to what he said he proposed. Those attacks came from the President of the United States, from the Vice President of the United States, from the Speaker of the House, and from so many Members of this body who challenged his patriotism, challenged his character and challenged his integrity because he simply dared to kick open the doors of Congress and suggest that we debate the pressing question of this Nation that the people of this Nation want us to debate. Not that he would win that debate, but that he wanted that debate to take place, and that for that, all of his years of service to this country were openly challenged and mis-char-acterized and slandered.

I do not know where we went wrong. I do not know where we went wrong because I went through the debates in this Congress in Vietnam and Central America, and Mr. MURTHA and I could not be on more opposite sides of those issues. And many people I served with in the history of this Congress, but never in those debates did people assassinate the character of one another. We challenged the evidence, we challenged the assumptions. We challenged what was said, but we never ever, ever, did this to one another because we respected one another, having differing views coming from different parts of the country with different backgrounds.

□ 2100

Where did we go wrong? Maybe tonight Mr. MURTHA gave us another gift. Sometimes when you hit bottom, you change the ways you do business. Maybe Mr. MURTHA gave us this. After all that he suffered over this last 48 hours, maybe this Congress will be a better place, because everyone sitting in this Congress knows who knows JACK MURTHA what has been said about him in the last 24 hours could not be further from the truth. That man is a hero. That man is a hero to this Nation. You know it and the whole Nation knows it.

Mr. GINGREY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. With all due respect to my friends on the other side of the aisle, especially my friend who just finished, this is selective memory at its worst. I can remember the very people now crying these crocodile tears and the vilification that they put forward on Ronald Reagan for trying to stop the Communists in Latin America, trying to end the Cold War. He was vilified as a warmonger, et cetera, by the very people who now are making these statements.

Let me note JACK MURTHA. I have the greatest respect for him. He is a patriot. But let me thus note that how many times have the people who are saying this have been down here calling our President a liar and vilifying the President of the United States. Come on. Let's be fair to one another here. The fact is there is a disagreement on the character. Our hearts break when we see in the newspaper that four or five more Americans have lost their lives. That does not mean the cause that they are fighting for is unjust.

You had an opportunity tonight to discuss that cause if you were opposed to the war. But instead what we have heard is this type of rhetoric, getting around the issue of the discussion that we should be talking about, the war, and then, in partisan terms, trying to make it partisan saying that we are being personal. No, let's discuss the war, let's discuss it honestly, and let's not obfuscate the issue.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER), the minority whip.

Mr. HOYER. Mr. Speaker, the most profound issue that this Congress must consider is whether or not to declare and prosecute war, whether or not to send our Nation's sons and daughters into harm's way. A serious proposal has been made by the senior Member of this body, a Member who honorably served in the United States Marine Corps for nearly four decades, a Member who has served here for more than three decades, and a Member who has been one of our Nation's leaders on making our defenses the strongest they could be. That proposal raises legitimate and critical questions as to the prosecution of our Nation's war efforts in Iraq, efforts that I have always supported. It suggests an alternative course of action that deserves serious consideration and a full and fair debate. However, his proposal is not before us tonight. The Republican chairman of the Armed Services Committee offers a resolution to immediately withdraw our troops from Iraq. I don't support that. Mr. HUNTER does not support it. He offers it to avoid serious consideration of the policy our country is pursuing and proposals for possible alternatives. The majority party's response seeks to deal with this issue in a way that trivializes our consideration of how to conduct this war effort in a manner best designed to attain success. As such, this resolution is beneath the dignity and responsibility of this institution and the Members of this body.

All of us have sworn to defend the Constitution and protect this Nation and the American people. All of us, all 435, support our troops. This resolution is unworthy of our responsibility to our men and women who are now serving our Nation and who are deployed in harm's way. Unfortunately, today's process mirrors, I say to you, the superficial consideration of serious policy issues in this Congress and demonstrates a continuing unwillingness to subject policy proposals to oversight and serious and thoughtful deliberation.

Mr. Speaker, I regret that I do not possess the eloquence or the vocabulary to express the magnitude of my contempt with which I view this shabby, petty political maneuver. Our responsibilities to our country and to our men and women in harm's way in the defense of freedom demands more of us. The majority leadership demonstrates today, I fear, its lack of respect for this institution and for its great responsibilities to our democracy. The American people will see this day's proceedings for what they are, the rankest of politics and the absence of a sense of shame.

I hope that we reject this rule and this resolution.

Mr. GINGREY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. John Adams wrote to Abigail back in the summer of 1776, ''The thing that philosophers up to now have only dreamed about is within our grasp, the concept of self-government.''

And, folks, in the cradle of mankind there in Iraq, there is within their grasp because of what we have done in the name of liberty and destroying terrorism, it is so close. This is not about one Member of Congress who was a hero in Vietnam. This is about a message that is being sent to the world. Right after the minority leader's district that she represents and leads told the world, The military is beneath us. Mamas, don't let your babies grow up to defend this Nation and the liberty. San Francisco said no recruiters in our city, a terrible message. Followed by, let's get our troops out and not support them.

Join with us as you did in singing a prayer, God Bless America. Let the terrorists know. We don't want to divide you. We want to unite you with us.

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

Mr. GINGREY. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. I thank the gentleman for yielding.

Mr. Speaker, I remember roughly 4 years ago after 9/11 what the feeling was in this Chamber. Everyone was united. We had a common purpose. And it was truly a great time to be here. The other night we went out and rolled around in the mud together for a little bit, and we were united. We had a common purpose. We wanted to have a great team.

As I listen to what is going on here tonight, I am really concerned about the acrimony and the general tenor of the discussion. I realize that there is plenty of blame to be laid at everyone's feet. I with many others am concerned about what the American public perceives and what our troops perceive in regard to this discussion tonight. We can do better. We are better than this.

Mr. GINGREY. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding. Many people have said tonight, this is not the Murtha resolution. I agree. It is not the Murtha resolution. Unfortunately, it is my friend JACK MURTHA's headline. In fact, Al-Jazeera today was what our troops, our constituents in Iraq woke up to today saying that a leading Member of Congress has called for the immediate withdrawal. That is what Al-Jazeera said. That is why sometimes the media that gets in the way injects itself and it brings down the morale of our troops. That is why I am going to vote ''no'' on this resolution tonight, because I think it is important to send them another message and a very clear message that we do not support immediate withdrawal.

My friend, General Webster, who leads the Third Infantry Division over there, spoke very strongly about it. He said, ''Setting a date would mean the 221 soldiers I've lost this year, that their lives will have been lost in vain. I think it's a recipe for disaster. Setting a date is a loser.'' General Webster is a soldier, not a politician. I think he would appreciate tomorrow morning reading in the paper that Congress clearly rejected an immediate withdrawal.

Mr. GINGREY. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. FORTENBERRY).

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

Mr. FORTENBERRY. Army Captain Joel Cahill was buried in Arlington Cemetery today. Captain Cahill was killed in Iraq by an improvised explosive device. He grew up near Omaha. He leaves behind Mary his wife and their two little girls.

Army Specialist Darren Howe was laid to rest in Beatrice, Nebraska last week. He died of wounds from an explosive device that hit his personnel carrier. Badly burned, Specialist Howe drove to safety, then helped his men out of the rear. He was 21 and left behind his wife Nakia and their two small children.

I spoke with JoDee, Darren's mom, in what had to be some of her most difficult hours following Darren's death.

She had the gentleness of spirit, humility of heart and pride of her son's work to thank me and the Congress for the decisions that have been made, saying: We support what you are doing. Iraq is a faraway land remote from the traditions and culture of the Great Plains, the boyhood homes of Joel and Darren. Yet I am certain that in that isolated place where they gave their lives, these men understood what was at stake. That they fought for something bigger than themselves, something that transcends the snapshot of a political debate. They fought out of duty to country, they fought to defend, they fought for the soul of the free world.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield the balance of my time to the minority leader the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, as the very proud representative of the city of San Francisco in the Congress of the United States, from northern California where we have more veterans than any other part of the country per capita and we treat them with respect as the gentleman from Pennsylvania is not being treated as a distinguished veteran with respect here.

Mr. Speaker, this is a very sad day for the House of Representatives. Just when you think you have seen it all, the Republicans have stooped to a new low, even for them. They have engaged in an act of deception that undermines any shred of dignity that might be left in this Republican Congress. But deception has been the order of the day throughout the entire Iraq engagement.

□ 2115

Mr. HUNTER's resolution is a continuation of that deception. It is a political stunt, and it should be rejected by this House.

The Republican deception today is a disgrace. It is a disservice to our country and to our men and women in uniform. They and the American people deserve better. It is an insult to the integrity of JACK MURTHA, one of the most distinguished Members to ever serve in this House of Representatives.

As has been said, JACK MURTHA is a decorated war veteran: two Purple Hearts, the Bronze Star for his combat service, the Vietnam Cross of Gallantry, 37 years of active and reserve duty in the marines. His lifetime motto has been Semper Fi; and yet our Republican colleagues call him a coward and accuse him of cooperating with the enemy.

As a senior Democrat on the Defense Appropriations Committee, he is known and respected for his bipartisanship. That is why this Republican attack on him is so dishonest.

Mr. MURTHA has dealt the mighty blow of truth to the President's failed Iraq policy. The American people have rallied to JACK MURTHA's message of truth. But you cannot handle the truth. Why are the Republicans so afraid of the facts?

Mr. Speaker, the Republican Senator from Ohio, Robert Taft, who would become the Republican leader of the Senate said, ''Criticism in a time of war is essential to the maintenance of any democratic government.'' Indeed, Mr. MURTHA's courageous action to speak truth to power is a great act of patriotism.

As one who has always had the interests of America's men and women in uniform as his top priority, Mr. MURTHA has acted as he always does: in their interests. Let us all join him in saluting our troops for their courage, their patriotism, and the sacrifice that they are willing to make, and thank JACK MURTHA for his loyalty to them.

Mr. GINGREY. Mr. Speaker, in closing, it is important to restate for the morale of our troops that this Congress and this country remain resolved in the war against terrorism. From the streets of Iraq to the mountains of Afghanistan, America will leave no spider hole, no palace, no bunker overlooked as we help freedom-loving people fight the terrorist insurgencies of Islamofascists and protect democracy worldwide.

Our greatest loss would be to withdraw our troops, thereby ceding victory to cowardly terrorists who murder and hide under the cover of shadows.

Mr. Speaker, over 2,000 of our best and bravest have fought and sacrificed their lives in defense of democracy and in the face of these terrorists. These individuals deserve our thanks and their families need to know that they did not die in vain.

Mr. Speaker, a lot of words have been thrown about in this Chamber tonight, but talk is often cheap. And while cheap talk abounds, unfortunately, cheap talk is not bounded, it is not insulated by oceans or mountains, and certainly not by the media.

The words of this Congress and its Members echo out beyond this hallowed Chamber, beyond these hallowed Halls to every household and to every foreign shore.

Our troops are listening, Mr. Speaker. They hear those who denigrate their mission. They hear those who rely on the false pillar of semantics, seeking to divide the American people.

Well, Mr. Speaker, our troops are listening tonight, and while talk is cheap, our vote is sacrosanct. So I call on my colleagues on both sides of the aisle to put their vote on the RECORD and put the rhetoric aside.

Mr. Speaker, I urge my colleagues to support the rule. Let us have this debate for the sake of our troops.

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. TERRY). The question is on the resolution.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 210, nays 202, not voting 22, as follows:

[Roll No. 607]

YEAS—210

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
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)
Foley
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
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)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—202

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
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 (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel

Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
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
Sherman
Simpson
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—22

Beauprez
Berman
Boswell
Boyd
Camp
Cunningham
Davis (AL)
Flake
Fossella
Gallegly
Hall
Jindal
Kind
LaHood
Miller, Gary
Moran (KS)
Northup
Paul
Peterson (PA)
Shadegg
Towns
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY). Members are advised there are 2 minutes left in this vote.

□ 2150

Mr. SIMMONS, Mrs. MUSGRAVE, and Mr. JOHNSON of Illinois changed their 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.

The SPEAKER pro tempore. Pursuant to House Resolution 572, House Concurrent Resolution 308 is adopted.

The text of the concurrent resolution is as follows:

H. CON. RES. 308

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes, the Clerk of the House of Representatives shall make the following correction:

In the second paragraph (relating to the Economic Development Initiative) under the heading ''Community Development Fund'' in title III of division A, strike ''statement of managers accompanying this Act'' and insert ''statement of managers correction relating to the Economic Development Initiative, dated November 18, 2005, and submitted by the Chairman of the Committee on Appropriations of the House of Representatives for printing in the House section of the Congressional Record on such date''.

GENERAL LEAVE

Mr. GINGREY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 572.

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

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed bills of the House and a concurrent resolution of the following titles:

H.R. 680. An act to direct the Secretary of Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, and for other purposes.

H.R. 2062. An act to designate the facility of the United States Postal Service located at 57 West Street in Newville, Pennsylvania, as the ''Randall D. Shughart Post Office Building''.

H.R. 2183. An act to designate the facility of the United States Postal Service located at 567 Tompkins Avenue in Staten Island, New York, as the ''Vincent Palladino Post Office''.

H.R. 3853. An act to designate the facility of the United States Postal Service located at 208 South Main Street in Parkdale, Arkansas, as the Willie Vaughn Post Office.

H.R. 4145. An act to direct the Joint Committee on the Library to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall, and for other purposes.

H. Con. Res. 208. Concurrent resolution recognizing the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on the bus and the subsequent desegregation of American society.

The message also announced that the Senate passed a bill of the House with an amendment of the following title:

H.R. 358. An act to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which concurrence of the House is requested.

S. 1047. An act to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively, to improve circulation of the $1 coin, to create a new bullion coin, and for other purposes.

S. 1462. An act to promote peace and accountability in Sudan, and for other purposes.

S. 1785. An act to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the distinction between a hull and a deck, to provide factors for the determination of the protectability of a revised design, to provide guidance for assessments of substantial similarity, and for other purposes.

S. 1961. An act to extend and expand the Child Safety Pilot Program.

S. 1989. An act to designate the facility of the United States Postal Service located at 57 Rolfe Square in Cranston, Rhode Island, shall be known and designated as the ''Holly A. Charette Post Office''.

The message also announced that the Senate agrees to that 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. 2528) ''An Act making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.''.

EXPRESSING SENSE OF HOUSE THAT DEPLOYMENT OF FORCES IN IRAQ BE TERMINATED IMMEDIATELY

Mr. HYDE. Mr. Speaker, pursuant to the rule, I call up the resolution (H. Res. 571) expressing the sense of the House of Representatives that the deployment of United States forces in Iraq be terminated immediately, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 571

Resolved, That it is the sense of the House of Representatives that the deployment of United States forces in Iraq be terminated immediately.

The SPEAKER pro tempore. Pursuant to House Resolution 572, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 30 minutes.

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

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

On October 15 of this year, 63 percent of Iraq's eligible voters stood in the suffocating heat for hours risking their lives to suicide bombers and guns. And why? Because they dared to vote.

Do we honor their bravery by abandoning them?

Nobody wants war. War has been truly described as hell. But at the same time, things are worth fighting for and even dying for. And among those things is precious freedom. Our own freedom was born in the crucible of a 9-year war to the sounds of muskets well described as the ''shots heard round the world.''

We can argue endlessly about the wisdom of getting into this war, but there should be no argument about how

this war should end. The consequences of our retreat have not been discussed here tonight, but they deserve consideration.

This debate has been a report card on JACK MURTHA, and I give him an A-plus as a truly great American. But among his many fine qualities, infallibility is not one. And on Iraq I prefer my country not to retreat, not to run to the high grass.

I prefer the counsel of JOHN MCCAIN who said last week, ''If we leave Iraq prematurely, the jihadists will interpret the withdrawal as their great victory against our great power. Osama bin Laden and his followers believe that America is weak, unwilling to suffer casualties in battle. They drew this lesson from Lebanon in the 1980s and Somalia in the 1990s, and today they have their sights set squarely on Iraq.''

The recently released letter from Ayman al-Zawahiri, bin Laden's lieutenant, to Abu Musab al-Zarqawi, draws out the implications.

The Zawahiri letter is predicated on the assumption that the United States will leave Iraq and that al Qaeda's real game begins as soon as we abandon the country.

In his missive, Zawahiri lays out a four-stage plan: establish a caliphate in Iraq, extend the ''jihad wave'' to the secular countries neighboring Iraq, clash with Israel, none of which shall commence until the completion of stage one: expel the Americans from Iraq.

Zawahiri observes that the collapse of American power in Vietnam ''and how they ran and left their agents,'' suggests that ''we must be ready starting now.''

We cannot let them start, now or ever.

We must stay in Iraq until the government there has a fully functioning security apparatus that can keep Zarqawi and his terrorists at bay and ultimately defeat them.

I prefer the counsel of another war hero, my personal hero, the gentleman from Texas (Mr. SAM JOHNSON), who stands with the President, the Iraqi people, and freedom fighters everywhere.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from California (Mr. HUNTER) for purposes of control.

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

There was no objection.

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

Mr. Speaker, I rise in strong opposition to this resolution and in defense of a military hero of this Nation, our distinguished colleague, the gentleman from Pennsylvania (Mr. MURTHA).

In a few moments I will ask unanimous consent to yield to the gentleman from Pennsylvania (Mr. MURTHA) the balance of the time on the Democratic side, but I would like to put this debate in its proper framework.

This is not the finest moment of the House of Representatives. We have all sat through interminable debates on inconsequential issues, but tonight we are talking about war and peace.

Fifteen years ago when we debated the first gulf war, every single Member of this body got 5 minutes to present his views. This time we are getting less than 8 seconds. What we are debating is not a serious proposal, but a cheap political ploy beneath the dignity of this body.

□ 2200

The subject of the war in Iraq deserves serious and thoughtful discussion and debate, and we are surely not having it tonight. There is no Member of this House for whom I have more respect and affection than the gentleman from Pennsylvania, the epitome of patriotism, not of the oratorical type, but patriotism on the field of battle.

Mr. Speaker, I ask unanimous consent to yield to the gentleman from Pennsylvania (Mr. MURTHA) the balance of the time for him to control.

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

There was no objection.

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

Mr. Speaker, I think what we are doing tonight is sending a very valuable message. It is not necessarily a message to diplomats or to the President or even to our adversaries; although I am sure that they will read about it. But it is a message to that specialist in Tikrit, to that lance corporal in Fallujah, to that sergeant in Baghdad who feels by looking at the mass of press over the last several days that somehow we are slipping away from our warfighters.

We have an opportunity to do something tonight by very simply voting ''no'' on this question of whether we should leave Iraq immediately to at least cut through that ambiguity, to at least cut through that confusion, and you know, words mean something. Wars have been started because we said the wrong words. Confusion is not something that is good to sow among your enemy or your friends.

In this case, even those who may feel that somehow the troops are not confused by this mixed message that is coming out of the United States must agree that it is right now to send that specialist in Tikrit or that lance corporal in Fallujah or that sergeant in Baghdad a clear and convincing ''no'' vote on the question of whether we leave Iraq immediately.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON).

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise to oppose this resolution. I have been in this body 19 years, and I did not support setting artificial dates to remove our troops from Bosnia, Somalia, Kosovo, East Timor, Macedonia and all the other times that we have deployed our troops.

In fact, even when we were told back in 1997, the year after we entered Bosnia, that our troops would be home by Christmas, I did not rise to bring them home. We were told in Christmas of 1998 they would be home and Christmas of 1999. The fact is we still have troops in the Balkans. They have been there 10 years, even though it was not part of the original plan.

Mr. Speaker, all of us support our troops, but I want to tell my colleagues, in my 19 years I learned a lesson of supporting the troops from the gentleman from Pennsylvania. He took me under his wing when I came here as a freshman 19 years ago. I have traveled with him around the world. I have seen his personal dedication to the men and women who serve.

Now, there are many others in this body on both sides of the aisle that we can say the same thing about, but I want to stand up as a Representative from the other side of Pennsylvania and tell the story of JACK MURTHA who epitomizes what our military's all about. I wish I could say I have been to Landstuhl, a medical facility in Germany, as many times as JACK MURTHA has been there.

I wish I could say that weekly I would go over to Walter Reed Hospital and meet with the troops as JACK MURTHA has done week after week after week.

I wish I could say I have gone and held the hands of the wives and the children of the sailors at Bethesda as JACK MURTHA has done.

Mr. Speaker, I wish I could say that I have done all that, but I cannot. JACK MURTHA is one of a kind. He is an example for all of us in this body, and none of us should ever think of questioning his motives, his desires or support for our American troops.

Mr. Speaker, I also want to say I have been here 19 years. I have been here with Republican and Democrat Presidents. Yes, JACK MURTHA's been there. He stood up when Bill Clinton tried to cut the funding for our troops, and he stood with us on some very tough votes. He stood up with us on the tough policy questions. He was with us on missile defense. He was with us when others in his party would not be with us on defense and security issues. On some very tough leadership spots JACK MURTHA was there, and for the 5 years that President Bush has been President, I cannot count on my hands the number of times JACK MURTHA has stood with our President in supporting our troops in supporting more money, in supporting the policies that give us the kind of capability that we need.

Mr. Speaker, we are in a sad state today. We are in a tough time with our troops. They are wondering what is going on back here. It is not about JACK MURTHA trying to undermine anyone, just as I and others would not

have tried to do that in the other 40 deployments in the 19 years that I have been here, but it is wrong, Mr. Speaker, that a gentleman with the reputation and leadership of JACK MURTHA should have to wait 5 months to get a response to a letter expressing his concerns to the administration. That is not right.

So, Mr. Speaker, I would hope we would all come together, and I would hope that our Commander in Chief would invite the good gentleman from Pennsylvania down to the White House to have a discussion about how we can move forward together to support the troops and win the day in Iraq and Afghanistan.

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

Somebody walked by not long ago, and they said, I do not have to go to your funeral because I paid my dues today with all these people giving these accolades.

I have to tell you this story. When you start getting all these accolades, you think you are a big shot. I remember one time President Carter asked me to go to the seventh game of the World Series with him. Tip O'Neill and I went down, and there were only 4 of us and 15 Secret Service people in the plane.

We got in this helicopter and, of course, flew over all these other people going to the ballgame. Well, Carter was not the most pleasant guy to be with. He wanted to talk all business, and Tip O'Neill wanted to talk nothing but baseball.

So we get about halfway there, and it is not a very long trip to Baltimore. Tip finally got him warmed up. We land, and we only land a block away from the stadium, but we had to have an armored car drive us in. So the President said, you sit in the middle there, Murtha, and Tip sat on the left side, and the President sat on the right side. Some guy yelled out some obscenities. He said, My God, they must have recognized Murtha in the car.

Let me say, this resolution today is not what I envisioned, not what I introduced, and let me read what I introduced on November 17.

''Whereas Congress and the American people have not been shown clear, measurable progress toward establishment of stable and improving security in Iraq or of a stable and improving economy in Iraq, both of which are essential to 'promote the emergence of a democratic government';

''Whereas additional stabilization in Iraq by U.S. military forces cannot be achieved without the deployment of hundreds of thousands of additional U.S. troops, which in turn cannot be achieved without a military draft.''

Now, let me say this. There were two of us who voted for a military draft, so I do not think that is an option. When you go to the high schools, they say, you are for a draft. I said, yes, but there is not too many of us, and I do not think you have to worry about it.

''Whereas more than $277 billion has been appropriated by the United States Congress to prosecute U.S. military action in Iraq and Afghanistan;

''Whereas, as of the drafting of this resolution, 2,079 U.S. troops have been killed in Operation Iraqi Freedom;

''Whereas U.S. forces become the target of the insurgency;

''Whereas, according to recent polls, over 80 percent of the Iraqi people want the U.S. forces out of Iraq;

''Whereas polls also indicate that 45 percent,'' this is a British poll, but the Defense Department support this British poll or confirm this British poll, ''of the Iraqi people feel that the attacks on U.S. forces are justified.''

Hear what I am saying. Forty-five percent of the Iraqi people feel it is justified to attack Americans.

''Whereas, due to the foregoing, Congress finds it evident that continuing U.S. military action in Iraq is not in the best interests of the United States of America, the people of Iraq, or the Persian Gulf Region, which were cited in Public Law 107–243 as justification for undertaking such action.''

I did not say anything about intelligence. I did not say anything about the President. All these statements that have been made vilifying me today did not say anything like that.

''Therefore be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that the deployment of United States forces in Iraq, by direction of Congress, is hereby terminated and the forces involved are to be redeployed at the earliest practicable date.

''Section 2. A quick-reaction U.S. force and an over-the-horizon presence of U.S. Marines shall be deployed in the region.

''The United States of America shall pursue security and stability in Iraq through diplomacy.''

That is what I said. I have never had in the 32 years that I have been in Congress such an outpouring from this country, four to one in my office. You cannot even call my office if you tried, an outpouring of people crying. People are thirsting for some direction. They are thirsting for a solution to this problem. They want to support the President. I want to support the President. Everybody does.

We put into place in the Appropriations Committee a criteria for success because we were so unhappy. This was in May. The gentleman from Florida (Mr. YOUNG) and I put a criteria for success in the bill, it was a Moran amendment, because we were not happy with the results. Nobody was talking to us. Nobody would tell us what was going on, and we felt it was absolutely necessary that we put this into writing.

I went to Iraq about 2 months ago, and I talked to the commanders, and all of you know the commanders are very hesitant to say anything that is not in the policy of the White House, and I agree, that is the way it is run by the civilians. That is the way it should be, but I could tell how discouraged the commanders were.

The one Marine commander said, I do not have troops to put on the border, the Syrian border. Now, why did they not have enough troops? Because of the deployment, because of the small number of people that are serving in our Armed Forces today.

We told them, the Armed Services Committee, under DUNCAN HUNTER's leadership, said you can take 30,000 more people. They cannot recruit to that. They have fallen 10,000 short; and not only have they fallen 10,000 short, they are now taking 20 percent category 4s, which they said in the voluntary Army would never happen.

The war's not going as advertised. The American public is way ahead of us. If you heard the World War II veterans, if you heard the Vietnam veterans, the wives and the widows on the phone crying to my staff and myself when I am talking to them, if you heard them reaching out and asking for a policy, a bipartisan policy. When I introduced this resolution, I did not introduce this as a partisan resolution.

I go by Arlington Cemetery every day, and the Vice President, he criticizes Democrats. Let me tell you, those gravestones do not say Democrat or Republican. They say American, and DICK CHENEY's a good friend of mine. He was a good Secretary of Defense.

Our military is suffering. The future of our country is at risk. We cannot continue on the present course. It is evident that continued military action in Iraq is not in the best interests of the United States of America, the Iraqi people and the Persian Gulf region. That is my opinion.

General Casey said in a September 2005 hearing, the perception of occupation in Iraq is a major driving force behind the insurgency. Hear what I am saying. General Abizaid said on the same date, reducing the size of visibility of the coalition forces in Iraq is part of our counterinsurgency strategy.

For 2½ years I have been concerned about our policy and the plan in Iraq. I have addressed my concerns to the administration and the Pentagon.

□ 2215

I have spoken out in public about my concerns in going to war.

A few days before the start of the war, I was in Kuwait. They drew a red line around Baghdad; and they said when the American forces cross the red line, they will attack us with weapons of mass destruction, meaning biological and chemical weapons. I believed that. They believed it. The military commanders believed it. And when they went in, though, they felt they had sufficient protective gear that they could overcome it. The heat would dissipate some of the gas and so forth, and it would be no problem for our forces, they felt. They even thought they had cell phones monitored so they could tell that it was there. It turned out not to be true.

Let me tell the Members this: BILL YOUNG and I have been on the Defense

Subcommittee for 25 years. We spend more money on intelligence than all the countries in the world put together and more on intelligence than most countries' GDP. But the intelligence concerning Iraq was wrong. It is not a world intelligence failure. It is a U.S. intelligence failure.

I have been visiting our wounded troops at Bethesda, and only two people, I think, visit any more than I do, and that is BILL YOUNG's wife and BILL YOUNG. They go there as often as I do, and Beverly goes more often.

Now, let me tell the Members what demoralizes the troops. Going to war with not enough troops and equipment to make the transition to peace, the devastation caused by IEDs, being deployed to Iraq when their homes have been ravaged by hurricanes, being under second and third deployment and leaving their families behind without a network of support.

The threat posed by terrorism is real, but we have other threats that cannot be ignored. We must be prepared to meet all these threats. The future of our military is at risk. Our military and their families are stretched thin. A very small percentage of people in this country are serving this country at this stage in this war. Many say the Army is broken. Some of our troops are on their third deployment. Recruitment is down. Defense budgets are being cut, $5 billion this year, $5 billion cut from the defense budget; and the chairman and I are concerned they are going to cut another percentage point, which is $4 billion more, from the defense budget.

Personnel costs are skyrocketing, particularly in health care. And choices have to be made. We cannot allow a promise that we have made to our military families in terms of service benefits, in terms of their health care to be negotiated away. Procurement programs that ensure our military dominance cannot be negotiated away. We must be prepared.

The war in Iraq has caused huge shortfalls in our bases in the United States. I visited four bases, four Southern bases, premier bases. Every one of them was short, short radios, short mortars, short ammunition even. Our troops were C–4, which means the lowest state of readiness, because they did not have the equipment to train right before they are deployed to Iraq. And much of our ground equipment is worn out and in need of serious overhaul.

I have said to all these CEOs that come to see me, Folks, do not think about procurement. We about bought, what, five or six ships this year, something like that. They said they are going to build 12 next year. Do not believe that. But I will tell the Members one thing we have to do is rehabilitate this equipment. A $50 billion bill, in my estimation, and I do not know where the money is going to come from.

George Washington said: ''To be prepared for war is one of the most effective means of preserving peace.'' I do not know what the threat is, but I will tell you it takes 18 years to get a weapons system out there, and we had better well get those systems put together now. We had better start them right now because we do not have them. They have a system right now they are thinking of cutting back. The Europeans invested a lot of money in it. Billions of dollars have been invested in this weapon system, JSF. If they cut back the buy, the cost to increase, the Europeans will cut back on their buy, and it will skyrocket the price; and we will have to reduce the number of airplanes that we buy. We must rebuild our Army.

Our deficit is growing out of control. The Director of the Congressional Budget Office recently admitted to being ''terrified'' about the budget deficit in the coming decades. This is the first prolonged war we have fought with 3 years of tax cuts, without full mobilization of American industry, and without a draft. The burden of war has not been shared equally, and the military and their families are shouldering this burden.

Our military has been fighting a war in Iraq for over 2½ years. Our military has accomplished its mission and done its duty. Our military captured Saddam Hussein, captured or killed his closest associates. But the war continues to intensify. And you know the deaths and you know they estimate that not only do we have 15,500 that have been wounded, but we have 50,000 that we think may suffer from what I call battle fatigue.

I just recently visited Anbar Province, as I said, and I became convinced that we had to take some action. I became convinced that I needed to say something about what was going on. I needed to introduce a resolution which would bring this to a head so we could come to a bipartisan resolution to fight this war together, to show our troops how we support them, and that resolution calls for a redeployment of our troops. I said over a year ago now, the military and the administration agree, Iraq cannot be won militarily.

We can say it here in these air conditioned offices, but let me tell you something. It cannot be won militarily. It has got to be won politically, and we have to turn it over to the Iraqis and give them the incentive to take back their own country.

Our troops have become the primary target of the insurgency. They are united against U.S. forces. We have become the catalyst for violence. U.S. troops are the common enemy of the Sunnis, the Saddamists, and the foreign jihadists. I believe with U.S. troop redeployment, the Iraqi security forces will be incentivized to take control. A poll recently conducted shows 80 percent of the Iraqis oppose the presence of coalition troops. I believe we need to turn Iraq over to the Iraqis. I believe the Iraqi election scheduled for mid-December, the Iraqi people in the emerging government must be put on notice: the United States will immediately redeploy. All of Iraq must know that Iraq is free, free from United States occupation. I believe this will send a signal to the Sunnis to join the political process for a good and free Iraq.

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

Mr. HUNTER. Mr. Speaker, I thank the gentleman for his comments.

Mr. Speaker, I yield 6 minutes to the gentleman from Florida (Mr. YOUNG), chairman of the Defense Appropriations Subcommittee, the gentleman who spends so much of his time with our Nation's wounded.

Mr. YOUNG of Florida. Mr. Speaker, Americans can sleep well tonight because our soldiers are out there on the front line against terror making sure that we can do that. And we owe them a lot. We owe them our thanks. We owe them our appreciation. We owe them the necessary equipment to carry out their mission, to protect themselves while they are doing that, and we owe them our support. And it is important that we let them know without any doubt that we support them, that this Congress supports them. And that is why, in case there is any confusion about how we would like Members to vote on this resolution tonight, we want them to vote ''no.'' This is not a good resolution.

Incidentally, in case the Members have not noticed, JACK MURTHA spent more time tonight speaking on the floor than he has in the last 20 years combined presenting the appropriations bills.

JACK and I have been friends for a long time, as he suggested, and we have worked together. He was my chairman for a long time. I have been his chairman for a long time. We work together for the best interest of our Nation and for those who protect our Nation. And he has received many accolades tonight and properly so.

Chairman HUNTER, the chairman of the Armed Services Committee, also deserves accolades. He was willing to offer this resolution, which we all are going to vote against, I hope. Chairman HUNTER was an airborne soldier in Vietnam, and he led a platoon of Rangers in Vietnam. Chairman HUNTER deserves an awful lot of thanks and appreciation for the work that he did then and the work that he is doing tonight here on the floor.

Mr. Speaker, this is not about JACK MURTHA tonight, and it is not about DUNCAN HUNTER. This is about 296 of us who voted to support the President going into Iraq to fight terror, to fight Saddam Hussein and his vicious armies. Once you have committed to a war or to a battle, it is like some other things in life, once you are committed, you are committed, like it or not. And we got committed when we voted to send troops to Iraq.

Now, how do you get out of a commitment like that? Well, you can win. That is the preferred way. Or you can

lose. We do not like that. You could retreat, or you could surrender. I do not think we like either one of those two.

Or there is another way: we could negotiate our way out. But in a case of global terrorists, whom do you negotiate with? They hide. They sneak. Would you negotiate with Osama bin Laden, Saddam Hussein, Al-Zarqawi? Whom do you negotiate with? You do not have anybody to negotiate with because they are pure and simple terrorists.

Mr. Speaker, there are many things that have been said tonight on both sides of the aisle that are very important. There has been a little bit of spin here and there, but that is not unusual for a legislative body like this. But, Mr. Speaker, there is no place, when we are dealing with the security of our Nation and the security of the American people, there is no place for politics on either side.

So tonight, Mr. Speaker, we need to send a strong message to our troops and to their families. For those families who are dealing with the loss of a loved one, for those families who are dealing with a seriously wounded soldier or marine who might be at Walter Reed Hospital or at Bethesda Hospital or at Landsthul in Germany, we need to let them know that we are here to support them.

In a few short days when we will be back to legislative business, there is another issue that we have to deal with, and I am going to take advantage of this extra minute to tell the Members what it is. Somebody in the Pentagon has ruled that if JACK MURTHA and I go to hospital with my wife, Beverly, which we do on occasion, and she makes us empty our wallets to help a family that is struggling to meet their expenses, some regulation at the Pentagon says that is illegal, that is bribery. What can I bribe a wounded soldier to do? He has already done everything that he can do for me. So we need to change that.

□ 2230

So we need to change that. Chairman HUNTER and I and Mr. MURTHA and I have worked together with our counterparts in the Senate, and we intend to fix this on the first legislative or appropriations bills we have access to. So that is what this is about tonight, to let our soldiers win this war against terror not only in Iraq, but in Afghanistan and anywhere else that terrorists raise their ugly heads. This is not limited to Iraq. Iraq is one of the major battlefields. Afghanistan is one of the major battlefields.

My friends, we are in it for the long haul against the threat of terrorism, and it is important that we prevail and support those on the front line against terror and vote ''no'' tonight on this resolution that does not do any of what I just said.

Mr. HUNTER. Mr. Speaker, I yield 2¼ minutes to the gentleman from Colorado (Mr. HEFLEY), the chairman of the Readiness Subcommittee and does so much for the quality of life for our troops.

Mr. HEFLEY. Mr. Speaker, we have just heard from two giants of this body, men that we are all very, very proud of. If we had any sense, we would all sit down right now and take the vote; and I will give up my time if everybody else will give up theirs, and we will vote. I am told no, that is not going to work.

So let me try to be brief. Both of these gentlemen expressed the conflicting views in a most sincere way, and I think we respect both of them.

But, Mr. Speaker, I do rise today in opposition to H. Res. 571. I want us to withdraw the moment the job is done, and that is what our troops are telling us, too. They want to stay there until it is done. That is what most of the Iraqi people tell us, do not leave us until it is done.

Mr. Speaker, there are some out there insisting that the mission on Iraq has been a failure, and our presence in Iraq has not been properly run, and we are not winning the peace. Frankly, I do not think that is true, and it only serves to lower the morale of the men and women fighting in Iraq while encouraging the terrorists who hate America.

The fact is those who assert that the Iraq policy is failing frankly fail to recognize the many successes that have occurred on a daily basis over there. What we are talking about is fighting terror and liberating a people. Look at just the political successes. They have had two elections, and those two elections, most of those people had never voted in a free election in their entire lives. On October 15, they adopted a Constitution. They did not know what a Constitution was, and 78 percent of the voters backed the charter of the Constitution.

We are making enormous progress toward liberty and democracy for the Iraqi people, and by extension the people of the Middle East. I say thank you, troops, for what you are doing. We love you, and we are going to be with you until the job is done.

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

Normally the soldiers cannot speak for themselves. I do not believe we are making the progress that is articulated in many cases. Everything I see, oil production is below prewar level; electricity production is below prewar level; incidents have increased from 150 a week to 770 a week in Iraq.

But let me read a letter from a young soldier at Walter Reed. Everybody says when you go to Walter Reed, they all want to go right back, and they usually do not complain. Let me read this letter.

''I am sure you are extremely busy today with the announcement of your support for the withdrawal of troops from Iraq. We have been trying unsuccessfully to reach you by phone.

''My husband is an injured Iraq soldier who so highly commends you for speaking out about this disastrous war and its aftermath on U.S. troops. Though we are now living in Washington, D.C., on the Walter Reed campus, we are originally from your 12th District in Pennsylvania.

''Congressman Murtha actually pinned my husband's Purple Heart. We are so proud that he was the man to honor my husband for what he did in Iraq. It may serve Mr. Murtha more to remind him that my husband is the 24-year-old guardsman who lost part of a leg in a suicide car bomb attack in April of this year.

''We were shocked and overjoyed that Murtha spoke out against the Bush administration's handling of the war. Unlike what many say is a blow to troop morale by questioning the war, his frank call for attention to the subject brought nods and applause from the injured soldiers at Walter Reed's Mologne House. It is the first that my husband and I feel that a politician has truly stuck up for the soldiers most personally affected by the war in Iraq.''

We send the soldiers to the war. We are the ones that make that decision. We also have to speak out when we do not think the war is going in the right direction.

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

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SIMMONS), who served multiple tours in Vietnam.

Mr. SIMMONS. Mr. Speaker, I rise in opposition to the resolution. I am proud to be a Vietnam veteran. I am proud to have spent almost 4 years in that country with the U.S. Army and the Central Intelligence Agency, but I was not proud when Members of Congress, Members of this body, criticized us in the course of that war publicly back here at home. Their critical comments were demoralizing and undercut our efforts. It encouraged our enemy, and it placed us at risk.

At some point in the 1970s, our national will broke down, we cut and ran. We left our friends behind, my colleagues, my counterparts. And we abandoned Southeast Asia to unprecedented slaughter and destruction.

Now 30 years later I find myself on this same floor talking about the ''immediate redeployment'' of our troops from a foreign battlefield where they are fully engaged in a difficult and dangerous mission.

More than anyone else, this Vietnam veteran wants to see our troops come home safely, successfully and soon. But now is not the time for immediate withdrawal. Now is the time to support our troops and the values they fight for.

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

Let me read another letter.

''We are Gold Star parents. Our son was killed October 18, 2003, south of Kirkuk with the 173rd Airborne Brigade. You and I talked for about 90 minutes on the phone in early 2004. I

have spent the better part of 2 years lobbying for improved body armor.''

Do Members remember, we sent the troops to war without body armor? We found the body armor. We found the shortage and up-armored the Humvees. Congress found it, and we put the money in the bill.

''We believe the best way to support the troops is through a responsible and well-thought-out foreign policy.''

Not stay the course, but a thought out, and this is from a woman whose son was killed.

''We do not have that policy today in Iraq. By staying in Iraq, we have become occupiers instead of liberators.'' And 80 percent of the Iraqis think that.

''Today we are called un-American because we are obligated to disagree with the President. We want better for our son's comrades. It is our obligation to stand up and be counted to support the troops, to speak for those that are not free to speak for themselves, to use their bravery and sacrifice wisely. You, sir, are a man of our heart. God knows why the rest of the Democratic Party is not rallying around you, but we are. Even as we stand alone, it is the right thing to do. Our support is unequivocal for you on matter in this dangerous and lonely time.''

Mr. HUNTER. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. BUYER), chairman of the Veterans' Affairs Committee, and who is a colonel in the Army Reserve and a Gulf War veteran.

Mr. BUYER. Mr. Speaker, I have great respect for Mr. MURTHA and Mr. HUNTER. And I am uncomfortable when Mr. MURTHA talks about one political party rallying round something. I do not want Republicans or Democrats rallying around anything. You moved me when I was in my office and you talked about going to Arlington. All of us have been there; all of us have been to our Nation's cemeteries and seen the white crosses and Stars of David.

The gentleman from South Carolina (Mr. BROWN) and I were privileged to represent our country this past May, and I am sure Mr. MURTHA has been there, standing on the cliffs of Normandy at Omaha. We gave the Memorial Day address representing our Nation. I was there with my 20-year-old son, and I could feel the envy of souls because I thought about what their last thoughts may have been. And then as I strained among these thousands of graves, if I permitted the eyes of my mind to have a vision I could actually see, if I permitted the ears of my heart to listen, I could hear.

And what did they say? They said, What we did on this day was worthy. You see, they came to a continent to free it from tyranny on that day. They came to a land where they had never been to fight for a people they had never met. Does that not yet sound familiar?

And we speak of the sacrifice of what we refer to as the greatest generation. How are we now yet defining ourselves when our men and women are faced with something very similar.

We should be here tonight talking of our strategy of victory, defined by our perseverance to an enduring freedom throughout the world. To discuss withdrawal from Iraq tonight before our mission is complete is the wrong strategy at the wrong time. Why? Because freedom is on the move.

We, the people of the United States, we are a great Nation with a great vision. We seek to preserve the blessings of liberty for our citizens and for all those around the world who recognize the God-given right of freedom.

Today our Nation is truly engaged in an epic struggle for freedom in Iraq. Whether you believe how we got there is true, the struggle among us is evident here tonight. What we do not want is what Mr. HYDE referred to as our enemies to take advantage of our weaknesses. The painful lessons, whether it was Vietnam or Lebanon or Somalia, North Korea, Iran, al Qaeda, they watch, and it is part of what they want to do to envelope our weakness.

You see, Clausewitz had it right. He said, The use of our military force is the instrumentality of a political decision. We then expect our military to act on the field of battle with great valor, courage and commitment. You see, they are an extension of us. And in return, our soldiers ask what of us? Loyalty. And they expect us to have the very same resolve that we expect of them; that in battle, they look at us and say, when it gets hard, when it gets tough, can you hang with us, Congress? That is a very pertinent question for a soldier to ask of us.

So I respect Mr. MURTHA, but this is the wrong time for your resolution, sir.

PARLIAMENTARY INQUIRY

Mr. LANTOS. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. TERRY). The gentleman may state his parliamentary inquiry.

Mr. LANTOS. Do I understand, Mr. Speaker, that we are debating Mr. MURTHA's resolution or Mr. HUNTER's resolution?

The SPEAKER pro tempore. Pending is House Resolution 571.

Mr. LANTOS. The previous speaker referred to Mr. MURTHA's resolution. That is not before the House.

The SPEAKER pro tempore. That is a matter for debate—a matter that may be addressed by debate.

□ 2245

Mr. LANTOS. Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER pro tempore. Please state your parliamentary inquiry.

Mr. LANTOS. We on this side of the House are under the impression that we are debating the Hunter resolution. Please correct us if we are wrong.

The SPEAKER pro tempore. The gentleman is correct and he may make that point by debate.

Mr. MURTHA. I yield to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. MURTHA, I apologize to you. I know you have a resolution. That is what I was referring to. I recognize we are debating Hunter, and I apologize to you, Mr. MURTHA.

Mr. MURTHA. Let me read another letter.

''In 2004, my youngest son graduated from college and was already enrolled in the Marines. He was ready to help our country and others in whatever was asked of him. It was with great distress that we have watched the administration mishandle this war. There was no plan.''

What the gentleman from Indiana said about World War II, there was a plan. There was a plan when we went into Normandy. We landed 150,000 people in 24 hours. There is the conception at home that there is no plan. I hear this over and over again. That is why there was such an outpouring when I offered a plan, when people called me and said they wanted a plan.

''It was with great distress that we have watched the administration mishandle this war. There was no plan, no push to go in and win the war in total. Mission Accomplished was a joke, and even we the uniformed knew then that it was a misnomer. Losing Colin Powell from the administration was a deep blow to us. We respected his honor and his professionalism. His soldier inside. Our son has had one deployment to Iraq. He came home safely this time, and awaits his second deployment in July. Congressman MURTHA, we are a patriotic family, but I cannot abide by sending my son back into a war where there is no goal, no plan, and a war being planned by Donald Rumsfeld and Vice President CHENEY. We would feel differently if we felt our son was being used in the proper manner, and for a valiant effort. But we feel that they are clay pigeons in a carnival, just waiting for the next suicide bomber or IED. My husband and I did not feel this way 6 months ago. We thought the administration had realized their inadequacy and were making changes, and that we should stay the course. That has not happened. Things continue in disarray. This is not the best use of our military, nor respectful of the values and ideals of the servicemen and women within it. We support your views and we feel that there is a need for change.''

That is what I am saying. We need to change direction in Iraq.

Mr. HUNTER. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. DAVIS) who served as an Army officer in the U.S. Airborne.

Mr. DAVIS of Kentucky. Mr. Speaker, I would point out first that the childish shouting from many who have not served dishonor those who serve on the front lines with quiet resolve at this time while we have a necessary debate on this war.

I am here to represent some folks who cannot speak because they are serving on the front lines right now. I received a phone call in the well of the

House this evening from one of the commanders of America's premier counterterrorism organization. He shared with me his great dismay at much of the rhetoric that had emanated from this body today, making them the pawns in a political battle over what they clearly see as they are making success on the front lines. Please, your shouting and your rhetoric sends echoes to our enemies as well as to our soldiers and our friends.

It is honest to have a debate, my friends, but when I am asked on the floor of this house, why are you doing to us what was done to so many veterans here by Members of this body during Vietnam, when I am told repeatedly of their successes, my friends who I served with over nearly 30 years ago and who are serving now on the front lines commanding the units, leading the units and who are serving as junior enlisted soldiers, hundreds of soldiers whose opinions fly in the face of the rhetoric shared tonight.

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

Mr. HUNTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Arizona (Mr. HAYWORTH).

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

Mr. HAYWORTH. Mr. Speaker, my colleagues, here we are in America's House, having a debate that is altogether appropriate, because as our founders stated the goal, it was to form a more perfect union. And because we are human beings, there is always a gulf between the real and the ideal. This is not a personal debate to be personalized about the gentleman from Pennsylvania. He offered a point of view yesterday. Whatever his intent, here is how it was reported. The Washington Post called it immediate withdrawal. The New York Times called it immediate withdrawal. More ominously and sadly, Al-Jazeera called it immediate withdrawal.

The problem is this, ladies and gentlemen, as has been articulated. Another e-mail, my colleagues:

''I am a U.S. Army captain currently serving in Iraq and I am shocked and appalled by Representative Murtha's call for immediate withdrawal. Please, please, please convince your colleagues to let us finish this critical job.''

That is what is at stake. Vote ''no'' on immediate withdrawal.

Mr. HUNTER. Let me ask, Mr. Speaker, we have the right to close on this side?

The SPEAKER pro tempore (Mr. TERRY). Yes.

Mr. HUNTER. We have got only one speaker left, so I would ask my colleague from Pennsylvania to close on his side if he could.

Mr. MURTHA. Who has the right to close?

The SPEAKER pro tempore. The gentleman from California has the right to close.

Mr. MURTHA. This is his resolution.

The first encounter with the casualties in this war, I had two young widows come to my office. They wanted to go to Walter Reed because they had lost their husband and they wanted to talk to the soldiers and tell them how lucky they were that they were still alive. One was 23 with two children. One was 19 without any children. I thought how proud I was of them. Another young man from my district was blinded and lost his foot. They did everything they could do for him in Walter Reed. And then he went home and his father was in jail. His mother had not seen him. There was no one at home and he was by himself. The VA has done everything they could to help him. They sent him to Johns Hopkins to see if there is a possibility for him to see and found out that he could not see. And then they started sending bills. Collection agencies sent him bills. Imagine. He is by himself in his own home and a collection agency from Johns Hopkins sends him a bill. Obviously we straightened it out, but that is the kind of thing that happens when you forget about the veteran.

I had a soldier that lost both legs and an arm. Bill has seen the young fellow from Micronesia. We visited a mental health ward. You know what they said to me? Fifty thousand of them are going to have some kind of battle fatigue. They said that we don't get Purple Hearts. We don't get any recognition at all. We get shunned aside as if we were cowards.

A young woman from Notre Dame lost her arm and she was worried about her husband losing weight. She was the one that lost her arm. It makes me so proud. A Seabee was lying in intensive care with his three children and his mother and his wife in tears because he was paralyzed from the neck down. This young Marine, his father had been a Marine. His father was there. His father was rubbing his hand. He says, please get my son's brother home. He wants to see his brother. I called the Marine Corps. The Marine Corps said, he doesn't want to come home. So I went back and told his father. He said, please get him home. So I told the Marine Corps and they got him home. I said, you get him out of that country blank-blank right now, and they did.

Another Marine lost both his hands, blinded. I went to the hospital. After I talked to him, I said how proud, as I do to all of them, how proud I was of them. Is there anything you can do for them, I said? He said, yeah, get him a Purple Heart. Why wouldn't he get a Purple Heart? Because he was demobilizing from the friendly bomblets that had been dropped and hadn't exploded, thousands of them. Finally one of them blew up, blew his hands off and killed the guy behind him and blinded him. The Marine Corps said, we have regulations about Purple Hearts. It was friendly fire so he can't get a Purple Heart.

I told the commandant, If you don't give him the Purple Heart, I'm going to give him one of mine. I was going to go out on Thursday, the commandant went out on Wednesday and he got his Purple Heart. Our troops have become the enemy.

Folks, it is easy to sit here in your air-conditioned offices and say, send them into battle. It is easy to sit here in the Capitol of the United States and say, stay the course. But when there is not a plan, when the families write to me and say there is not a plan, when they don't understand, when they believe that Captain Fishback came to see me, he says, You're complicit with the administration in torture, Congress is, because you're looking the other way. I said, We didn't know a thing about it.

And one of the things that turned the Iraqis against us was the tragedy that happened at Abu Ghraib. Because we in Congress are charged with sending our sons and daughters into battle, it is our responsibility, our obligation to speak out for them and that is why I am speaking out.

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

Mr. HUNTER. Mr. Speaker, in a few minutes we are going to send a message to our troops. And for our last speaker, we have a gentleman who knows a lot about freedom. He knows a lot about a lack of freedom. He knows a lot about American resolve and sometimes the lack of American resolve. He has been awarded two Silver Stars, two Legions of Merit, the Distinguished Flying Cross, the Bronze Star with valor, two Purple Hearts, four air medals and three outstanding unit awards. He is one of our real heroes, SAM JOHNSON of Texas.

Mr. SAM JOHNSON of Texas. Thank you, Mr. HUNTER. You are a great man yourself.

Mr. Speaker, I rise today on behalf of the American men and women in uniform and their families. I did spend 29 years in the Air Force, and I served in Korea and Vietnam and spent 7 years as a POW in Vietnam and more than half of that in solitary confinement. I know what it is like to be far from home, serving your country, risking your life, hearing that America doesn't care about you as happened in Vietnam.

□ 2300

Your Congress does not care about you. Your Congress just cut off all the funding for your war. They are packing up, going home, and leaving you here.

When I was a POW, I was scared to death when our Congress talked about pulling the plug that I would be left there forever. I know what it does to morale, I know what it does to the mission, and so help me God, I will never, ever let our Nation make that mistake again.

Our men and women in uniform need our full support. They need to know that when they are in Iraq driving from Camp Blue Diamond to Camp Victory that the Congress is behind them, to

give them the best armored trucks they can drive, the best weapons they can fire, and the best ammunition they can use. They need to have full faith that a few nay-sayers in Washington will not cut and run and leave them high and dry. They need to know these things because that is mandatory for mission success and troop morale.

America, and the Congress, must stand behind our men and women in uniform because they stand up for us every minute of every day.

Any talk, even so much as a murmur, of leaving now just emboldens the enemy and weakens the resolve of our troops in the field. That is dangerous. If you do not believe me, check out al Jazeera. The withdrawal story is on the front page. We cannot do that to our fellow Americans over there.

Mr. Speaker, we are making great progress in Iraq. Remember in January how we saw pictures from Iraq of that first election. For weeks, the media predicted gloom and doom. Remember that? What did we see? We watched people as they waited in line for hours, defying death threats just to cast their vote for democracy.

Remember the picture of the woman in the black hair cover flashing her purple finger in the ''V'' after voting in the first Iraqi elections? It was a breakthrough for democracy, and it was just the beginning.

Remember the recent vote on the referendum when people came out in droves to make their voices heard? You would not have known about it because there was so little mention of it in our press, but the people got out there and they voted and they showed their support for democracy, a new government, hope, and a future.

These people are thirsting for something more. They are risking their lives in the name of a new government, and we must stay the course if we want to foster a stable Iraq and create hope for millions in the Middle East.

Our work is paying off, not just at the ballot box. Remember when we were waking up that Sunday morning in shock as we caught Saddam Hussein cowering in a rathole? He is gone. And you know what? At least 46 of Hussein's 55 most-wanted regime members are either dead or incarcerated. Nationwide, thousands and thousands of police officers have been hired, and nearly 200,000 Iraqi soldiers are trained and serving their country. It is going to take time, but our guys on the ground are working with other nations to make inroads to create leadership and inspire democracy in a country that has only known hate, fear, and death from a ruler.

However, sadly, some here want to embolden the enemy by saying we just cut and run. That is just irresponsible and unconscionable.

I have to ask, what would Iraq be like if the United States pulled out, allowing dangerous people like the head of al Qaeda, Zarqawi, to run the country? What would that mean for the region, the world? Al Qaeda rules with death, fear, terror, and blood. Al Qaeda takes innocent people hostage, and then beheads them, and then brags about it on the Internet. Al Qaeda has no respect for human life. They prey on innocent people to do their dirty work, because they know we do not target schools and hospitals and mosques; yet those are the exact places they run for cover.

Al Qaeda will kidnap loved ones, especially very young children, of people trying to build democracy, to scare them out of helping the country. They are taking kids hostage because parents want a new life and a better life for their children.

The SPEAKER pro tempore (Mr. TERRY). The gentleman's time has expired.

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that the gentleman from Texas (Mr. SAM JOHNSON) be allowed to have 3 more minutes.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas (Mr. JOHNSON) is recognized for 3 additional minutes.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I ask, What part of al Qaeda do you want operating here in America? Al Qaeda is a worldwide organization and a worldwide threat. I do not want any part of this. Americans do not want, need, or deserve al Qaeda. Our troops are over in Iraq fighting not just for our freedom and protection, but the freedom of the world.

We must fight the bad guys over there, not over here. We must support our troops to the hilt so they do not go to bed at night covered in talcum-powder-thin white sand wondering, Does America really support me?

In case people have forgotten, this is the same thing that happened in Vietnam. Peaceniks and people in Congress, and America, started saying bad things about what was going on in Vietnam, and it did a terrible thing to troop morale.

I just pray that our troops and their families can block this noise out and know that we will all fight like mad to make sure our troops have everything they need for as long as they need it to win the global war on terrorism.

Withdrawal is not an option. To our men and women in uniform, I simply say, God bless you. I salute you. All of America salutes our troops.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I stand today in support of H.J. Res. 73, To Redeploy U.S. Forces from Iraq. However, I must also speak to and oppose the cynical resolution offered by Mr. HUNTER. Mr. HUNTER's resolution calling for an immediate withdrawal from Iraq is a political stunt and an outrageous politicization of a serious proposal offered by Congressman JACK MURTHA, a respected leader in the Congress. Mr. HUNTER's resolution shows great disrespect to someone of Mr. MURTHA's stature and is a discredit to his years of service.

From the beginning, this war has been conducted without oversight. Democrats have repeatedly asked for substantive hearings on the war in Iraq. In addition, we have requested investigations on the misuse of intelligence by the Bush administration. War is too important of an issue to politicize the lives of our soldiers. Despite Democrats request for hearings on torture, contract fraud, and the leak of confidential national security information.

It goes without saying that the war in Iraq is not going as advertised. Our troops have become the primary target of the insurgency. They are united against U.S. forces and we have become a catalyst for violence. U.S. troops are the common enemy of the Sunnis, Saddamists and foreign jihadists. I believe with U.S. troop redeployment, the Iraq security forces will be incentivized to take control. A poll recently conducted shows that over 80 percent of Iraqis are strongly opposed to the presence of coalition troops, about 45 percent of the Iraqi population believe attacks against American troops are justified. I believe we need to turn Iraq over to the Iraqis. I believe before the Iraqi elections, scheduled for mid December, the Iraqi people and the emerging government must be put on notice that the United States will immediately redeploy. All of Iraq must know that Iraq is free. Free from United States occupation. I believe this will send a signal to the Sunnis to join the political process for the good of a ''free'' Iraq.

The U.S. needs to vacate Iraq both to splinter the insurgent factions that have united against us and to create incentives for the Iraqis to take on their own security. Not surprising is the fact that the American people have realized this for months. It is just now that some Democrats and Republicans alike are beginning to express grave concerns about the need for a course change in Iraq. With the administration so unwilling to reconsider its disastrous policies in Iraq, it was only a matter of time that Congress would begin to assert itself. Sadly, in the past week the President and the Vice President have restored to questioning people's patriotism to hide their own mistakes. The administration has no idea as to how to proceed in Iraq and they are wrong to use these ''McCarthy-type'' tactics.

I strongly support the Murtha Resolution. H.J. Res. 73 gives Americans a moment to pause so we can seriously discuss the future of America and our troops. This is what a democracy stands for. In addition, H.J. Res 73 calls for the:

Immediate redeployment of U.S. troops consistent with the safety of U.S. forces, creation of a quick reaction force in the region, creation of an over-the-horizon presence of marines, diplomatic pursuit of security and stability in Iraq.

Let me close by saying that the Republican cover-up Congress has refused to exercise its oversight responsibilities to protect our troops, the American taxpayers and our national security H. Res. 571 is not a serious response to the serious question of saving the lives of our soldiers. It is time to get serious and support Mr. MURTHA's proposal now for disengagement in Iraq.

Ms. MCKINNEY. Mr. Speaker, the Republicans in this House have done a heinous thing: they have insulted one of the deans of this House in an unthinkable and unconscionable way.

They took his words and contorted them; they took his heartfelt sentiments and spun

them. They took his resolution and deformed it: in a cheap effort to silence dissent in the House of Representatives.

The Republicans should be roundly criticized for this reprehensible act. They have perpetrated a fraud on the House of Representatives just as they have defrauded the American people.

By twisting the issue around, the Republicans are trying to set a trap for the Democrats. A ''no'' vote for this Resolution will obscure the fact that there is strong support for withdrawal of U.S. forces from Iraq. I am voting ''yes'' on this Resolution for an orderly withdrawal of U.S. forces from Iraq despite the convoluted motives behind the Republican Resolution. I am voting to support our troops by bringing them home now in an orderly withdrawal.

Sadly, If we call for an end to the occupation, some say that we have no love for the Iraqi people, that we would abandon them to tyrants and thugs.

Let us consider some history. The Republicans make great hay about Saddam Hussein's use of chemical weapons against the Iranians and the Kurds. But when that attack was made in 1988, it was Democrats who moved a resolution to condemn those attacks, and the Reagan White House quashed the bill in the Senate, because at that time the Republicans considered Saddam one of our own. So in 1988, who abandoned the Iraqi people to tyrants and thugs?

In voting for this bill, let me be perfectly clear that I am not saying the United States should exit Iraq without a plan. I agree with Mr. MURTHA that security and stability in Iraq should be pursued through diplomacy. I simply want to vote yes to an orderly withdrawal from Iraq. And let me explain why.

Prior to its invasion, Iraq had not one (not one!) instance of suicide attacks in its history. Research shows a 100 percent correlation between suicide attacks and the presence of foreign combat troops in a host country. And experience also shows that suicide attacks abate when foreign occupation troops are withdrawn. The U.S. invasion and occupation has destabilized Iraq and Iraq will only return to stability once this occupation ends.

We must be willing to face the fact that the presence of U.S. combat troops is itself a major inspiration to the forces attacking our troops. Moreover, we must be willing to acknowledge that the forces attacking our troops are able to recruit suicide attackers because suicide attacks are largely motivated by revenge for the loss of loved ones. And Iraqis have lost so many loved ones as a result of America's two wars against Iraq.

In 1996, Secretary of State Madeleine Albright said on CBS that the lives of 500,000 children dead from sanctions were ''worth the price'' of containing Saddam Hussein. When pressed to defend this reprehensible position she went on to explain that she did not want U.S. Troops to have to fight the Gulf War again. Nor did I. But what happened? We fought a second Gulf War. And now over 2,000 American soldiers lie dead. And I expect the voices of concern for Iraqi civilian casualties, whose deaths the Pentagon likes to brush aside as ''collateral damage'' are too few, indeed. A report from Johns Hopkins suggests that over 100,000 civilians have died in Iraq since the March 2003 invasion, most of them violent deaths and most as ''collateral damage'' from U.S. forces. The accuracy of the 100,000 can and should be debated. Yet our media, while quick to cover attacks on civilians by insurgent forces in Iraq, have given us a blackout on Iraqi civilian deaths at the hands of U.S. combat forces.

Yet let us remember that the United States and its allies imposed a severe policy of sanctions on the people of Iraq from 1990 to 2003. UNICEF and World Health Organization studies based on infant mortality studies showed a 500,000 increase in mortality of Iraqi children under 5 over trends that existed before sanctions. From this, it was widely assumed that over 1 million Iraqi deaths for all age groups could be attributed to sanctions between 1990 and 1998. And not only were there 5 more years of sanctions before the invasion, but the war since the invasion caused most aid groups to leave Iraq. So for areas not touched by reconstruction efforts, the humanitarian situation has deteriorated further. How many more Iraqi lives have been lost through hunger and deprivation since the occupation?

And what kind of an occupier have we been? We have all seen the photos of victims of U.S. torture in Abu Ghraib prison. That's where Saddam used to send his political enemies to be tortured, and now many Iraqis quietly, cautiously ask: ''So what has changed?''

A recent video documentary confirms that U.S. forces used white phosphorous against civilian neighborhoods in the U.S. attack on Fallujah. Civilians and insurgents were burned alive by these weapons. We also now know that U.S. forces have used MK77, a napalm-like incendiary weapon, even though napalm has been outlawed by the United Nations.

With the images of tortured detainees, and the images of Iraqi civilians burned alive by U.S. incendiary weapons now circulating the globe, our reputation on the world stage has been severely damaged.

If America wants to win the hearts and minds of the Iraqi people, we as a people must be willing to face the pain and death and suffering we have brought to the Iraqi people with bombs, sanctions and occupation, even if we believe our actions were driven by the most altruistic of reasons. We must acknowledge our role in enforcing the policy of sanctions for 12 years after the extensive 1991 bombing in which we bombed infrastructure targets in direct violation of the Geneva Conventions.

We must also be ready to face the fact that the United States once provided support for the tyrant we deposed in the name of liberating the Iraqi people. These are events that our soldiers are too young to remember. I believe our young men and women in uniform are very sincere in their belief that their sacrifice is made in the name of helping the Iraqi people. But it is not they who set the policy. They take orders from the Commander-in-Chief and the Congress. It is we who bear the responsibility of weighing our decisions in a historical context, and it is we who must consider the gravest decision of whether or not to go to war based upon the history, the facts, and the truth.

Sadly, however, our country is at war in Iraq based on a lie told to the American people. The entire war was based premised on a sales pitch—that Iraq had weapons of mass destruction menacing the United States—that turned out to be a lie.

I have too many dead soldiers in my district; too many from my home state. Too many homeless veterans on our streets and in our neighborhoods.

America has sacrificed too many young soldiers' lives, too many young soldiers' mangled bodies, to the Bush war machine.

I will not vote to give one more soldier to the George W. Bush/DICK CHENEY war machine. I will not give one more dollar for a war riddled with conspicuous profiteering.

Tonight I speak as one who has at times been the only Member of this Body at antiwar demonstrations calling for withdrawal. And I won't stop calling for withdrawal.

I was opposed to this war before there was a war; I was opposed to the war during the war; and I am opposed to this war now—even though it's supposed to be over.

A vote on war is the single most important vote we can make in this House. I understand the feelings of my colleagues on both sides of the aisle who might be severely conflicted by the decision we have to make here tonight. But the facts of U.S. occupation of Iraq are also very clear. The occupation is headed down a dead end because so long as U.S. combat forces patrol Iraq, there will be an Iraqi insurgency against it.

I urge that we pursue an orderly withdrawal from Iraq and pursue, along with our allies, a diplomatic solution to the situation in Iraq, supporting the aspirations of the Iraqi people through support for democratic processes.

Mr. SHAYS. Mr. Speaker, there is concern on the floor tonight about the way in which this resolution was brought up. The gentleman from Pennsylvania, Mr. MURTHA, is one of the finest members of this body and has given his heart to our nation and his wisdom to this Congress. But underlying concerns about the process tonight, is the critically important issue regarding the future of U.S. involvement in Iraq. The United States' commitment to a stable and democratic Iraq is essential for the future of the region, for the larger war on terrorism and for the Iraqi people.

In my ten trips to Iraq, four times outside the umbrella of the military, I've had the opportunity to speak with hundreds of Iraqis and can tell you with some certainty about their greatest fear . . . It is not the suicide bombs and other terrorist attacks brought against their countrymen. It is the concern that the United States, which has helped give them a taste of freedom and democracy, will leave them before they are ready to fend for themselves.

Tonight we have the opportunity to proclaim, ''We will not leave you.'' When I hear the critics on this floor or in the news media say our policy is a disaster, that we are in a mess in Iraq, I think of the transfer of power in June 2004, the election in January 2005, the referendum this past October and what I believe will be a huge success in December with the election of a permanent Iraqi government. I am in awe of what the Iraqis have accomplished in such a short period of time.

Regretfully, the administration has done a very poor job explaining to the American people why we are there and when and how we intend to leave, but this does not mean we don't have an exit strategy. We have a strategy but regretfully it has had to be amended more than once.

The United States' strategy is to assist the Iraqis in creating a secure environment so

they can develop their new democratic government with a competent police, border patrol and army to defend that government. American forces will be reduced when enough Iraqi security forces can take our place and their new government is fully functioning.

Haven't we learned from the 1983 bombing of the marine barracks in Beirut that if we leave without finishing the job those that wish us harm will come at us again?

Didn't we learn any lessons from the attacks against our military personnel in Saudi Arabia and our diplomats in Africa and our sailors on the USS Cole? And didn't we learn that the Islamist extremists would come at us again when they attacked the Twin Towers, the Pentagon and attempted to attack our Capitol on September 11, 2001 ?

Yes they will be back again and again and again.

If we leave Iraq without completing our mission, what type of message will this send to the people who need our help? To them and the rest of the world the message will be clear . . . if you put up a strong enough resistance, the United States will eventually tire of its efforts and leave before its mission is accomplished.

JOHN MCCAIN was correct when he asked the same questions during debate of the Defense Authorization bill: "Are these the messages we wish to send? Do we wish to respond to the millions who braved bombs and threats to vote, who have put their faith and trust in American and the Iraqi Government, that our number one priority is now bringing our people home?"

Mr. Speaker, although some may feel otherwise, this is a serious debate about a serious issue. I strongly urge all members to vote against this resolution and against the premature withdrawal of our troops from Iraq.

Mr. LEACH. Mr. Speaker, today's debate should not be about the character of the gentleman from Pennsylvania, Mr. MURTHA, whose service to his country is above reproach. It should also not be about a resolution introduced by one member ascribing it to the position of another. It should be about the profoundness of the dilemma we face in our Iraqi policy.

All wars evoke analogies to prior conflicts. Vietnam is on everyone's mind. My sense is that references to our Southeast Asian experience are somewhat oblique, but important to ponder. Of particular relevance is the advice of a former Vermont Senator, George Aiken, who suggested we just declare victory and get out of Vietnam. Aiken's advice was rooted in frustration, but wise as it was, represented more spin than reality. Given the strategies in play, victory wasn't close at hand.

For may Americans, including me, the war in Iraq has been difficult to justify. But all Americans, except perhaps a few who may be partisanly vindictive, should want as positive a result as possible, given the circumstances we now face. The decision to go to war may have been misguided and strategies involved in conducting it mistake-ridden; nonetheless there should be clarity of purpose in ending the conflict, with the goal neither to cut and run, nor simply to cut losses. At this junction of involvement we should define cogently our purposes and by so doing create a basis both for a viable future for Iraq and for a U.S. disengagement that respects the sacrifices of those who have served so valiantly in our armed forces and those of our coalition allies.

The key at this point is to recognize the WMD threat proved not to be a compelling rationalization for the war and emphasize instead the moral and philosophical case for overturning a repressive and cruel regime and replacing it with a constitutional democracy. This latter emphasis need not suggest or imply that all repressive regimes are fair game for intervention, nor that regime change is the principal American way, nor that other rationales for intervention don't exist. But it is the case for intervention that shows the most concern for the Iraqi people as they look both to their past and to the new challenges of Al Qaeda.

Accordingly, in today's circumstances, my advice, as one who voted against authorizing military intervention in Iraq, is for the Administration to emphasize its commentment to democracy, not as a rationale for continuing the war, but as the reason for disengagement.

Let me amplify.

All Americans, however wary they may be of the political judgments that have to date been made, should concur that the world is better off without Saddam Hussein and that it is positive that a dictatorial regime is being replaced with a democratically elected government. The cost of the undertaking may have been too high and the results counter-productive in many ways, but before the international situation worsens further, the administration would be wise, perhaps noting with pride the elections to be held under a constitution this December, to announce that a new sovereign circumstance allows for comprehensive troop drawdowns next year. The more definitive and forthright the plan the better, but announcing a precise time table is less important than making a firm commitment to leave, with articulation of a clear rationale for so doing. If we don't get out of Iraq at a time of our own choosing and on our own terms, we will eventually be asked to leave, possibly ignominiously, by the Iraqi government, or be seen as forced to leave because of terrorist acts, which can be expected to continue as long as we maintain a military presence in the heart of the Muslim world. The key is that we must control and be seen as controlling our own fate.

All Americans should be respectful of the sacrifices of our men and women in uniform. They have been placed in an untenable situation. If they had not been so heroic and in many cases so helpful in rebuilding neighborhoods and schools, the U.S. would face a far more difficult dilemma today.

But we have no choice except to assess whether Osama Bin Laden and his movement have not been given added momentum by our intervention in Iraq, and whether the ideologically advocated policy of establishing long-term bases or one of returning our troops home is likely to be the more effective strategy in prevailing in the world-wide war on terror.

Here, it should not be hard to understand that prolonged occupation of a country which encompasses an area of land where one of the world's oldest civilizations prospered is humiliating to a proud people and those elsewhere who share its great religion. It should also not be hard to understand that the neo-con strategy of establishing a long-term military presence in Iraq with semi-permanent bases raises the risk of retaliatory terrorist attacks at home and abroad.

Indeed, according to the University of Chicago scholar, Robert Pape, in his definitive book on suicide bombers, Dying to Win, the principal reason anarchists choose to wrap themselves in explosives and kill innocent civilians is to register martyred objection to the occupation of countries or territories by the armed forces of Western or other Democratic governments. Suicide bombing, by implication, will exist as long as occupations continue.

In this regard, a note about Al Qaeda is in order. Just as neither Iraq with its secular leanings nor any Iraqis were responsible for 9/11, so Saddam Hussein apparently considered Osama Bin Laden as much a rival as a soul brother. It is Western military intervention that has precipitated Al Qaeda's rapid growth in Iraq and elsewhere, creating a "cause celebre" for its singularly malevolent actions. If American withdrawal policy comes to turn on the question of anarchy—i.e., troops can't be drawn down as long as suicide bombers continue to wreak havoc—we place ourselves in a catch 22 and, in effect, hand over decision-making discretion to those who wantonly kill. We allow the radical few to use our presence as the reason for their actions and at the same time cause our involvement to be held hostage to their villainy. The irony is that as conflicted as the Iraqi police and army appear to be, we are fast reaching a stage where the anarchists may be more credibly dealth with by Iraqis themselves, particularly if the principal rationale for violence—i.e., the American presence—disappears.

Hence, the case for a change in strategy is compelling, not as the resolution under consideration tonight envisions, but in an orderly manner, protecting our troops, our values and the gains we have helped make for the Iraqi people.

Sometimes it is as difficult to know when to end as it is when to start a war. In this context I am hard pressed to believe anything except that a mistake of historical proportions will occur if the administration fails to recognize the opportunity presented by next month's elections to effectively bring our involvement in this war to a close. It may be true as the Secretary of State told the Senate several weeks ago, that democratic elections alone don't create a viable government. But the assertion of the Secretary, however valid, should not be used as a rationale for an unending American occupation.

It is possible, of course that civil strife will ensue when we withdraw, but this is just as likely to be the case in 2026 as 2006. In any regard, civil union is for the Iraqi people to manage. It's not for American troops to sustain. The authorization this Congress gave to the Executive to use force contemplated the clear prospect of military intervention in Iraq. It did not, however, contemplate prolonged occupation. If this is not understood by the Executive branch, the current overwhelming Iraqi polling sentiment favoring American troop withdrawal will be more than matched by shared American sentiment. In a democracy no one can be a leader without followers.

The issue is no longer, as is so frequently asserted, the need "to stay the course;" it is to avoid "overstaying" our presence.

Mrs. WILSON of New Mexico. Mr. Speaker, just last month, the Iraqi people, including large numbers of Sunni Iraqis, voted in a referendum on their Constitution. The Iraqi people are choosing to participate in the political process that can eventually undermine support for the indigenous insurgency in Iraq.

The next step in building Iraq's political future is elections in December under this new, completely Iraqi Constitution. Broad participation in these elections will continue to build political momentum for a new self-governing Iraq at peace with its neighbors.

While the political process moves forward, the United States and its allies must continue to train Iraqi police and security forces so that week by week, month by month, more neighborhoods, towns and provinces are patrolled and controlled by Iraqis.

We must also continue to conduct military operations against insurgents and foreign fighters in Iraq, particularly al Qaeda in Iraq. There are still difficult days ahead and much work to be done—much of it done by our men and women in the military.

I expect U.S. forces will continue to stay in Iraq through December's elections at roughly their current level. But as I've said, if political and security progress continues on roughly the course we are on, American forces should be able to start being drawn down in significant numbers during the course of next year. These redeployments should be based on conditions in the field. As the Iraqis stand up, we can stand down.

After September 11, 2001, we made a decision to play offense in fighting the war on terror, to track down enemies who would kill Americans and give them no place to hide. Our troops are doing a fantastic job, and terrorists know they have no hope of defeating our troops in the field. They know that the center of gravity in their fight is to undermine the will of the American people.

I would rather have American soldiers hunting down terrorists over there, than have American firefighters and police officers responding to attacks here at home.

Mr. RYAN of Wisconsin. Mr. Speaker, our military men and women are doing a tremendous job in Iraq, as they work with Iraqis to secure their country and combat the terrorists who want so desperately to prevent freedom from taking root there. Our troops deserve to hear messages of strong support and thanks from us—not calls for withdrawal that merely give hope to the enemy. Given a chance, the Iraqi military and political system will become strong enough to defend the Iraqi people on its own. But pulling our troops out now would undermine this goal and provide an opening for al Qaeda and its terrorist brethren.

I disagree wholeheartedly with those who claim our presence there is counterproductive and those who argue that it would be best to bring America's troops home before their mission is completed. Iraq and its people have made great strides, most recently with their free vote on a constitution. But all their progress and our troops' blood and sweat will be for nothing if our forces withdrawal before Iraq's own forces are ready to defend the country.

All of us want to see our soldiers come home, but it would be a huge mistake to make their withdrawal based on an arbitrary date, rather than conditions-based. So many of our servicemen and women have sacrificed so much to ensure that Iraq does not become a haven for terrorists, and we have to make sure that mission is accomplished and that their sacrifice has not been in vain. Pulling our troops out now is akin to surrender and would be a fateful blunder.

Mr. DICKS. Mr. Speaker, the debate over this fraudulent resolution is a sad comment on the level of debate in the House of Representatives and an insult to a colleague of ours who has dedicated his career in the House to improving our national defense and supporting American soldiers, sailors and Air Force personnel. No one in this body can or should challenge the patriotism of Congressman JACK MURTHA, who is a decorated veteran who spent 37 years in the United States Marine Corps and whose experience in uniform has helped to shape his informed views on national security here in Congress. When he expressed his personal and thoughtful views on the future of our Nation's involvement in the war in Iraq he was subjected to a barrage of personal criticism that was truly excessive, including an official statement from the President's Press Secretary that trivialized the very nature of our congressional debate over a very important subject.

Today the Chairman of the House Armed Services Committee, usually a thoughtful Member himself, took it upon himself to introduce a caricature of a resolution that totally ignores many of the important points that Mr. MURTHA originally suggested, and it makes a mockery of the process of honest and open debate in the House of Representatives. It is difficult for me to remember a time when serious issues of national security have ever been treated with such disdain here in the House, and I am extremely disappointed in the Republican leadership of the House that has allowed this circus atmosphere to take place today.

Even more astounding to me is that the House is rushing through a rule to consider this Resolution today with the explanation that it is ostensibly a debate over the war in Iraq. Nothing could be further from the truth. We have not had an honest debate on the war in Iraq here in the House even as we have seen more than 2,000 young American die in battle. We have not had an honest debate over the quality of information that we were given before the start of the war, or about the inability of Secretary Rumsfeld and the Bush Administration to give us any serious indication of our current objectives or a time line for the ultimate re-deployment of American troops out of Iraq. I would welcome such an honest and thorough debate, as I am sure all of my colleagues in the Democratic party would. But what we are doing today is a politically motivated exercise that insults that integrity and cheapens the reputation of the House itself.

There are many troubling aspects of our involvement in Iraq that we should be debating, including the discovery just this week that some of the Iraqi security forces that we are training—paying for—were engaged in the same type of torture of Iraqi citizens that characterized the reign of Saddam Hussein himself.

What we should not be doing is considering a disingenuous resolution that is merely intended to elicit sound bites for conservative talk radio shows and which is a thinly-veiled attempt to insult one of the most courageous and dedicated members of the House, Mr. MURTHA. We can do better, Mr. Speaker, and we should resoundingly reject this measure.

Mr. STEARNS. Mr. Speaker, my colleague from Pennsylvania, Mr. MURTHA said yesterday that "our military has done everything that has been asked of them, the U.S. cannot accomplish anything further in Iraq militarily. It is time to bring them home." I know Mr. MURTHA to be a man of honor and integrity and I am sure he is sincere in his belief that there is not more to accomplish and we must immediately withdraw our troops. I could not disagree more with his assessment.

We must stay in Iraq to finish the job and leave with honor. To cut and run now and leave with our tail between our legs would send the message to terrorists around the world that America has lost its will to win the War on Terrorism. This would merely embolden our terrorist enemies and lead to open season on America and our allies. We cannot allow this to happen. We must stay the course in Iraq and finish the job. The stakes are too high to fail.

Throughout American history, we have been tested in times of war many times. But virtually every time, we stayed the course and prevailed.

We did not experience quick victory in the American Revolution. In fact, it took our Founding Fathers years to win our hard-fought independence. We were defeated at the Battles of Long Island, Harlem Heights, White Plains and others, and we will never forget the dark days at Valley Forge, yet we did not give up our desire for freedom.

And let's not forget in World War II, where we suffered rapid and repeated defeats at Guam, Wake Island, the Philippines and Kasserine Pass.

But when General Douglas Macarthur was forced to leave the Philippines, he did not say, "We should have an immediate withdraw of all American troops." Instead, he uttered the immortal words: "I shall return."

And we aren't even losing in Iraq! We are winning, and making a difference. Because of our intervention in Iraq, a murderous dictator and a totalitarian regime have been overthrown, free elections have been held, and a new constitution has been drafted and ratified.

This is an important and emotional debate. When to send our servicemen and women to war and when to bring them home is perhaps the most difficult decision we as Member face. I have been to Iraq and everybody I met was enthusiastic, about doing their job and helping the Iraqi people.

We must fight this temptation to set an artificial timetable as to when we bring our troops home. All this will do is allow the terrorists time to regroup and lay in wait until we leave. But do not take my word for it. Take the word of a top American commander in Iraq who called setting a deadline for troop withdrawal "a recipe for disaster."

Army Maj. Gen. William Webster, whose 3rd Infantry Division is responsible for security in three-fourths of Iraq's capital said "Setting a date would mean that the 221 soldiers I've lost this year, that their lives will have been lost in vain. Iraq's armed factions would likely take a cue from a timetable for a U.S. withdrawal to lie low, gathering their strength and laying plans for renewed conflict when the Americans leave."

Gen. Webster went on to say "They believe they're doing the right thing. The soldiers believe they're helping."

My colleagues on the other side of the aisle have been saying that the war in Iraq has been a dismal failure and a mistake. Let me ask them, is it a sign failure that our troops have vaccinated over 3 million children under 5 to help these children fight polio. Or that we screened more than 1.3 million children under age 5 for malnutrition.

Was it a mistake to rehabilitate almost 3,000 schools? What about the 36,000 secondary school teachers and administrators, including 1000 master trainers, that have been trained by the Iraqis with the United States' help? These teachers are going to start teaching in a way that gives freedom to the children.

I ask my friends on the other side of the aisle once again, would you say accomplishing all of this constitutes failure? The millions of Iraqi men, women and children who no longer live under a brutal dictator would not think so.

We must continue to fight the terrorists and secure Iraq as a stable, secure democracy. We are making a great deal of progress on the democracy front as well. The approval of Iraq's constitution on October 15 was a historic day for Iraq and a bad day for terrorists. Millions of Iraqis turned out to vote, embracing the democratic process. Iraq now has a constitution.

On the day of the referendum, there were no suicide bombings, and attacks on polling stations were down from 108 in January to 19 in October. Sixty percent of registered voters took part in the referendum. Significantly higher turnout in Sunni a further indication that Sunnis are joining the political process.

Mr. Speaker, we are at a crossroads in Iraq. Do we cut and run or do we stay and finish the job? There is too much at stake to immediately pull out. All we would be doing is strengthening the terrorists. We must finish the job. We must stay the course and leave with honor. I urge a ''no'' vote on this resolution.

Mr. MORAN of Virginia. Mr. Speaker, the unspoken inevitability we face is that U.S. troops will eventually leave Iraq.

Eighty percent of Iraqis want us to leave now. They now see us as occupiers, not liberators.

American politicians say we must save Iraqis from an even more violent civil war.

But that civil war is underway because of the American presence. It is fueling Sunni hostility toward Shia collaborators.

If the American forces weren't there, Iraqi Shia security forces would no longer be serving the interests of foreign infidels against other fellow Iraqis. It would open the door to the reenlistments of many of the best trained and experienced former Iraqi military and police professionals.

The preponderance of power now lies with the Shia and the Kurds. The Sunni fighters have only small arms and make-shift explosive devices. The insurgents don't have access to Saddam's tanks and helicopters.

Furthermore, we have equipped the Shia and Kurds with much superior weaponry and they are vastly superior in number.

If the Americans end their occupation, the insurgents' resistance will lose its purpose.

The foreign jihadi element in Iraq is numerically insignificant. The vast bulk of the resistance has little connection to al-Qaeda or its offshoots. The colonel in charge of cleaning out the insurgency in Tall Afar said they were fighting foreign jihadi fighters coming in from Syria. Yet, when they interrogated the more than a thousand captives, not one—not one was a foreigner—all were native Iraqi insurgents.

But al Zarqawi and his followers have benefited mightily from this misguided war because he is being given credit by American politicians for heading the resistance. We, in America, have been his best recruiting aid.

But what Zarqawi and al-Qaeda want is wholly different from what the Sunni insurgents want. Zarqawi wants to see a Muslim caliphate and a violent struggle against Christian and Jewish infidels around the world until Judgment Day.

The Sunni insurgents want an independent Iraq that will enable them to regain the wealth and power they experienced under Saddam.

Foreign fighters will be harshly treated by Iraqis once American troops leave. The jihadists need a failed state to function. That's why they were not in Iraq until we entered Iraq and broke up the effective, albeit horribly repressive government of Saddam Hussein.

Mr. KOLBE. Mr. Speaker, I rise today to speak in opposition to H. Res. 571, and to urge my colleagues—in the strongest possible terms—to vote against this resolution. As with other members who have risen here today, I also served in our military. I'm a veteran of the United States Navy, and served one year in the Vietnam War on swift boats. But, Mr. Speaker, I do not stand before you tonight and suggest that past military service is a requirement for one to have a credible opinion on this important issue. All Americans have a right to be heard on this matter—and should be heard.

Mr. Speaker, with all my heart and with all my mind, I believe that to pull our troops from Iraq immediately would send a clear and unmistakable message to every potential enemy worldwide that the United States has no backbone, no willingness to see a tough struggle through to the end. It would be a message to our allies that the United States does not honor its commitments. And it would send a message to the families of every member of the armed forces selflessly serving to defend our liberties, especially those who have paid the ultimate sacrifice that their service, their sacrifice, has been in vain.

Look to our past history: In the face of relentless opposition from abroad and ever here at home, the United States honored its commitments to Germany, Japan, and South Korea after World War II and the Korean War. Today they are our strongest allies. On the other hand, Osama bin Laden himself wrote that evidence of the United States' weakness could be found in our departures from Vietnam, Beirut, and Mogadishu. ''The United States is a paper tiger,'' he was saying. ''Smack them in the face and they run.''

To pull our troops from Iraq immediately would be an abrogation of our responsibilities in the world.

History will not define this great nation by our decision to enter Iraq—it will define us by how we leave Iraq.

Whether or not you supported the decision to go to war against Iraq in the first place, we have an obligation to leave Iraq a safer, freer country than it was under Sadam Hussein. Spreading freedom and liberty is not something America has ever avoided, nor should it.

I urge my colleagues to vote against this resolution.

Mr. OWENS. Mr. Speaker, the definition of ''immediate termination of United States forces in Iraq'' must mean the following as set forth by Representative JOHN MURTHA:

''My plan calls:

—To immediately redeploy U.S. troops consistent with the safety of U.S. forces.

—To create a quick reaction force in the region.

—To create over-the-horizon presence of Marines.

—To diplomatically pursue security and stability in Iraq.

You may call this a position, a program, or an exit strategy but this is the Murtha message which set in motion the current proceedings on the floor of the House of Representatives. This is the declaration heard from Representative MURTHA by the American people and around the world. By all standards of decency and by popular decree the Republican leadership is mandated to respect the precedent setting language of this most detailed of all proposals for new and creative action in Iraq.

For this reason I urge all of my colleagues to examine closely the resolution before us. ''That the deployment of United States forces in Iraq be terminated immediately.'' In view of the fact that the wording of this resolution distorts the plan set forth by Congressman MURTHA, I urge all Members to condemn this dirty trick by voting ''present.''

Ms. SCHAKOWSKY. Mr. Speaker, my colleagues, there is nothing—nothing—more serious that we will do in our lives as well as our careers than to send young American men and women to war. And there is no one in this body who understands the consequences of that decision more than JACK MURTHA who served 37 years in the Marines, won two Purple Hearts in battle, and loves without reservation our soldiers in uniform.

Over 2,070 Americans and tens of thousands of civilian Iraqis are dead, thousands more are horribly injured in this war that many of us believe to be completely unjustified. Yet the House Republicans are so morally bankrupt that they would turn to cheap political stunts in order to undercut Congressman MURTHA's conscience-driven call for an end to the Iraq war, which he calls ''a flawed policy wrapped in illusion.''

But there is not a person in this House who is man or woman enough to ever undercut the credibility of JACK MURTHA, no matter how many accusations they may throw at him, no matter how many names they call him, and no matter how many ''clever'' tactics they try.

Shame on the Republican leaders for thinking it's ok to turn this war into a game and Representative MURTHA into a political football. Shame on the Speaker for accusing JACK MURTHA of insulting and demoralizing our troops. Mr. MURTHA, this decorated war hero, is right when he says ''what demoralizes them is going to war with not enough troops and equipment to make the transition to peace; the devastation caused by IEDs; being deployed to Iraq when their homes have been ravaged by hurricanes; being on their second or third deployment and leaving their families behind without a network of support.''

The Republicans don't demean Mr. MURTHA, can't begin to demean Mr. MURTHA, when they make baseless allegations and engage in pointless political stunts. They demean themselves and they demean the integrity of this House of Representatives. Shame on you.

I support JACK MURTHA's resolution to stop sending our soldiers to die in Iraq. I support him when he says, ''It is time to bring them home.'' The proper response from those who disagree with this revered Marine would be to have a serious discussion about how we got into Iraq, about the conduct of the war, and about how we get out. Instead we see the typical slash-and-burn personal attacks that are

the mainstay of the Republicans, especially when they know they are wrong. And you are wrong.

But you are no longer fooling the American people. In overwhelming numbers they think it was a mistake to go to war in Iraq; they think the Bush Administration mishandled the war; they don't trust the President to tell the truth; and they don't support this war. On the eve of Thanksgiving, even as our troops are doing their very best far from home and family, the Republicans have chosen to pull a cheap, demeaning political stunt. Shame on you.

Mr. VAN HOLLEN. Mr. Speaker, we went to war in Iraq in an irresponsible way; we should leave Iraq in a responsible way.

The Administration's slogan of ''stay the course'' is not a strategy. More of the same is unacceptable. We must change course. The Bush Administration has tried to stifle debate here at home by shamelessly challenging the patriotism of those who question their approach. The time has come for a serious debate on this issue of utmost importance to the American people. We should bring our troops home as quickly and safely as possible. But bringing our troops home is only part of a successful strategy for leaving Iraq. We must redeploy our troops in a way that does not unleash even more bloodshed and killing in Iraq, and does not create a vacuum that will be exploited by Al Queda and terrorist elements.

Our nation went to war in Iraq based on false information and gross distortions of the facts made by President Bush and others in his Administration. Before the invasion, a number of us gave speeches on the floor of this House outlining the dangers of going to war in Iraq. The Bush Administration and the Congress chose to disregard the warnings that were raised by many people who had experience on foreign policy issues regarding the Persian Gulf region.

We have made many mistakes during the war, but many of the results of our invasion were predictable. As I said on this floor prior to the war:

''The President has presented a utopian vision of democracy breaking out in the Middle East after we invade Iraq. It is just as easy to imagine a scenario where difficulties in Iraq and the American action there fuel resentment toward occupying American troops and inflame the region against us, strengthening the hands of radical Islamic fundamentalists and making it more difficult to promote democracy and other U.S. goals in the region.''

Now, more than two and half years after the invasion of Iraq, those predictions have unfortunately proved true. The Administration utterly failed to understand the dynamics and history of Iraq. They failed to understand the opening that Sunni grievances and old rivalries would give to our enemies, to Al Queda and others. The Administration built its actions on a foundation of sand—on rosy scenarios and wishful thinking. We never had a plan to deal with the forces we were unleashing in Iraq and we are dealing with the consequences now. There have been over 2,079 confirmed American deaths in Iraq. Over 15,500 have been seriously injured. There have been reports of at least 30,000 Iraqi civilian deaths.

Having invaded Iraq, the United States has a moral and national security obligation to do everything possible to prevent the situation from spiraling even farther out of control. We must devise a plan to leave Iraq in a way that maximizes the chances for stability and minimizes the possibilities of a full scale civil war erupting.

The insurgency today consists primarily of former Baathists who lost their grip on power and who fear for their future security in a country dominated by the Shia. They have resorted to a bloody campaign of terrorist attacks to prevent the establishment of a central government. The Bush Administration has failed to develop a political strategy that will end the violence.

This conflict will not be resolved by military force. It requires a diplomatic and political solution. Any resolution must address the Sunni fears that are feeding much of the violence. At the same time, any resolution must recognize the facts on the ground—the Kurds will never again allow themselves to be victimized by a central government in Bagdhad and the Shia, by virtue of their majority status, will never again allow themselves to be dominated by others.

The Bush Administration's efforts to achieve a political solution have been grossly inadequate. However, the prospects for a political and diplomatic resolution are less likely in the face of a total immediate withdrawal of U.S. forces from Iraq. The more likely result would be a surge in killings of innocent Iraqis as different groups compete for power in the vacuum left by the immediate and total departure of American forces. That bloodshed would be a great stain on our nation and a terrible blow to our already shattered credibility. Moreover, just as the precipitous U.S. disengagement from Afghanistan following the Soviet withdrawal from that country opened the door to the Taliban regime, the immediate and total withdrawal of U.S. forces from Iraq—without a political plan in place—would most benefit extremist and terrorist groups.

Our strategy for leaving Iraq must also recognize that Iraq's neighbors—Iran, Turkey and Syria—all have strong interests in the future of Iraq. Our plan must ensure that the United Nations and the international community will work to prevent others from exploiting the situation in Iraq at the expense of the Iraqi people and the security of the region and the United States.

The Senate Democrats, under the leadership of Senators HARRY REID and CARL LEVIN have proposed a path for bringing our troops home in an orderly way that minimizes the likelihood of an outbreak of a full scale civil war in Iraq.

In the aftermath of the terrible attacks of September 11, 2001, the world rallied to our side. The international community supported our decision to go into Afghanistan to root out Al Queda. The Bush Administration squandered that international good will. Instead, it began a war of choice against Iraq. As many predicted before the invasion, that war has fueled the ranks of Al Queda and strengthened the jihadists. We must not compound the blunders of the Bush Administration by creating the conditions for even more bloodshed in Iraq and allowing it to become a haven and launching pad for terrorist activities.

This Congress has not had a serious debate on Iraq. Instead, the Republican leadership in this House has worked to hide from the American people the gross incompetence of the Bush Administration's policies on Iraq. The time is long overdue for us to have a serious discussion on this issue of the greatest importance to the American people. Our troops and their families deserve no less.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise in support of a colleague, a friend and someone whose judgment I respect. JOHN MURTHA had seen a lot of battles before he came to Congress. A decorated Vietnam Veteran with two Purple Hearts, a Bronze Star in 37 years of service in the Marines.

I did not know him then, but I know him now. He is a Member who carries with him a full life lived, a perspective shaped by experience and understanding. He has accrued wisdom, which is seldom seen in a person who carries it in such a dignified and unassuming manner.

He was one of the first gentlemen of the House to support the ''Women In Military Service For America Memorial.'' I asked him for his support on this project, but I did not have to explain it. He understood the contributions women and other minorities have made in the military. He takes a comprehensive and inclusive view of situations. This man's actions define who he is. I find this refreshing. He speaks from a position of knowledge. I say this because tonight we are debating a severely amended version of the Murtha Resolution.

If we are going to seriously debate the war in Iraq, we must do so in the scope that represents the full spectrum of the American people. This resolution tonight is not the debate the American people have asked for or need to hear. The American people want a comprehensive and inclusive debate that reflects the complexity of the situation our country finds itself in.

While agreeing with the Murtha Resolution, I do so primarily because he has given this situation great thought and because I trust that the author had every intent of fully debating his resolution whether members agreed to it or not—and is willing to listen constructively. We should follow his lead on opening up this debate—not smothering it. Mr. Speaker, I ask that on this Friday night before we adjourn for the Thanksgiving season to be with family and mends to give thanks, let us give dignity to a true debate about this war in Iraq.

The American people deserve better.

Mr. RANGEL. Mr. Speaker, I rise today with a heavy heart to enter into the CONGRESSIONAL RECORD my observations regarding the shameless acts of the Republicans who have hijacked the House of Representatives and have become so arrogant, so deaf to any voices but their own they do not hear the voices of the American people. My friend and colleague, JOHN MURTHA, a true American patriot and decorated Marine Corps veteran of Vietnam combat, spoke from his heart yesterday on behalf of those he cares most about: the men and women wearing the uniform of the United States of America and the people of this country he has served all his life.

Congressman JOHN MURTHA, the leading Democrat on the House Appropriations Committee's defense committee, reached a point where he felt this country's continued occupation of Iraq was a source of the violence in Iraq. Congressman MURTHA had the courage to do what few have been able to do. He faced the people at a press conference and described how he had come to the conclusion that: ''The United States and coalition troops have done all they can in Iraq, but it is time for a change in direction. Our military is suffering. The future of our country is at risk. We

can not continue on the present course. It is evident that continued military action in Iraq is not in the best interests of the United States of America, the Iraqi people or the Persian Gulf Region.''

Congressman MURTHA supported his conclusions by the now familiar truths we know. The reasons we were given for going to war were all false. There were no weapons of mass destruction and no nuclear weapons; there was no imminent danger. We were not welcomed by flowers in Baghdad. We had not brought Democracy in Iraq. Congressman MURTHA cited the key indicators in order to assess the ''progress'' of Iraq. According to reports recently submitted to his committee by the Secretary of Defense, Congressman MURTHA learned some disturbing news. ''Oil production and energy in Iraq are below prewar levels. Our reconstruction efforts have been crippled by the security situation. Only $9 billion appropriated for reconstruction has been spent. Unemployment remains at about 60 percent. Clean water is scarce. Only $500 million of the $2.2 billion appropriated for water projects has been spent. And most importantly, insurgent incidents have increased from about 150 per week to over 700 per week in the last year.''

Congressman MURTHA pointed out that the American people do not want us in Iraq. A British poll found that 80 percent of Iraqis do not want us occupying their country. Of the 80 percent of the Iraqis who don't want us in Iraq, 44 percent felt attacks on Americans were justified. Drawing on his experience in Vietnam, Congressman MURTHA said there is no way to win a war with insurgents when the people tell the insurgents what moves you are going to take.

Congressman MURTHA repeated what he has been saying. The war in Iraq cannot be won militarily. The administration is now saying the same thing. Congressman MURTHA stated that our military has done its duty, but the war continues to intensify.

Congressman MURTHA's proposal was not to ''cut and run'' as the Republicans have said. His proposal provides for re-deployment from Iraq, the safety of our troops, and a rapid deployment force to deal with any genuine terrorist threat in the region.

To equate a criticism of the President's failed policy with a lack of support of our troops is beneath contempt. It is appalling to see the President, the Vice President, and Secretary Rumsfeld smear JOHN MURTHA with accusations of cowardice.

I think Congressman MURTHA said it just right when he was asked at his press conference yesterday how he felt about Vice President CHENEY'S attempt to tell him what was good for the troops. He said he welcomed a man with five deferments attempting to tell him what was good for troops in battle. It was easy, MURTHA said, to sit in air-conditioned offices, and decide what the troops were going to do, but our soldiers have it very hard in Iraq. Very hard. When a man with the combat record of Congressman MURTHA talks about men and women in battle, I think he deserves to be heard.

Instead, the President blasted him from as far away as China. And today, the Republican House leadership pulled one of their dirtiest tricks. The Republicans introduced and put up for a vote a mockery of the Murtha Resolution, with no discussion, no consideration in committee and no input from the American people. It was a calculated move by Republicans designed to make it appear to the American people that MURTHA'S reasonable resolution was a proposal to undermine the troops.

With this move, Republicans made a mockery of the people's House and the people's wishes. They smeared an American hero and a man who cares about the military and his country. The leadership of the Republican House of Representatives, acting in lock step with a failed President is perpetuating, in JOHN MURTHA's words, a ''failed policy wrapped in an illusion.''

Mr. LANGEVIN. Mr. Speaker, I rise this evening in opposition to this resolution calling for an immediate withdrawal of U.S. troops from Iraq. It is a shame that some members of the House leadership have decided to turn one of the most pressing issues facing our Nation into a political stunt.

This resolution is not offered in good faith; it is a blatant effort to confront, to embarrass, and to chide anyone who has legitimate questions about how this war is being prosecuted. It is cynical and mean-spirited, and most tragically, it is a disservice to our troops who are serving valiantly and sacrificing their lives every day to accomplish the mission they were given.

Our Nation's future role in Iraq is a serious matter that affects the lives of all Americans. Consequently, the American public have legitimate questions—not necessarily about the value of our mission there, but about how we expect to achieve our goals. They want to know what victory will look like, the steps we will take to get there, and the appropriate time for our forces to leave safely. Our soldiers, sailors, airmen and marines, their families here at home, and all Americans deserve those answers.

Yesterday, my friend and colleague, JACK MURTHA, a patriot and a decorated veteran, attempted to start that dialogue. However, instead of having a frank discussion about the potential consequences of immediate troop withdrawal or addressing the burning questions in the minds of most Americans, the Republican leadership disingenuously twisted Mr. MURTHA's words, making a mockery of the democratic principles that we hope to instill throughout the world.

Article I, Section 8 of the Constitution grants Congress the right to oversee the operations of the military. As a member of the House Armed Services Committee, it is a responsibility I take very seriously. Instead of seeking a plan for victory, the Republican leadership has given the American people silence and the status quo. If we do not endeavor to provide the answers that so many demand, we will have failed in our responsibilities.

I urge my colleagues to vote against this resolution and to demonstrate that we will not play politics on an issue of such magnitude.

Mr. DEFAZIO. Mr. Speaker, I have been in Congress for nearly 20 years. And in all that tie, I don't think I have ever been more ashamed of the House of Representatives than I am today.

Deciding issues of war and peace should be one of the most solemn obligations we confront in Congress. Instead, what is going on today is pure political gamesmanship. Such gamesmanship demeans the sacrifice of our men and women in uniform, demeans our country's tradition of democratic debate, and is a total abdication of our responsibilities as Members of Congress. Rather than holding vigorous oversight hearings and having a full, open and honest discussion about the future of U.S. involvement in Iraq, the Republican leadership has rushed a resolution to the floor today that deliberately mischaracterizes the views of many Democrats, including the honorable Representative JACK MURTHA, a decorated marine who served in both Korea and Vietnam, who have called for a safe and orderly withdrawal of U.S. troops over the next six months to a year.

Instead of debating the merits of the ongoing occupation of Iraq and the White House's lack of an exit strategy, the White House and the Republican leadership in Congress have viciously attacked the integrity of both Republican and Democratic critics of the administration's Iraq war policies. Senator HAGEL, a Republican from Nebraska, was so outraged by such character assassination that he said recently, ''The Bush administration must understand that each American has a right to question our policies in Iraq and should not be demonized for disagreeing with them. Suggesting that to challenge or criticize policy is undermining and hurting our troops is not democracy nor what this country has stood for, for over 200 years . . . Vietnam was a national tragedy partly because Members of Congress failed their country, remained silent and lacked the courage to challenge the Administrations in power until it was too late . . . To question your government is not unpatriotic—to not question your government is unpatriotic.''

It is particularly galling when individuals like DICK CHENEY, who has never served a day in the military, let alone been shot at by enemy soldiers on behalf of our country, questions the integrity of genuine heroes like Representative MURTHA.

Let me be clear, I have not supported an immediate withdrawal from Iraq. But, I do believe that in the wake of the December parliamentary elections in Iraq that the U.S. should negotiate a timeline with the new Iraqi government for the withdrawal of U.S. troops next year.

I was heartened when millions of Iraqis, even at risk of life and limb, voted in late January to establish an interim government and constitutional assembly and again in October in support of a new Constitution. I wrote to President Bush just after the January election, suggesting that the U.S. negotiate a timeline for a phased withdrawal of U.S. troops with the newly elected government. I felt it would be an ideal time to signal to the Iraqi people in a concrete way that the U.S. has no long-term designs on their country. While the President ignored my advice earlier this year, I renew my call and ask that following the December elections in Iraq, the U.S. negotiate a timeline to withdraw from Iraq next year.

While some have argued that announcing a timeline for withdrawal would undermine our troops and allow the insurgents to wait us out, I disagree.

Negotiating a timeline for withdrawal with the Iraqi government elected next month would show that democracy ended the U.S. occupation of Iraq, not terrorist or insurgent violence, and would allow our troops to come home with honor.

Announcing the termination of the open-ended U.S. military commitment in Iraq and

providing a concrete plan, including a timeline negotiated with the Iraqi government, for withdrawal could also undermine support for insurgents who have stoked the wide variety of grievances of ordinary Iraqis arising from the occupation to generate popular support for their cause. Most importantly, establishing a withdrawal plan and timeline would remove one of the chief causes of instability in Iraq, the occupation itself, by separating nationalist Iraqi insurgents trying to end the occupation, both Sunni and Shia, from foreign elements in Iraq for their own reasons. To the extent that a specific withdrawal plan, with benchmarks for measuring success in stabilizing Iraq, would turn Iraqis, both Sunni and Shia, against the foreign terrorists operating in Iraq, it could be a key turning point in stabilizing the country. Remember, the insurgency is made up of two primary camps—nationalist Sunnis and foreign terrorists. These two camps have different motivations and different goals.

A timeline and withdrawal plan negotiated with the Iraqi government would also boost the Iraqi government's legitimacy and claim to self-rule and would force the Iraqi government to take responsibility for itself and its citizens.

Just as importantly, a specific plan and timeline for withdrawal would provide much needed relief to over-burdened military personnel and their families and provide some certainty to U.S. taxpayers regarding the ultimate financial burden they'll be forced to bear.

A plan for withdrawal could also help the United States in our broader fight against Islamic extremists with global ambitions, most notably al-Qaeda, by taking away a recruiting tool and training ground. Porter Goss, the Director of the Central Intelligence Agency, testified to Congress earlier this year that, "Islamic extremists are exploiting the Iraqi conflict to recruit new anti-U.S. jihadists. These jihadists who survive will leave Iraq experienced and focused on acts of urban terrorism." He went on to say, "The Iraq conflict, while not a cause of extremism, has become a cause for extremists." And, the Commander of U.S. forces in Iraq, General George Casey, testified to Congress earlier this year that "the perception of occupation in Iraq is a major driving force behind the insurgency. "

Finally, establishing a firm timeline for withdrawal could accelerate the development of Iraqi security forces and deepen their commitment to defending their own country and their own government by eliminating the conflicted feelings they now feel by working with an occupying force. It would allow them to be defending a sovereign Iraqi government, rather than fighting on the side of an occupation force.

The House should be debating this important issue and strategies for moving forward in Iraq instead of politically motivated straw man resolutions.

Mr. CANTOR. Mr. Speaker, I want our troops home as soon as anyone here, but I will not let the sacrifices of those who will never come home from Iraq and Afghanistan be wasted or forgotten.

Our brave men and women went to battle to bring freedom to Iraq and Afghanistan, and to take the fight to the terrorists so that we do not have to fight them here at home. This is a fight for the free world. It is a fight that we must win, and it is a fight that we will win only when we support our troops.

Let us work across the aisle to help them succeed and get them home safely, and let us honor their sacrifice by continuing to support their vital mission.

Mrs. CAPPS. Mr. Speaker, I rise in disgust at the level of cynicism that is represented by this resolution.

This exercise by the House Republican leadership is about as un-American and contemptuous as it gets.

I support Mr. MURTHA's resolution to bring about an end to U.S. operations in Iraq in—and I quote—"at the earliest practicable date."

The resolution before us is not about that.

This resolution is a blatant political effort to make it look like the President's Iraq policy has broad support in Congress and among the public—which it obviously does not.

Worse, it transforms the sacrifice of our brave troops into crass political exercise.

Mr. Speaker, I have opposed this war from the beginning.

I wasn't convinced of the need for it and deeply concerned about the potential fallout that it could precipitate.

Sadly, many of my concerns have been borne out, as nearly 2,100 brave Americans have lost their lives and many thousands more have been wounded.

Today, the insurgency continues unabated and now Iraq is a hotbed of terrorist activity.

We are less secure today than before we invaded.

As a result, America's position and influence in the world have suffered greatly in the process.

I believe it is long past time that the administration produce an exit strategy for Iraq and am deeply disappointed that all we have seen is more of the same arrogance and incompetence that got us here in the first place.

I am not surprised by Representative MURTHA's statement yesterday.

Mr. MURTHA's distinguished military career, and his decades of public service, have given him a level of expertise on defense issues virtually unparalleled in today's Congress.

He understands the troops and their leadership, and the challenges faced by the military in times of war and peace far better than most.

I am sure his announcement is the result of long and careful consideration and demands the attention of all thinking Americans.

I am shocked, but not surprised, by the shameful response of some of my Republican colleagues in Congress and by officials in the White House who have sought to besmirch Mr. MURTHA's motivations and accumen.

Today's action by the House leadership is more of the same—an attempt to smear a man of honor who commits the unpardonable sin of disagreeing with them.

Fortunately, I know that as time goes on Mr. MURTHA's call for a serious reassessment of our position in Iraq will be recognized as thoughtful analysis of a policy in deep trouble and need for change.

I only hope that President Bush and his administration will discover that truth before more lives are lost in this very tragic situation.

Speaker J. DENNIS HASTERT declared: "MURTHA and Democratic leaders have adopted a policy of cut and run. They would prefer that the United States surrender to the terrorists who would harm innocent Americans. To add insult to injury, this is done while the President is on foreign soil."

Majority Leader ROY BLUNT informed MURTHA that his views "only embolden our enemies" and lamented that "Democrats undermine our troops in Iraq from the security of their Washington, DC, offices."

At a rival news conference called four hours after MURTHA's appearance, Representative J.D. HAYWORTH, who like HASTERT and BLUNT does not have military service on his résumé, alerted the 73-year-old MURTHA that "the American people are made of sterner stuff." And Representative JOHN CARTER said the likes of MURTHA want to take "the cowardly way out and say, 'We're going to surrender.' "

The White House accused a senior House Democrat—and a decorated Vietnam veteran—who called for a swift withdrawal from Iraq of advocating surrender, comparing him to anti-war filmmaker Michael Moore.

In a broadside issued Thursday night, Bush spokesman Scott McClellan said that it is "baffling that [Pennsylvania Representative JOHN MURTHA] is endorsing the policy positions of Michael Moore and the extreme liberal wing of the Democratic party."

MURTHA, whose brand of hawkishness has never been qualified by the word "chicken," was expecting the attacks. "I like guys who've never been there to criticize us who've been there. I like that," the burly old marine said, hands in pocket. Referring to Vice President CHENEY, he continued: "I like guys who got five deferments and never been there, and send people to war, and then don't like to hear suggestions about what needs to be done."

Mr. CARDIN. Mr. Speaker, tonight I am disappointed by the limitation placed on debate on the U.S. role in Iraq.

Congress needs to have a real and meaningful debate on the future role of the U.S. military in Iraq as we approach the third anniversary of our invasion of Iraq. Congress should take seriously its obligation to oversee our military forces.

I voted against giving the President the authority to go to war in Iraq. I have been an outspoken critic of the President's handling and planning for the Iraq War, and have criticized both the pre-war intelligence used by the President and the failure of the President to plan a realistic transition from a dictatorship to a democracy in Iraq with our allies.

I commend the Senate for the debate it had this week in which real policy options were reviewed in a serious and responsible manner. I agree that 2006 should be a period of significant transition to full Iraqi sovereignty, and that Iraqi security forces must take the lead in protecting its citizens. U.S. military forces should not stay in Iraq any longer than required, and Congress must insist on measurable benchmarks for bringing our troops home.

Our soldiers have paid the heaviest price in Iraq: thousands are dead, and tens of thousands are wounded. The American taxpayer has already invested hundreds of billions of dollars. Mr. Speaker, our soldiers deserve better than the resolution we are considering this evening. The American people deserve a Congress that will give serious consideration to how we can safely bring our soldiers home.

Mrs. LOWEY. Mr. Speaker, I rise in opposition to this resolution, which is nothing more than an effort to politicize one of the most serious policy issues facing the United States today. It is nothing more than an effort to disguise—in a cloak of partisan rhetoric—the fact that our Iraq policy is failing.

The facts are clear: Even as our brave men and women in uniform have done their best,

the Administration has failed at every turn to execute the war in Iraq competently. The President rushed to war based on false and faulty intelligence against the protests of the vast majority of our allies. Warnings from U.S. commanders about troop levels and equipment went unheeded, haphazard decisions were made at the earliest stages which seriously damaged our efforts to restore peace and security in Iraq. Our troops have become targets of an ever-strengthening insurgency. This Administration's horrendous judgment has put us in an untenable situation—damaging our ability to deal with other emerging threats around the world and threatening the stability of the Middle East.

The solution to Iraq's problems will be political in nature, not military. The various factions in Iraq need to come together to decide what shape the future of their country will take and to execute that decision. Every diplomatic avenue must be pursued to engage the international community in bringing stability and security to Iraq and reconstructing critical infrastructure. We must assure the Iraqi people that we do not intend to stay in Iraq indefinitely, and that we will redeploy troops in a way that assures their safety and on a schedule pegged to successes in security force training and other criteria. Iraqi security forces must take control of their own country as soon as they are able.

This redeployment must be carried out in a way that does not leave Iraq as a playground for Iran, Syria, and al-Qaeda. It must be carried out at the earliest possible time we are reasonably assured that the conditions exist to ensure redeployment will leave U.S. interests in the Middle East and around the world more, rather than less, secure.

Mr. Speaker, hasty decision-making is what got us into this mess in the first place. The war in Iraq, and the men and women in uniform who are fighting the war, deserve more than ad hoc, 11th-hour debates over political power plays. I urge my colleagues to oppose the resolution.

Mrs. DAVIS of California. Mr. Speaker, this Republican withdrawal resolution was drafted in haste.

No matter how you felt about getting into this war, our kids are there now. They're in the middle of harm's way, right now. As many thousands of families, friends and loved ones can tell you—they've been over there a long time.

I'm a member of the Armed Services Committee. I voted against going to war with Iraq without exhausting all our diplomatic efforts. But here we are. We didn't do that.

I've been to Iraq. I've sat through scores of hearings on Iraq. I've spoken to the Secretary of Defense. I've spoken with our military commanders. Like everyone here tonight, I've lost sleep over it. I've given it a lot of thought. I know my colleagues have too. I know that.

Let's calm down for a second. Let's look at the choice before us tonight.

On one hand, House Republican DUNCAN HUNTER is asking us to withdraw our troops immediately without protection or support. On the other hand, the White House is asking us just to keep our troops on the same course.

I can't choose either of these options in good conscience. Honestly, I don't see how any of us can.

To put it simply, we have more options than "all or nothing" here tonight.

We should be looking for the "better course" not the "same course."

There is no military solution to Iraq. We've got to look to diplomacy and joint civilian-military efforts. This war has demonstrated the need for trained civilian professionals who can provide continuity and hand-in-glove partnerships with Iraqi citizens.

Everywhere I've gone and everyone I've talked to has cited the need for this.

It was obvious early on that the future of Iraq depends on Iraqis. And yet, the administration is only now beginning to place an emphasis on training Iraq's own security forces.

James Fallows of the Atlantic Monthly wrote recently, "an orderly exit from Iraq depends on the development of a viable Iraqi security force. But the Iraqis aren't even close. The Bush administration doesn't take the problem seriously—and it never has."

We have other options besides this draconian resolution. It's too bad we're not able to have hearings on those. It's too bad we're not able to consider these other options tonight.

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, I rise today in strong support of the men and women who are so bravely serving our country in Iraq and around the world.

Our best and bravest continue to perform selflessly and admirably. We owe them our deepest respect and appreciation.

We also have an obligation to provide them, and the American people, with a clear set of objectives, a comprehensive strategy to achieve these objectives, and a roadmap to return home once these objectives are achieved. But, the Bush Administration has not done this.

My colleagues, people all across the country, Republicans and Democrats, want to know why our intelligence was wrong. They want to know why our troops don't have the necessary body armor. They want to know what our objectives are and what progress has been made in achieving them. And, they want to know what concrete steps must be taken to achieve troop withdrawals.

Yet, the Administration's only response to these legitimate questions is to criticize those that ask them as unpatriotic and provide the empty rhetoric of "stay the course". This is irresponsible, morally reprehensible and shameful—to our troops, to the American people, and to our democracy. It demoralizes our mission and is a direct challenge to the freedom and liberty that so many of our troops have fought and died for.

It is Congress's fundamental responsibility to investigate whether faulty intelligence led us to war; to provide our troops with the necessary training, equipment, and supplies; and to ensure that our nation has a clearly defined strategy to achieve success in Iraq and provide for the return of our troops.

Mr. Speaker, it is time that Congress fulfills our obligations. Our troops have shown time and time again that when presented with a challenge, they will achieve it. They have done their part; it is time we do our part.

Mr. HOLT. Mr. Speaker, I rise today in opposition to the sham piece of legislation before us. It is not designed to express the will of the House on Iraq. It is a political stunt intended to avoid a deeply serious, much-needed debate on the most pressing issue facing our country today.

Yesterday, the gentleman from Pennsylvania, Mr. MURTHA, introduced a resolution calling for the redeployment of American forces from Iraq. The resolution would require us to maintain a sizeable quick reaction force in the region, and to reinvigorate our diplomatic efforts to bring about peace and security for the Iraqi people by truly internationalizing our efforts there.

The gentleman from Pennsylvania, Mr. MURTHA, has correctly observed that at present, our policy in Iraq "is a flawed policy wrapped in illusion," and that we cannot continue on this present course, because to do so is to court disaster. Based on visits to Iraq, discussion with military leaders there and in Washington, he said that the continued presence of our troops does not advance our security nor that of Iraq. He also said that the American people are way out in front of the Congress on this issue. In all of these things, he spoke the truth.

But in the eyes of the majority and the Bush White House, the gentleman's resolution is, in the words of White House spokesman Scott McClellan "a surrender to the terrorists." They have accused him—as they have others who dare to question their failed policy in Iraq—of being unpatriotic. Sadly, this is a tactic we have seen before. But it is deeply corrosive and it must stop. Every American has the right to question their leaders, period.

There is a reason the majority and the President don't want to be questioned about Iraq. There are several reasons, in fact. This war was started based on faulty and misrepresented intelligence. It has been prosecuted without the number of troops or the amount of equipment that was known to be necessary before it started. And today, it continues without broad international cooperation or an exit strategy. Answering questions about any and all of these is admittedly difficult. But hiding from the answers is not only cowardly, it is irresponsible. I too have visited our troops in Iraq, and they are best served if we face the truth—with the humility that come from recognizing their valor, dedication, and sacrifice.

As the gentleman from Pennsylvania has said, things are not going as advertised in Iraq, and the American people know it. Three years of mistakes and even falsehoods—about the threat Saddam posed, about the ease of total victory, about how Iraqi oil would pay for reconstruction, about the cost to America's military and budget, among others—have finally caught up with this Administration and the Congressional leadership. The gentleman from Pennsylvania offers a plan for getting us out of Iraq strategically, methodically, and successfully. It outlines a way forward for our country to deal with the number one moral and political issue confronting our nation today. We should be debating his proposal, not mocking it.

Meeting the challenge that faces us in Iraq requires courage and honesty. The actions of the majority show neither today. I am sorely disappointed that they have chosen to act so irresponsibly.

Mr. MCDERMOTT. Mr. Speaker, there has never been a time like this in America's history.

Never before has a full-scale assault been launched on Americans who offer a different point of view about the policies of an administration, especially when it concerns a war on foreign soil.

Almost 3 years ago, I went to Iraq as part of a humanitarian delegation. When I said in

response to a media question that the President would mislead America into war, the White House immediately launched a relentless attack on me. They spared no political or public relations weapon, surrogate or ploy, in their attempt to silence me.

Republicans, at the direction of the White House, launched a full-scale assault on me, because they feared what might happen if the American people actually had an opportunity to consider an alternative point of view. If they could shout me down, they could silence anyone's question about the evidence before waging war.

In the last 24 hours, a similar campaign has been launched against Representative JOHN MURTHA of Pennsylvania. Here is an esteemed Member of Congress, a decorated combat veteran, a conservative known for his strong stand on defense, and the Republicans and their cronies launch an offensive that, itself, is offensive.

Representative JOHN MURTHA stood up yesterday and spoke on behalf of the American people. He called for the deployment of U.S. soldiers out of Iraq, beginning immediately. He called for a diplomatic solution. And Republicans and their surrogates have called him every foul and offensive name imaginable.

The conduct of the Republican Party and its surrogates is despicable, but it is out in the open for the first time. Now, the American people understand the lengths to which the Republican Party will go to silence dissent in America. Now, the American people know that there is a war being fought in America over the war in Iraq.

The American people are demanding an end to the presence of U.S. soldiers in Iraq because the American people know there is no such thing as a military victory in an urban, guerilla warfare. There is only occupation, and the American people want no part of that flawed and futile mission.

The American people overwhelming want a solution for Iraq that is negotiated by diplomats from the Arab world, not dictated by a President from the western world.

Representative JOHN MURTHA has set forth a plan that resonates with the American people, and that's what frightens the White House. Therefore, the attacks will not stop unless and until Republicans can silence dissent in America.

There is a plan now for winning the peace in Iraq. It may have been submitted by a Member of Congress, but it is the voice and will of the American people. The American people get it: You are not strong on defense, by strong arming a defenseless—and senseless—war.

I support the Murtha plan to win the peace in Iraq.

Mr. UDALL of New Mexico. Mr. Speaker, for over 2 years, the Bush administration has failed to offer the American people a truthful and meaningful dialogue on the war in Iraq. We have lost thousands of troops and we have spent billions of dollars, and yet the President refuses to offer a credible strategy for success. The President has misled the public and he refuses to acknowledge the truth of the reality in Iraq.

Hundreds of Members of Congress and millions of Americans have voiced very serious and very real concerns with the decisions being made by the White House. Although I voted against the war, once the President took us to war, I have supported the men and women in uniform who are serving our Nation. However, I continue to believe that unless we have a clear strategy, we will continue to see the loss of American lives in Iraq with no end in sight.

Unfortunately, today, instead of having a legitimate debate about strategy and consequences, the majority has chosen to waste the time of this body and the American people by bringing forth a blatantly political resolution that is difficult to take seriously. My colleague from Pennsylvania, a Vietnam veteran decorated with two Purple Hearts and a Member of the House for three decades, Mr. MURTHA, yesterday offered a well thought out, principled resolution calling for the redeployment of the forces in Iraq at the ''earliest practicable date.'' In addition, despite what some in the majority have characterized during today's debate as cutting and running, Mr. MURTHA's resolution calls for a continued military presence in the region through the deployment of a quick-reaction force and an over-the-horizon presence of U.S. Marines. Also, the resolution states that the U.S. shall continue to pursue security and stability in Iraq through diplomatic means.

It is important to note that the word ''immediate'' does not appear anywhere in Mr. MURTHA's resolution. Yet we find ourselves today debating a resolution introduced by the chair of the House Armed Services Committee that calls for the ''immediate withdrawal'' of American troops. The fact that this was introduced by the House Armed Services Committee and the fact that he along with colleagues in the majority will be voting against his own resolution demonstrates not only the lack of clear ideas from their side of the aisle but also a lack of willingness to have a true debate.

Today, the majority once again shunned their responsibility in having an open debate on the war in Iraq, and instead they and the President continue to attack those who disagree with them by questioning their patriotism. Rather than engaging in an open dialogue to debate the issue, the majority chose to engage in personal destruction and politicized the issue by voicing empty rhetoric. They chose to question the patriotism of those who have served in uniform and who have honorably served their country. And they chose to continue to hide from the American public the facts of this war.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on November 17, 2005, my distinguished colleague from Pennsylvania, Mr. MURTHA, the ranking Democrat on the Defense Appropriations Subcommittee—a 27 year Marine and a veteran of 3 tours in Vietnam—announced that he was introducing a resolution that was meant to stimulate a thoughtful and profound debate on how we salvage a failed policy in Iraq.

Recently, a Texas soldier became the 2,000th member of the U.S. armed forces to die in Iraq since the conflict there began in March 2003. Like any milestone, the death of that soldier is an occasion to look back and see what lessons can be learned from our country's bitter sacrifice in Iraq over the past 2½ years. One such lesson, underlined anew by the continuing deaths of Americans and Iraqis, is the need to limit our country's commitment to Iraq.

Instead of creating a significant dialogue on this issue, Republican leadership has chosen to divide this House by generating phony, cynical, political, outrageously tricky and sneaky maneuvers like this.

Mr. Speaker, too often, so many of my colleagues are reluctant to challenge this Administration's policies in Iraq for fear that anything other than staying the course will somehow appear weak. But the President's course is misguided, and it is doing grave damage to our extraordinarily professional and globally admired all-volunteer United States Army. To stand by while this damage is done is not patriotic. It is not supportive. It is not tough on terrorism, or strong on national security.

Because I am proud of our men and women in uniform, and because I am committed to working with all of my colleagues to make this country more secure, I am convinced that we must change our course and I commend Mr. MURTHA for standing up for what is right.

Ms. WOOLSEY. Mr. Speaker, what the Republicans have done today is nothing more than a cheap political trick . . . a clever but appallingly undemocratic way for the Republican majority to trash an honorable American—and decorated war veteran—simply because he disagrees with them on the war in Iraq.

Yet, no one should be surprised. My 5-year old grandson could have written this tired script: whenever a Democrat criticizes a Republican policy, they attack your character and question your patriotism.

And while we're on the subject, let's just ask: what is more patriotic than opposing an unjust war? What is more patriotic than trying to save the lives of America's soldiers? What is more patriotic than questioning the Bush Administration's failed Iraq policy?

The American people deserve better than this. They deserve a thorough and substantive debate on the war and a debate on the Murtha resolution . . . not a bill that can't be amended and has been brought to the House floor for purely political reasons.

Mr. Speaker, a group of Democrats has written a discharge petition to bring the Homeward Bound legislation, H. J. Res. 55, to the House floor.

The discharge petition will allow 17 hours of debate on this vitally important issue. And, in sharp contrast to the bill the Republicans introduced today, it would be brought up under an open rule that allows amendments to be introduced to the bill.

The fact that the other party refuses to have this debate—and the insults that have been hurled at Mr. MURTHA over the last 24 hours—are an affront to our very democracy. I urge my colleagues on the other side to repudiate these appalling tactics and hold a real debate on this issue.

Mr. FRELINGHUYSEN. Mr. Speaker, I support the rule and oppose the underlying resolution.

Calling for an immediate withdrawal, or even a detailed planned phased withdrawal, from Iraq is a recipe for disaster, a dangerous defense policy, the wrong message for our soldiers and Marines who are truly doing the 'work of freedom.'

Frankly, I am concerned that such talk will only embolden the terrorists and demoralize our warfighters—those who put their lives on the line, literally every day.

Domestic politics should not trump our promises to the people of Iraq and Afghanistan that we would be loyal to their aspirations for freedom—that we would see them through

the difficult steps of constituting a new government, laying the groundwork for free elections.

Our only 'exit strategy' from Iraq should be victory. Anything less than that virtually guarantees the next battleground may be closer to home!''

Mr. Speaker, we have to choose where we want to fight the global war on terrorism—in Iraq and Afghanistan or on Main Street in America.

And we must never forget that it is our brave young warfighters—men and women of the Army, Marines, Navy and Air Force—who are taking the fight to the terrorists overseas!

They are all volunteers—doing the unheralded work of rebuilding shattered nations.

If not for their service, Saddam Hussein would still be in power with all his trappings—the secret police, the torture chambers, the mass graveyards. God bless these young people.

If not for their service, Iraq would be a nation engulfed in civil war or in the hands of fanatical terrorists.

The targets of these terrorists are more often than not other Muslims—worshippers at Friday prayers inside their mosque slaughtered by suicide bombers—today—and moderate Muslims who reject their extremist views and work to provide for their families, run businesses or serve in the government. Indeed, the terrorists' victims include thousands of Muslims in Iraq—many killed simply because they've chosen to be free.

Mr. Speaker, with our support, the Iraqis have made great progress. They established an interim government. They elected members of a constitutional conference. They've drafted a constitution and conducted a referendum to endorse that constitution. And in 3 weeks, they will hold a full-fledged parliamentary election.

None of this would have been possible without the contribution of our young warfighters.

Of course, at times like these, we are reminded that freedom is not free. America has paid a heavy price.

Many of us visit soldiers at Walter Reed Army Medical Center and the Bethesda Naval Medical Center on a regular basis. Many of us have attended painful funerals and comforted grieving families. Time and again, those families of wounded soldiers speak proudly of their loved ones' service in Iraq—their humanitarian efforts to protect the innocent, rebuild schools and hospitals, repair the infrastructure of a civil society.

Let's support our troops—and their families. And let's applaud their service and heroism.

I urge adoption of this rule and the underlying resolution.

Mr. ALLEN. Mr. Speaker, the Republican leadership today demonstrates that they have no sense of decency left. No question before Congress requires a more measured, thoughtful discussion than matters of war and peace. Our national security and the lives of our soldiers, sailors, airmen and marines depend on our ability to fulfill our constitutional responsibilities with dignity and respect.

That measured, thoughtful discussion will not occur today, because the Republican leadership does not want it to occur. They want a quick vote, with limited debate, on a same-day resolution that they hope will divide Democrats. They have taken Representative JACK MURTHA's proposal, rewritten to make it irresponsible, and brought it to the floor for a vote.

Almost everything we were told by the advocates of invading Iraq before the war has turned out to be false. This administration and its congressional allies hyped the threat and manipulated American intelligence about Iraq's nuclear program and its alleged connection to al Qaeda.

Today, there is only one question about our occupation of Iraq. It weighs on the minds of almost all Americans, especially those with loved ones in the military. That question is, simply, when and under what conditions will we withdraw our troops and bring them home?

Opinions differ. After 2½ years, over 2,000 deaths and 15,000 wounded, millions of Americans and many Members of Congress believe it is time for us to start the process of withdrawal from Iraq. Some believe in a date certain for beginning or completing the withdrawal. Some believe our withdrawal should be tied to achievement of certain benchmarks of progress. President Bush appears to believe that only total ''victory over the terrorists,'' whatever that is, would justify withdrawal.

The historic task of this Congress in foreign policy is to participate in a constructive debate that will inform the decisions of the administration and others.

The Republican leadership has dishonored the people's House by foregoing debate on alternatives, not just debate but hearings, in favor of bringing one resolution to the floor in the hope of dividing critics of the administration's ''stay the course'' war strategy.

I voted against giving President Bush the authority to invade Iraq without building a broad international coalition and obtaining explicit U.N. authority. I did not believe he would do anything, given the authority from Congress, but rush to war. And that is what he did.

No Member of Congress is more respected or more knowledgeable about the American military than JACK MURTHA of Pennsylvania. His statement yesterday calling for withdrawal of our troops from Iraq, including his conviction that we cannot accomplish more militarily, deserves thoughtful consideration. He will not get that today.

Instead, JACK MURTHA, decorated Marine, distinguished Member of Congress, has been vilified by the Speaker of this House, who wrongly accused him of adopting ''a policy of cut and run'' and preferring that ''the United States surrender to the terrorists.'' The White House spokesman accused Mr. MURTHA of endorsing ''Michael Moore and the extreme liberal wing of the Democratic Party.''

I doubt that JACK MURTHA knows Michael Moore, and no one here that I know ever called him a liberal. We call him Mr. MURTHA because he is one tough Marine.

If I were the author of his resolution, I would have written it somewhat differently. I would have called for the withdrawal of American forces to begin next year and be concluded except for a very small training force of advisors in 2007. We cannot allow Iraq to become a failed state where al Qaeda forces can be trained with impunity. Therefore, some rapid reaction force in the region, as JACK MURTHA suggested, should be available.

But on the big picture, JACK MURTHA is right. Our troops have become not only the targets of the insurgents, but the inspiration for the insurgency. Political success for the Iraqi government and people is still possible, but it will have to be won largely by political means. The Administration is, as he said, pursuing ''a flawed policy wrapped in illusion.''

The Republican Leadership has rigged this debate to serve their own political interests. I believe that the Murtha resolution calling for withdrawal is the right policy going forward, though we should continue to debate timing and benchmarks. A vote against the Murtha resolution, if it were offered, could be interpreted as support for the Administration's flawed and failed ''stay the course'' policy.

JACK MURTHA is on the right track. The President is not. Our national security and the lives and well-being of our troops depend on changing course, not doing the same old thing in Iraq.

If the Murtha Resolution had been brought to the floor today, I would have voted in favor of it.

Ms. BERKLEY. Mr. Speaker, I voted to give President Bush the authority to go into Iraq. I'm not on the left; I'm not on the right. I'm on the side of our country and I'm on the side of our troops. I can't imagine why the Republicans have brought this Bush-Hunter resolution to the floor. How does this help our troops serving in Iraq? How does this help make our Nation safer?

For the past two years, the Republicans have taken any criticism of this war and labeled it as unpatriotic and as an attack on our troops. Criticizing the way the war has been prosecuted—criticizing the way it has been bungled—is not unpatriotic. It is the ultimate act of patriotism.

JOHN MURTHA is a 37-year veteran of the Marine Corps. He served in Vietnam. He was awarded the bronze star. He received two purple hearts. Now Mr. MURTHA has provoked an important debate—one we should be having in this body. Mr. MURTHA has the right to have these ideas discussed. Our troops have the right to have these ideas discussed. The American public has the right to have these ideas discussed.

We send young men and women to war. We are responsible for them. We must be diligent in our oversight. That's our duty.

What we are doing here tonight is a waste of time and does a tremendous disservice to our troops. Talk about patriotism—this is not patriotism. This is a cheap political stunt and an affront to those serving our Nation so far from home.

The President wants to stay the course. What does that mean? 700 attacks a week against our troops; no winning strategy; no plan; no end in sight.

Let us not embarrass ourselves any further, and vote against the Hunter resolution.

Ms. LEE. Mr. Speaker, I am disgusted by the course of events today. As the daughter of a veteran of two wars I am offended and outraged by this personal assault on decorated war veteran Congressman JOHN MURTHA.

Mr. Speaker, the Republican majority has lost any sense of decorum or decency. Their abuse of power is obscene. There will be a reckoning though. Because the American people want accountability, not more Republican cover-ups. The American people want honesty, not more misleading and manipulation. They want to end this unnecessary and senseless war, not a policy of 'stay the course' that has no goals, no benchmarks, no plans, and no end.

The Republican majority's effort in distorting and politicizing the resolution offered by a decorated war veteran is nothing short of despicable. The reality is that these are desperate actions by a desperate majority and a desperate administration. This last minute effort isn't about a debate on the issues the Murtha resolution raises. It isn't about how intelligence was misused by the administration. But it should be. It isn't about how we are going to bring our troops home. But it should be. This resolution is just about politics.

I support the Murtha resolution and this is not the Murtha resolution. Reject this cynical and disgraceful stunt from a party devoid of ideas on ending the war in Iraq and how to safely bring our troops home. I urge my colleagues to vote ''no'' on the rule and ''no'' on the resolution.

Mr. POMEROY. Mr. Speaker, today's House debate on Iraq was sharply partisan and not what our soldiers deserve. Our future course in Iraq must be determined thoughtfully and strategically. The partisan shouting match that broke out was unnecessarily launched by House leaders who rushed to the floor a flawed resolution which was more of a political stunt than a serious reflection of views in the Congress.

Our brave soldiers have put their lives on the line in serving in Iraq. Each of them deserves so much more from Congress by way of effective leadership than the shrill squabbling that broke out on the House floor today. We need to come together on an exit strategy for our soldiers based upon the transition of security to the Iraqis themselves in order to give the new democratic government of the people of Iraq a fair chance of success.

It is my hope the partisan screamers holding forth on the House floor today would lower their voices, travel to the area, learn as much as possible and then participate constructively in the difficult decisions we face on Iraq.

Ms. MATSUI. Mr. Speaker, the U.S. House of Representatives is sinking to a new low today. What is happening on the floor is not intended to be an open and honest debate on our policy in Iraq. It is about the politics of personal destruction—a swift-boat attack by Congressional Republicans on a 37-year veteran of the Marine Corps for giving his honest assessment about the situation in Iraq.

Republicans will try to claim—falsely—that this is about an idea, not a person—but everyone here in this room—whether or not they will admit it—knows the truth of what is going on today. This is about changing the subject and dodging responsibility. House Republicans are exposed and embarrassed by the Senate's recent vote to demand benchmarks from the White House. The President refuses to level with the American people on Iraq, or present his ideas, and apparently House Republicans are of the same mind. They would rather tear someone down.

Our troops—putting their lives on the line—deserve better from this country. Today is clearly not about these brave men and women. It is about political attacks.

JACK MURTHA is one of the most respected members of the U.S. Congress on U.S. military policy—an expertise he has built from his first-hand knowledge of military and defense issues. He is a 37-year veteran of the Marine Corps, who retired at the rank of colonel in 1990. He is one of the most respected members of the U.S. Congress on the U.S. military, on a bipartisan basis. To question JACK MURTHA'S commitment—his patriotism to this nation—or our troops is ludicrous. No one has been as devoted as JACK to our men and women in the military—he's made weekly visits to Walter Reed, visits to Iraq and has poured over the Defense Department's own assessments of the situation on the ground in Iraq.

I will vote against the GOP's characterization of Congressman MURTHA'S opinions on Iraq, because I cannot support personal, political attacks and I believe that we should have a free and open debate on this issue.

Mr. STARK. Mr. Speaker, I rise in strong opposition to this Republican stunt and their efforts to embarrass a decorated Vietnam War Veteran.

Yesterday, Congressman JOHN MURTHA, a Democrat with impeccable military credentials and an honored military record, suggested that U.S. troops leave Iraq at the earliest practicable date. Today, I cosponsored that resolution. His knowledgeable and respected voice joins the loud and clear pleas of the Out of Iraq Caucus—of which I am a proud member. His voice joins former generals, intelligence officers, Presidents, and mothers and fathers across America who know that we are mired in a war that cannot be won and to truly honor our troops, we need to bring them home.

Unfortunately, tonight the Republican leadership refused to bring Mr. Murtha's resolution to a vote. I can only presume because Mr. Murtha's resolution made too much sense. Instead, the Republican leadership is offering a sham-resolution in an attempt to embarrass and insult a member of Congress who has served his country nobly in uniform—something most of our colleagues on the other side of the aisle know nothing about.

Perhaps the Republican Leadership's time would be better spent in an effort to finish the business of this country instead of wasting hours attempting to besmirch the record of a decorated Vietnam War Veteran and demagogue an issue that demands honest consideration.

Mr. THOMPSON of California. Mr. Speaker, I served in a war during which too many national leaders played too much politics. Tonight is a disgraceful period in the history of our great country and this House of Representatives.

To wage a political war against one of the greatest military champions Congress has known is no less than unpatriotic. Advocates of this measure are cheapening the job our brave men and women serving in Iraq are doing; the men and women putting their lives on the line to serve our country.

Mr. Speaker, those who dreamed up this strategy are derelict in their duties, absent without leave from their duty station; and people I wouldn't want to share a foxhole with.

Ms. MOORE of Wisconsin. Mr. Speaker, H. Res. 571 completely dishonors our troops by politicizing an issue that deserves careful deliberation. The GOP leadership of this body has brought this counterfeit legislation to the floor not to benefit our brave men and women in uniform, but to score cheap political points.

I fully support legitimate initiatives which present a thoughtful strategy for withdrawing our troops from Iraq in a manner that secures their safety and Iraq's future. I am a cosponsor of two resolutions which would support this urgent objective. Yet this phony bill chooses politics over policy at the expense of real debate on a critical national issue.

Over 2,000 troops have been killed and over 15,500 have been seriously wounded. Reports indicate that at least 30,000 Iraqi civilians have lost their lives due to this conflict. It is a sad day for this country when, in response to this crucial issue, the best the GOP leadership can do is resort to backhanded political stunts.

Mr. BLUMENAUER. Mr. Speaker, three years ago, I argued against the Bush Administration's proposal to attack Iraq for the very reasons we have seen emerge from this troubled region. We were prepared to defeat Saddam Hussein's military but the administration and congressional leaders were never prepared to win the peace.

Not only was the premise for the war flawed, but the administration has made the wrong military, political, and diplomatic choices at every turn. The members of our armed services make up the finest fighting force in the world and they have done their duty with great distinction and honor, yet the administration has failed them as well.

I take no satisfaction in my worst fears having been proven correct. The administration's spectacular failures in executing this war have set back our efforts against terrorism and left America with no good options in Iraq. But, as our military is being not just frayed but damaged and Iraq faces increasingly difficult prospects for democracy and stability, staying the course is simply not an option.

Until now, I have resisted advocating for an accelerated pullout because of my fear of the downward spiral that could occur in the aftermath. Yet this is a question that must be faced sooner rather than later, and it's hard to imagine a policy that would be more destabilizing than the administration's current mismanagement of the war effort and continued estrangement from reality.

There is no longer any basis for the hope that a sustained American military occupation will stabilize Iraq. Instead, we continue to lose credibility and influence in the region and with our allies, as well as strengthen the hands of those extremists who wish to do us harm. Even many of those who initially supported military action have come to admit that the administration's strategy has failed and that a large United States military presence inhibits the development of a stable and democratic Iraq. Iraqis in key positions are arguing for at least some withdrawal of US. forces. Most telling is a recent poll of Iraqis themselves, commissioned by the British Ministry of Defense, which showed that 82 percent of Iraqis were ''strongly opposed'' to the presence of foreign troops and less than 1 percent believe the their presence is helping to improve security.

Iraq's future depends on creating a secure space for politics and the rule of law to replace violence. This is a process at which only Iraqis themselves can succeed, with America and the international community playing a supporting role. Elections scheduled for December provide the perfect opportunity to begin the withdrawal of American troops, a refocused U.S. effort, and transfer of responsibility to Iraqis.

American forces should be redeployed out of Iraq in two phases. First, let's bring the 46,000 National Guard and Reserve forces home immediately. These elements in our total force have been most overburdened by

ever-increasing deployments and are most needed here in the United States.

Continued U.S. aid and military support must be tied to performance objectives for the Iraqi government and military. On that basis, the rest of the American forces should be withdrawn over the next one to two years, based on a detailed plan for the sector by sector transfer of security responsibility. The majority of these troops should be brought home. Others should be redeployed to Afghanistan to create a larger security footprint and help prevent the reemergence of the Taliban. A small rapid-reaction force should be left in Kuwait that can protect against any destabilizing coups.

The administration must reengage diplomatically by seeking a new United Nations resolution that supports international efforts to stabilize Iraq and by beginning a regional security dialogue with Iraq's neighbors. We should also work with the Arab League to facilitate a renewed effort towards a political solution within Iraq by engaging with nationalist faction leaders who might be a force for stability in that country if U.S. troops were withdrawn.

We must also change the nature of our economic assistance. By shifting reconstruction aid to Iraq away from large projects undertaken by foreign contractors towards small, locally oriented projects run by Iraqis, we create jobs, give Iraqis a greater investment in their success, and minimize corruption and price-gouging.

President Bush's model of ''go it alone, do it cheap, and put it on a credit card'' has not only led to grave instability in Iraq, it is crippling our ability to deal with the more serious strategic threats, from Iran and North Korea to a terrorist movement that we have inadvertently strengthened. We must now do our best to salvage what we still can of American credibility, military readiness, democratic ideals, and Iraqi stability through a change in strategy and the beginning of a responsible phase-down of American troops and the orderly transfer of authority to Iraqis.

Mr. OWENS. Mr. Speaker, the definition of ''immediate termination of United States forces in Iraq'' must mean the following as set forth by Representative JOHN MURTHA:

''My plan calls:

—To immediately redeploy U.S. troops consistent with the safety of U.S. forces.

—To create a quick reaction force in the region.

—To create over-the-horizon presence of Marines.

—To diplomatically pursue security and stability in Iraq.''

You may call this a position, a program, or an exit strategy but this is the Murtha message which set in motion the current proceedings on the floor of the House of Representatives. This is the declaration heard from Representative MURTHA by the American people and around the world. By all standards of decency and by popular decree the Republican leadership is mandated to respect the precedent setting language of this most detailed of all proposals for new and creative action in Iraq.

For this reason I urge all of my colleagues to vote ''yes'' on the resolution before us. ''That the deployment of United States forces in Iraq be terminated immediately.''

Mr. ETHERIDGE. Mr. Speaker, I rise in opposition to this resolution and in the strongest possible opposition to the Republican smear campaign against my friend and colleague, Congressman JACK MURTHA.

JACK MURTHA is a patriot. He has served this country in wartime and peacetime and has earned an unparalleled record as a champion for our troops and their families.

JACK MURTHA is a retired Marine Colonel with more than thirty years of distinguished military service. He earned two Purple Hearts and a Bronze Star for action under enemy fire in Vietnam. He served as a USMC drill instructor at Parris Island, South Carolina boot camp. And as a foremost Congressional expert on defense matters, he has spent more than three decades helping to build a military force that is second to none in the entire world. I have been proud to serve in Congress with JACK MURTHA for nearly ten years, and I had the honor of hosting him in my Congressional District and of joining him in visiting wounded veterans of the Iraq war at Walter Reed Army Medical Hospital.

Yet despite his standing and stature, Congressman MURTHA has been viciously attacked by the Republican partisans for having the temerity to raise important questions about this Administration's policies regarding Iraq. Yesterday, the Republican Speaker DENNIS HASTERT, who never served in the military, called JACK MURTHA a coward. Other Republicans in Congress and the White House have called JACK MURTHA a traitor and accused him of giving aid and comfort to the enemy.

Mr. Speaker, the Republican attack machine has gone too far. Regardless of one's view of the Administration's Iraq policies, Members of this Congress deserve to offer their viewpoints without having their patriotism questioned. Indeed, the American people deserve the benefit of vigorous debate about a war that has cost us more than 2,000 soldiers killed, thousands more maimed and several hundred billion dollars of public treasure expended.

The Hunter Resolution is a cheap political trick. It is not a serious attempt at crafting public policy since Mr. HUNTER has said he intends to vote against his own resolution. Rather than engage in this petty and deceitful charade, the American people deserve a Congress that conducts the people's business in a professional manner to address the challenges facing our country here at home and around the world.

I will vote against the Hunter Resolution.

Mr. KIND. Mr. Speaker, I would like to take this opportunity to express my deep dismay over the resolution being brought before the House tonight. The leadership of this House has responded to criticism of the war in Iraq by forcing a meaningless vote in order to shame the man who offered that critique, my good friend JACK MURTHA.

JACK is a patriotic American of the highest order, contrary to the way our colleagues on the other side of the aisle may try to portray him. He has dedicated his life to the service of his Nation, defending it for 37 years as a marine and striving to make it a better place through his 31 years as a Member of this institution. During that time, he has earned two purple hearts, a bronze star, and the Vietnamese Cross of Gallantry and become one of the most respected leaders on military and Veterans issues from either party.

Rather than listening to the wise words of a man who knows better than almost any of us what our soldiers need in a time of war, many of my colleagues have taken to questioning his motives and even his character, and now House leadership has twisted his words and offered this resolution as a vehicle to humiliate this proud, honorable, and decent man. They are holding this House hostage and answering his principled and heart-felt proposal with a mean-spirited and empty resolution that is only one sentence, was not considered or debated, and was offered under the most egregious terms.

I will not be participating in this charade tonight; if I were, I certainly would vote against this resolution. It is not meant to spark a legitimate debate over the Iraq war. It is a personal attack rather than a policy statement. I find it reprehensible to subject this great and humble man to such indignity.

While I do not necessarily agree that immediate withdrawal from Iraq is the best course, I respect the conclusion reached by Mr. MURTHA through his soul-searching. Despite any disagreements any of us may have on policy, we should not come together tonight to single him out as the object of ridicule. I will not be a part of it, and I would hope that my colleagues would not either. I urge them to vote ''no'' on this shameful resolution.

Mr. SCHIFF. Mr. Speaker, yesterday my colleague from Pennsylvania, a man whom I deeply respect and admire for his lifetime of service and sacrifice to the Nation, made a serious statement about the prosecution of the war effort by the President. His speech yesterday morning and the resolution that he introduced were heartfelt expressions that he no longer believes that we can stay the course in Iraq. Mr. MURTHA believes that the continued presence of American troops in Iraq has retarded Iraqi efforts to unify the country and that Iraqis will not take the necessary steps to restore security as long as American troops remain in the country in large numbers.

But instead of addressing the serious deficiencies in the Administration's military strategy, the majority offers this counterfeit resolution that precludes any debate on how we can improve our chance of success in the war effort.

Although there are differences within our caucus as to what our course of action in Iraq should be, we are united in our belief that the present course being followed by the administration is not working, and we must find a new course.

But how have the Vice-President and the Republican Majority in this House treated the sincere misgivings of a man who has shed blood for his country and been a staunch supporter of our men and women in the military? They have launched a vicious smear attack on Mr. MURTHA's patriotism. Indeed they have gone so far as assert that anyone who questions the wisdom of any aspect of their handling of the war is unpatriotic, and willing to give aid and comfort to the enemy. Unfortunately, the administration's inability to communicate a clear strategy for success in Iraq has caused a great many Americans to question the Nation's prosecution of the war—including some of the most devoted, most patriotic and most courageous of Americans. People like former Senator Max Cleland, and now JACK MURTHA.

But I believe that Senator CHUCK HAGEL has it right—the willingness to question, to prod and to probe our government is what produces the best policy and leads to the best

outcomes, in war as well as in peace. The courage to question a powerful but imperfect government is much more the essence of patriotism than a coerced silence.

The administration's prosecution of the war effort has suffered from deficient planning that took the maxim of preparing for the worst and hoping for the best and turned it on its head. It failed to consider how the Sunni minority would react to being stripped of its privileged status, even as they underestimated the consequences of decades of totalitarian rule and the atomization of Iraqi society under Saddam Hussein.

Many of my colleagues and I have repeatedly called upon the President to do what should have been done a long time ago by laying out a strategy and vision for success in Iraq that will not condemn the Iraqi people to anarchy or turn Iraq into a haven for jihadis. We have called for proper oversight of the war effort by Congress to make certain that our troops in Iraq are properly equipped and that we are doing everything in our power to ensure their safety and success.

This House, this Congress and this Nation stand for the proposition that reasoned debate can produce wise policies that will best "provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." Mr. Speaker, this resolution should be withdrawn.

The SPEAKER pro tempore. Pursuant to House Resolution 572, the resolution is considered read and the previous question is ordered.

The question is on the resolution.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 3, noes 403, answered "present" 6, not voting 22, as follows:

[Roll No. 608]

AYES—3

McKinney
Serrano
Wexler

NOES—403

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
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
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
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
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (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
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

ANSWERED "PRESENT"—6

Capuano
Clay
Hinchey
McDermott
Nadler
Owens

NOT VOTING—22

Beauprez
Berman
Boswell
Boyd
Camp
Cunningham
Davis (AL)
Flake
Fossella
Gallegly
Hall
Jindal
Kind
LaHood
Miller, Gary
Moran (KS)
Northup
Paul
Peterson (PA)
Shadegg
Towns
Young (AK)

□ 2333

Mr. BOEHLERT and Mr. LINDER changed their vote from "aye" to "no."

So the resolution was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. BERMAN. Mr. Speaker, due to a death in the family, I was unable to vote on H. Res. 571. Had I been present, I would have voted "no."

Mrs. NORTHUP. Mr. Speaker, unfortunately, I was unable to be present for the vote on final passage of H. Res. 571, the resolution that calls for an immediate withdrawal of our troops from Iraq. I strongly oppose this resolution and its underlying sentiment. Had I been present I would have voted "nay" on H. Res. 571.

PREDISASTER MITIGATION PROGRAM REAUTHORIZATION ACT OF 2005

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the bill (H.R. 4324) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster mitigation program, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4324

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 "Predisaster Mitigation Program Reauthorization Act of 2005".

SEC. 2. PREDISASTER HAZARD MITIGATION.

Section 203(m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) is amended by striking "December 31, 2005" and inserting "September 30, 2008".

SEC. 3. STUDY REGARDING COST REDUCTION.

Section 209 of the Disaster Mitigation Act of 2000 (42 U.S.C. 5121 note; 114 Stat. 1571) is

amended by striking ''3 years after the date of the enactment of this Act'' and inserting ''September 30, 2007''.

Mr. OBERSTAR. Mr. Speaker, first I would like to commend my colleagues on the Transportation and Infrastructure Committee, Chairman YOUNG, Subcommittee Chairman SHUSTER and Subcommittee Democratic Ranking Member NORTON, for all of their work on this important bill. H.R. 4324, Predisaster Mitigation Act Reauthorization Act of 2005, provides funding for a competitive grant program to assist States and local governments in implementing cost-effective hazard mitigation activities that complement a comprehensive mitigation program.

The Predisaster Mitigation Grant Program (PDM) will provide funds to states, and local governments and communities for hazard mitigation planning and the implementation of mitigation projects prior to a disaster event. Funding these plans and projects reduces overall risks to the population and structures, while also reducing reliance on funding from actual disaster declarations. This program funds activities like, the seismic strengthening of buildings and infrastructure, the construction of levees and the building of ''safe rooms'' in houses and other structures to protect against high winds. It is important to note that this program complements another Robert T. Stafford Disaster Relief and Emergency Assistance Act post mitigation program—the Hazard Mitigation Grant Program (HMPG) which provides fund to reduce the risk of future damage, hardship, loss or suffering in any area affected by a major disaster.

Over the last twenty-five years, this country has had over one thousand presidential disaster declarations in the United States and the Insular Territories. These disasters have cost our nation billions of dollars and taken an untold number of lives. In the aftermath of Hurricane Katrina, Rita and Wilma, we have all become acutely aware of the devastation natural disaster can bring. We know that these natural disasters will continue to occur and bring damage and destruction but we also know that mitigation programs like the Predisaster Mitigation Program will help save lives and property.

According to the Multihazard Mitigation Council of the National Institute of Building Sciences which conducted an independent study on the costs benefits of mitigation for the Federal Emergency Management Agency (FEMA)—mitigation saves lives and tax dollars. For every $1 spent from the United States Treasury for mitigation, we will save $3.65 for taxpayers when disaster strikes. Mitigation reduces property damage, reduces business interruption, reduces environmental damage and most importantly, it reduces societal losses, including causalities and homelessness. Moreover, the benefits of FEMA hazard mitigation grants significantly exceed their costs—by a 4 to 1 margin. In addition to providing broad-based benefits to society, FEMA hazard mitigation grants more than pay for themselves. Mr. Speaker, it is unmistakably clear, mitigation is essential to reducing the loss of lives and property in future natural disasters.

In October 2000, Congress passed the Disaster Mitigation Act of 2000 (DMA), which reauthorized the Stafford Act and created several new programs. One of those new programs was a Predisaster Mitigation Program that tasked FEMA with awarding grants to states on a competitive basis to implement predisaster mitigation plans. Again, in the wake of Hurricane Katrina as the Gulf Region begins the long and difficult process of rebuilding we can truly appreciate the importance of predisaster mitigation planning. Today, this bill extends the authorization of this program for another three years and directs the Congressional Budget Office (CBO) to conduct a study on the program's effectiveness.

Mr. Speaker, I believe this is a good bill that will save both lives, property and taxpayer funds. I urge my colleagues to join me in supporting the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RESIGNATION AS CLERK OF HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 18, 2005.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I am writing to tender my resignation as Clerk effective upon the appointment of my successor November 18, 2005.

It has been an honor to serve this Institution, its people and the Nation for more than 20 years. I leave knowing the incredible ability of the people who serve here and their commitment to the people they represent.

I will especially depart with a deep sense of admiration and respect for the individuals working in and with the Office of the Clerk. I wish to thank them for their efforts over the last seven years during my tenure as Clerk of the House.

With best wishes, I am
Sincerely,

JEFF TRANDAHL.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

APPOINTMENT AS CLERK OF HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Pursuant to section 208 of the Legislative Reorganization Act of 1946 (2 U.S.C. 75a–1), and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment as Clerk of the House of Representatives Mrs. Karen L. Haas of Maryland.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 18, 2005.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Under Clause 2(g) of Rule II of the Rules of the U.S. House of Representatives, I herewith designate Mr. Gerasimos C. Vans, Deputy Clerk, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which he would be authorized to do by virtue of this designation, except such as are provided by statute, in case of my temporary absence or disability.

If Mr. Vans should not be able to act in my behalf for any reason, then Ms. Marjorie C. Kelaher, Assistant to the Clerk, should similarly perform such duties under the same conditions as are authorized by this designation.

These designations shall remain in effect for the 109th Congress or until modified by me.

With best wishes, I am,
Sincerely,

KAREN L. HAAS,
Clerk of the House.

APPOINTMENT OF HON. TOM DAVIS AND HON. FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH DECEMBER 6, 2005

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

WASHINGTON, DC,
November 18, 2005.

I hereby appoint the Honorable TOM DAVIS and the Honorable FRANK R. WOLF to act as Speaker pro tempore to sign enrolled bills and joint resolutions through December 6, 2005.

J. DENNIS HASTERT
Speaker of the House of Representatives

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

COMMUNICATION FROM CHIEF OF STAFF OF HON. WILLIAM J. JEFFERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Nicole Venable, Chief of Staff of the Honorable WILLIAM J. JEFFERSON, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
November 18, 2005.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for documents issued by the U.S. District Court for the Eastern District of Virginia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,

NICOLE VENABLE,
Chief of Staff.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, DECEMBER 7, 2005

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday

rule be dispensed with on Wednesday, December 7, 2005.

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

There was no objection.

TRIBUTE TO JEFF TRANDAHL

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

Mr. SHIMKUS. Mr. Speaker, obviously with the very exciting day that we have had, to the Clerk, my 1-hour Special Order changed to a 5-minute Special Order, now to a 1-minute.

I just want to say thank you for the work you have done. The 32nd Clerk of the House, a native of Spearfish, South Dakota, again over 20 years of service.

We had a great reception last night where your loyal supporters and friends and folks that have worked for you were there to say thanks for a tremendous effort. You give great credit to the professional staff and working in what has to be a very challenging environment, dealing with politicians and our whims and our foibles.

□ 2340

We want to thank him for that. He has brought great credit to that in a long line of Clerks who served honorably, and we just wish for his successor great success and blessings as she takes on this great challenge in this new role.

BACKGROUND

32nd Clerk of the House.

Native of Spearfish, South Dakota.

Twenty years of House service.

Aide to: James Abdor (R–SD) in House and Senate; Virginia Smith (R–NE); Pat Roberts (R–KS); Committees on Appropriations and House Administration.

Assistant to the Clerk, Acting Chief Administrative Officer; Deputy Clerk; appointed Clerk December 1998 and elected Clerk 106th through 109th Congresses.

Graduate of University of Maryland.

Begins appointment as Executive Director of National Fish and Wildlife Foundation on November 21, 2005.

HIGHLIGHTS AS CLERK

Guided major House information technology initiatives to including introduction of XML technology to standardize creation and exchange of legislative information.

Oversaw creation and management of first permanent and professional House curatorial and archival services.

Oversaw flourishing of House Page Program with construction of new Page Residence Hall, and enhanced academic status and national recognition of the House Page School.

Instrumental in creation of House Office of Emergency Preparedness and leader in establishing and improving continuity of operations planning for the House.

Implemented program to expand House portraiture collection of historical House figures, including the first woman, the first African-American, and the first Hispanic-American elected to Congress.

Implemented the first electronic filing program for the House.

Mr. HASTERT. Mr. Speaker, I rise to express my appreciation to Jeff Trandahl, the departing Clerk of the House. We are going to miss Jeff who has given over 20 years of faithful service to the United States Congress.

After rising through the ranks in Member and committee offices, in 1994 Jeff became a principle assistant to the transition team of the new Republican majority, helping to set up the first new majority in almost five decades. Jeff served as an assistant to the Clerk and then as the Acting Chief Administrative Officer of the House. In December 1998, I selected Jeff as my first officer appointment and the 32nd Clerk of the House. Jeff was subsequently elected by the House to four consecutive 2-year terms. He served on four occasions as the presiding officer for the opening of the House, overseeing the seating of Members and the election of the Speaker.

As the chief legislative official of the House, Jeff has been responsible for the daily legislative operations of the House from the day's Journal to our voting system. He has led the House Page Program, which under Jeff's leadership was recognized as a top educational institution, and he has managed the House's historical, curatorial, and archival needs.

Jeff has also been very instrumental in the development of the Capitol Visitor Center project, especially the future exhibit space. Jeff has provided valuable leadership to the House Fine Arts Board, the Capitol Preservation Commission, and the National Archives Advisory Committee on the Records of Congress.

Jeff's tenure as Clerk has coincided with extraordinary events, including 9/11 and anthrax. Thanks to Jeff and the other Officers of the House, the House was prepared with contingency plans. Jeff was also instrumental in making the ceremonial session in New York City to mark the 1 year anniversary of 9/11 a tremendously moving and historical event.

On both sides of the Capitol building and on both sides of the aisle, Jeff is known for his fairness, his dedication, and his hard work. As I have said before, Republican and Democratic Members of Congress alike have enormous respect for Jeff's vast institutional knowledge, his utter professionalism, and his ability to get things done—traits which have made him a very effective and successful Clerk.

I join my colleagues in wishing Jeff all the best.

Mr. Speaker, on behalf of the Members and staff of the U.S. House of Representatives, I express our sincere gratitude for Jeff's long and faithful service.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). 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.)

TROOPS IN IRAQ AND DIRE CONSEQUENCES

Mr. FRANKS of Arizona. Mr. Speaker, I ask unanimous consent to take the Special Order time of the gentleman from Indiana (Mr. BURTON).

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

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, it has been a meaningful and historic night. But it still deeply concerns me that there are Members of this body that have been constantly misinforming the public about pre-war intelligence on Iraq and demanding timetables for troop withdrawal. They seem to be wholly unaware of the dire consequences of even talking about pulling our troops out, let alone demanding it.

Our brave men and women in uniform have always fought desperately to preserve those unalienable rights of life, liberty, and the pursuit of happiness endowed by the Creator Himself. And that is exactly what they are doing now in Iraq, and we should all be deeply grateful for that.

Mr. Speaker, one of the things that I am so desperately worried about is whether the people in this body and in this Republic truly understand what we are facing, not only as a Nation, but as Western Civilization.

The question we must ask ourselves is not whether we can win this war. We must win this war. The question now is what will happen if we do not.

Mr. Speaker, I am so concerned that this Nation does not yet understand that we are at war with an ideology, an ideology that threatens the existence of the Free World. This war did not begin on 9/11. This war began many years ago when certain Muslim extremists embraced a divergent Islamist dogma that dictates that all infidels must die.

Our Nation was first attacked during its very early beginnings in the late 1700s by the Barbary terrorists of the day. More recently, we were attacked in 1979 in Iran. Our embassy and our marine barracks were attacked in Beirut in 1983. The first World Trade Center attack was in 1993, Mr. Speaker; and we still did not wake up to what was happening at the time. Our military complexes and soldiers have been targeted throughout the world. The Khobar Towers in Saudi Arabia in 1996. Our embassies were blown up in Kenya and Tanzania in 1998. We witnessed the attack on the USS *Cole* in 2000. Mr. Speaker, 1 year later on September 11, terrorists murdered nearly 3,000 American civilians on our own soil, and I wonder tonight have we forgotten that.

Since then our soldiers and our contractors have been kidnapped and executed, their bodies mutilated and dragged through the streets.

And we are not alone, Mr. Speaker. This has taken place throughout the

world. In Serbia and Bosnia, soldiers, POWs, and civilians were beheaded by mujahideen. In Beslan, Russia, 186 children and 158 teachers and parents were slaughtered in a terrorist assault against a grade school. And just weeks ago, Mr. Speaker, in Indonesia, three young girls on their way to school were attacked and beheaded by Muslim extremists. Their names, Mr. Speaker, their names were Theresia, Ida, and Alfrita.

Churches are being attacked. Pastors have been kidnapped, tortured, and beheaded. And it seems there is not a day that goes by without a suicide or a car bomb attack in Iraq.

We have witnessed the horrific bombings in Spain, London, Indonesia, Jordan, and Israel. Rioters have completely disrupted hundreds of cities in France.

We simply cannot deny that we are fighting a war against enemies with an evil ideology that is bent on the destruction of the Western World. They are committed to killing us, Mr. Speaker, and any others that hold in their mind to be infidels.

Mr. Speaker, we truly are at war, and to undermine the sacrifice and blood-bought advancement of our valiant American soldiers who are at this very moment fighting terrorists in Iraq and across the world is unconscionable.

A nation divided against itself simply cannot stand, Mr. Speaker. And those of us in this body, along with all Americans, must unite against this evil. We must win the war in Iraq. We must give our troops unequivocal support and everything else in our power to help them finish this job. Our troops have never failed us, and we must not fail them.

Mr. Speaker, if freedom is to survive, to allow Islamist terrorists to declare war and victory in Iraq is not an option. We must win and we cannot leave before the job is done. Because if we leave too soon, Mr. Speaker, we will not be able to go on with our daily lives as we once did. Because the world has truly changed. And those without conscience are relentlessly seeking to destroy us, and we must not let them ever have even the slightest hope of victory. Not ever, Mr. Speaker.

DIPLOMATICALLY PURSUING STABILITY AND SECURITY IN IRAQ

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, I come to the well tonight after a long day of debate on whether or not we should redeploy our troops from Iraq.

A careful reading of the gentleman from Pennsylvania's resolution, had we debated it, would have pointed out that the fourth point that he raised was that we have to diplomatically pursue security and stability in Iraq. It is that issue I want to talk about because the question is always raised, If we leave, will it not get worse? Will it not just explode into civil war? We have already got that. And the question must be answered as we talk about deployment from out of the country.

At the same time, we have to decide to call on the Arab League or the Egyptians, to call together all the members of the community of Iraq: the Sunnis, the Shiias, the Kurds, the Turkomens, the Assyrians. All of them need to come together in a conference to resolve this. We have the idea that we can go with a Western idea of a constitution and that because it works here, we can just insert it into an Arab culture that has never worked under those circumstances.

□ 2350

What we need to do is recognize how Arabs have resolved problems for hundreds, thousands of years, if you will. It is called reaching an atwa.

If two villages, and this story was told to me by an iman, a high ranking Iraqi, he said many years ago two villages had a brother and sister and they married across these two towns. One went to one village, the other went to the other village. In one village the wife was fertile and quickly had three children. In the other, the wife was barren and had no children. The village made fun of her. They ridiculed her. They said she was a terrible woman, and the social pressure was so great that she killed herself by throwing herself into the village well.

Now under Arabic custom, that village that lost this woman has a right to go and extract blood within 24 hours. As those two villages came together for this bloodletting that was going to happen, they called and got them all to sit down and they decided how they were going to resolve this situation.

The decision was made that the village that had had the young woman die in it would give $20,000 to the other village and that there would be no contact between those villages for 20 years. They reached an atwa, A-T-W-A.

What that is in the Arabic culture is an arrangement, not a peace treaty. In the West we think of peace treaties where I agree with you and you agree with me, and we sign a bunch of pieces of paper. In the Arab culture where there is honor, people say I will stay here for 20 years and you will stay there.

The gentleman who told me the story said I was there 20 years later when the money was brought back from the first village back to its original place. He said within 2 years, there were marriages between the young people from the two villages. Even though they were 6 kilometers apart, for 20 years there had been no contact.

Now, Arabs have been resolving these kinds of things for thousands of years in the desert. There is a way for the Sunnis and the Shiias and the Kurds and the Turkomens to come together, but it cannot be driven by the United States. We cannot say you come over here and come to this conference that we are going to have in some hotel somewhere. It has to be called by the Arab League.

This same thing could have prevented the gulf war back in 1991. When Saddam Hussein went into Kuwait, the Arab League said before the Americans attack, let us settle this among the Arab community. This is a fight among us. Saddam Hussein thought he had fought in Iran because he was defending Kuwait and the Saudis, and he thought that they owed him something. He said give me some money, and they said no. And so he said all right, then I am going to move in and take Kuwait.

It could have been resolved if we had the patience to let this happen and the mentality in the White House that can allow Iraq to develop its own peaceful society. We have removed Saddam Hussein. We are all glad, but we now must let the Arabs resolve the situation in a way that makes sense to them.

REMEMBERING ILLINOIS REPRESENTATIVE JOHN ERLENBORN

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, I rise today to remember a beloved former Congressman from Illinois who passed away October 30, Representative John Erlenborn. John was a member of this body for nearly 20 years. Throughout his distinguished service in Congress, he became an expert on labor and pension issues and helped shape our Nation during a formative time in our history.

Born and raised in suburban Chicago, Mr. Erlenborn enlisted in the U.S. Navy as a 17-year-old during World War II. He studied at the University of Notre Dame, Indiana University, the University of Illinois, and Loyola University in Chicago from which he later received his law degree.

John went on to practice law at a firm he founded before he began his life in public service as an assistant state's attorney for Illinois' DuPage County. This inspired John to run for elected office. He went on to serve for 8 years in the Illinois General Assembly before coming to Congress in 1965.

John earned a spot as the Republican ranking member of the House Education and Labor Committee where he became know as Mr. ERISA after avidly working to pass the Employee Retirement Income Security Act, which created corporate pension plan standards that continue to protect American workers today.

When John retired from Congress in 1985, he did not leave behind his compassion and motivation to help those less fortunate than himself. Instead of fully enjoying retirement, John continued to give back and was appointed to serve on the board of directors and selected to serve as president of the

Legal Services Corporation Board, committing himself to help those who needed legal services, but could not afford it. He also served as adjunct faculty member of the Georgetown University Law Center.

John represented what is now my congressional district, the 13th district of Illinois. He was committed to helping those in need and represented his constituents with honor and integrity.

Mr. Speaker, I am grateful for the service John Erlenborn gave for the State of Illinois and our Nation for so many years.

On behalf of this body, I extend my deepest sympathies to the entire Erlenborn family during this difficult time. John Erlenborn lived a rich life. He never stopped giving to others even after his tenure in Congress, a model for all of us. He will be deeply missed.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MEEK) is recognized for 5 minutes.

(Mr. MEEK of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

STANDING TOGETHER FOR A SOLUTION TO BRING OUR TROOPS HOME

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized until midnight.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this was a day when many of us had wished that we could have taken a very serious step toward redeploying our troops and bringing them home. I believe it is very important to speak to the American people for this brief moment by telling them of a story of a young woman I saw in a hospital in Germany who had just been shipped from Iraq. She was burned from head to toe. She laid in a hospital bed; and, yes, as a soldier, she was valiant and courageous, and her only concern was for her mother.

I use that example because we have heard it on the floor tonight, how our soldiers want to go back into battle and how our soldiers want us to have the resolve to stay the course.

But, Mr. Speaker, it is our responsibility as Members of Congress and policymakers whenever we send our soldiers into battle, we must send them for the right reasons.

We heard tonight that the American intelligence did not prove there were weapons of mass destruction, in fact, there were none; that the troops are in fact fodder for the insurgents, and health care is no longer promised to our soldiers coming home; that we are now sending troops that are at the C–4 level, the lowest state of readiness; 50,000 may suffer from battle fatigue. It is important that we stand together for a solution to bring our troops home.

I voted ''no'' against the Hunter resolution because it was not a serious debate. It was not a serious statement to our soldiers, and I want them to know that I am willing to stay the course, but I want them to come home, and I want them to come home now with a plan. And a plan has been offered by Mr. MURTHA in H.J. Res. 73, a plan that suggests that the troops should be in a small number in the region, but our troops in large numbers should come home from Iraq. We must turn the government of Iraq over to Iraq.

This is the debate we should have:

H.J. RES._____

To Redeploy U.S. Forces from Iraq.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17, 2005

Mr. Murtha introduced the following joint resolution, which was referred to the Committee on_____

Whereas Congress and the American People have not been shown clear, measurable progress toward establishment of stable and improving security in Iraq or of a stable and improving economy in Iraq, both of which are essential to ''promote the emergence of a democratic government'';

Whereas additional stabilization in Iraq by U.S. military forces cannot be achieved without the deployment of hundreds of thousands of additional U.S. troops, which in turn cannot be achieved without a military draft;

Whereas more than $277 billion has been appropriated by the United States Congress to prosecute U.S. military action in Iraq and Afghanistan;

Whereas, as of the drafting of this resolution, 2,079 U.S. troops have been killed in Operation Iraqi Freedom;

Whereas U.S. forces have become the target of the insurgency;

Whereas, according to recent polls, over 80 percent of the Iraqi people want the U.S. forces out of Iraq;

Whereas polls also indicate that 45 percent of the Iraqi people feel that the attacks on U.S. forces are justified;

Whereas, due to the foregoing, Congress finds it evident that continuing U.S. military action in Iraq is not in the best interests of the United States of America, the people of Iraq, or the Persian Gulf Region, which were cited in Public Law 107–243 as justification for undertaking such action;

Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

That:

SECTION 1. The deployment of United States forces in Iraq, by direction of Congress, is hereby terminated and the forces involved are to be redeployed at the earliest practicable date.

SEC. 2. A quick-reaction U.S. force and an over-the-horizon presence of U.S. Marines shall be deployed in the region.

SEC. 3. The United States of America shall pursue security and stability in Iraq through diplomacy.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Georgia (Ms. MCKINNEY) is recognized for 5 minutes.

(Ms. MCKINNEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

ABLE DANGER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I include material regarding Able Danger for the RECORD:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 9, 2005.

Hon. DONALD RUMSFELD,
Secretary, Department of Defense, The Pentagon, Washington, DC.

DEAR SECRETARY RUMSFELD: We the undersigned are formally requesting that you allow former participants in the intelligence program known as Able Danger to testify in an open hearing before the United States Congress. Until this point, congressional efforts to investigate Able Danger have been obstructed by Department of Defense insistence that certain individuals with knowledge of Able Danger be prevented from freely and frankly testifying in an open hearing. We realize that you do not question Congress's authority to maintain effective oversight of executive branch agencies, including your department. It is our understanding that your objection instead derives from concern that classified information could be improperly exposed in an open hearing. We of course would never support any activity that might compromise sensitive information involving national security. However, we firmly believe that testimony from the appropriate individuals in an open hearing on Able Danger would not only fail to jeopardize national security, but would in fact enhance it over the long term. This is due to our abiding belief that America can only better prepare itself against future attacks if it understands the full scope of its past failures to do so.

On September 21, the Senate Committee on the Judiciary conducted a hearing on Able Danger which Bill Dugan, Acting Assistant to the Secretary of Defense for Intelligence Oversight, certified did not reveal any classified information. Congressman Curt Weldon's testimony at that hearing was largely based on the information that has been given to him by Able Danger participants barred from open testimony by DOD. Their testimony would therefore closely mirror that of Congressman Weldon, who did not reveal classified information. Therefore we are at a loss as to how the testimony of Able Danger participants would jeopardize classified information. Much of what they would present has already been revealed. Further refusal to allow Able Danger participants to testify in an open congressional hearing can only lead us to conclude that the Department of Defense is uncomfortable with the prospect of Members of Congress questioning these individuals about the circumstances surrounding Able Danger. This would suggest not a concern for national security, but rather an attempt to prevent potentially embarrassing facts from coming to light. Such a consideration would of course be an unacceptable justification for the refusal of a congressional request.

Sincerely,

CURT WELDON,
JOHN P. MURTHA.

WHY DID THE 9/11 COMMISSION IGNORE 'ABLE DANGER'?

(By Louis Freeh)

It was interesting to hear from the 9/11 Commission again on Tuesday. This self-perpetuating and privately funded group of lobbyists and lawyers has recently opined on hurricanes, nuclear weapons, the Baltimore Harbor Tunnel and even the New York subway system. Now it offers yet another ''report card'' on the progress of the FBI and CIA in the war against terrorism, along with its ''back-seat'' take and some further unsolicited narrative about how things ought to be on the ''front lines.''

Yet this is also a good time for the country to make some assessments of the 9/11 Commission itself. Recent revelation from the military intelligence operation code-named, ''Able Danger'' have cast light on a missed opportunity that could have potentially prevented 9/11. Specifically, Able Danger concluded in February 2000 that military experts had identified Mohamed Atta by name (and maybe by photograph) as an al Qaeda agent operating in the U.S. Subsequently, military officers assigned to Able Danger were prevented from sharing this critical information with FBI agents, even though appointments had been made to do so. Why?

There are other questions that need answers. Was Able Danger intelligence provided to the 9/11 Commission prior to the finalization of its report, and, if so, why was it not explored? In sum, what did the 9/11 commissioners and their staff know about Able Danger and when did they know it?

The Able Danger intelligence, if confirmed, is undoubtedly the most relevant fact of the entire post 9/11 inquiry. Even the most junior investigator would immediately know that the name and photo ID of Atta in 2000 is precisely the kind of tactical intelligence the FBI has many times employed to prevent attacks and arrest terrorists. Yet the 9/11 Commission inexplicably concluded that it ''was not historically significant.'' This astounding conclusion—in combination with the failure to investigate Able Danger and incorporate it into its findings—raises serious challenges to the commission's credibility and, if the facts prove out, might just render the commission historically insignificant itself.

The facts relating to Able Danger finally started to be reported in mid-August. U.S. Army Col. Anthony Shaffer, a veteran intelligence officer, publicly revealed that the Able Danger team had identified Atta and three other 9/11 hijackers by mid-2000 but were prevented by military lawyers from giving this information to the FBI. One week later, Navy Capt. Scott J. Phillpott, a U.S. Naval Academy graduate who managed the program for the Pentagon's Special Operations Command, confirmed ''Atta was identified by Able Danger by January-February of 2000.''

On Aug. 18, 2005, the Pentagon initially stated that ''a probe'' had found nothing to back up Col. Shaffer's claims. Two weeks later, however, Defense Department officials acknowledged that its ''inquiry'' had found ''three more people who recall seeing an intelligence briefing slide that identified the ringleader of the 9/11 attacks a year before the hijackings and terrorist strikes.'' These same officials also stated that ''documents and electronic files created by . . . Able Danger were destroyed under standing orders that limit the military's use of intelligence gathered about people in the United States.'' Then, in September 2005, the Pentagon doubled back and blocked several military officers from testifying at an open Congressional hearing about the Able Danger program.

Two members of Congress, Curt Weldon and Dan Burton, have also publicly stated that shortly after 9/11 attacks they provided then-Deputy National Security Adviser Stephen Hadley with a ''chart'' containing preattack information collected by Able danger about al Qaeda. a spokesperson for the White House has confirmed that Mr. Hadley ''recalled seeing such a chart in that time period but . . . did not recall whether he saw it during a meeting . . . and that a search of National Security Council files had failed to produce such a chart.''

Thomas Kean, the chairman of the 9/11 Commission, reacted to Able Danger with the standard Washington PR approach. He lashed out at the Bush administration and demanded that the Pentagon conduct an ''investigation'' to evaluate the ''credibility'' of Col. Shaffer and Capt. Phillpott—rather than demand a substantive investigation into what failed in the first place. This from a former New Jersey governor who, along with other commissioners, routinely appeared in public espousing his own conclusions about 9/11 long before the commission's inquiry was completed and long before all the facts were in! This while dismissing out of hand the major conflicts of interest on the commission itself about obstructions to information-sharing within the intelligence community.

Nevertheless, the final 9/11 commission report, released on July 22, 2004, concluded that ''American intelligence agencies were unaware of Mr. Atta until the day of the attacks.'' This now looks to be embarrassingly wrong. Yet amazingly, commission leaders acknowledged on Aug. 12 that their staff in fact met with a Navy officer 10 days before releasing the report, who ''asserted that a highly classified intelligence operation, Able Danger, had identified Mohammed Atta to be a member of an al Qaeda cell located in Brooklyn.'' (Capt. Phillpott says he briefed them in July 2004.) The commission's statement goes on to say that the staff determined that ''the officer's account was not sufficiently reliable to warrant revision of the report or further investigation,'' and that the intelligence operation ''did not turn out to be historically significant,'' despite substantial corroboration from other seasoned intelligence officers.

This dismissive and apparently unsupported conclusion would have us believe that a key piece of evidence was summarily rejected in less than 10 days without serious investigation. The commission, at the very least, should have interviewed the 80 members of Able Danger, as the Pentagon did, five of whom say they saw ''the chart.'' But this would have required admitting that the late-breaking news was inconveniently raised. So it was grossly neglected and branded as significant. Such a half-baked conclusion, drawn in only 10 days without any real investigation, simply ignores what looks like substantial direct evidence to the contrary coming from our own trained military intelligence officers.

No wonder the 9/11 families were outraged by these revelations and called for a ''new'' commission to investigate. ''I'm angry that my son's death could have been prevented,'' seethed Diane Horning, whose son Matthew was killed at the World Trade Center. On Aug. 17, 2005, a coalition of family members known as the September 11 Advocates rightly blasted 9/11 Commission leaders Mr. Kean and Lee Hamilton for pooh-poohing Able Danger's findings as not ''historically significant.'' Advocate Mindy Kleinberg aptly notes, ''They [the 9/11 Commission] somehow made a determination that this was not important enough. To me, that says somebody there is not using good judgment. And if I'm questioning the judgment of this one case, what other things might they have missed?'' This is a stinging indictment of the commission by the 9/11 families.

The chairman of the Senate Judiciary Committee, Arlen Specter, has led the way in cleaning up the 9/11 Commission's unfinished business. Amid a very full plate of responsibilities, he conducted a hearing after noting that Col. Shaffer and Capt. Phillpott ''appear to have credibility.'' Himself and former prosecutor, Mr. Specter noted: ''If M? Atta and other 9/11 terrorists were identified before the attacks, it would be a very serious breach not to have that information passed along . . . we ought to get to the bottom of it.'' Indeed we should. The 9/11 Commission gets an ''I'' grade incomplete—for its dereliction regarding Able Danger. The Joint Intelligence Committee should reconvene and, in addition to Able Danger team members, we should have the 9/11 commissioners appear as witnesses so the families can hear their explanation why this doesn't matter.

Sent: Friday, November 11, 2005 9:21 AM
To: curtpa07
Subject: USS COLE

Our son Kenneth was the 1st killed on the USS Cole when it was attacked. Every since President Bush came into office I've been trying to get a meeting with him and the 17 families and the White House will not even acknowledge. I've been saying things like you are now saying ever since the attacked happened and NO one in government will talk to us. The FBI has lied to us on several facts and my own Congressmen will do anything for me except a meeting with the President. President Clinton did nothing to go after those that attacked the Cole and if he had of they would have uncovered numerous signs out there about what was going to happen on 9/11. We sure would like to talk to you.

JOHN CLODFELTER.

Sent: Friday, November 11, 2005 9:21 PM
To: curtpa07
Subject: Able Danger—9/11 Family Member

DEAR CONGRESSMAN WELDON: I write again to thank you for all you are doing to uncover the ''Able Danger'' story. I lost my brother Pete on 9/11, and over the last 4 years I have done what I could to educate myself on the ''how's, why's and who's'' of 9/11. I attended the Commission hearings both in Washington, D.C. and New York City, and to be frank . . . I thought the Commission was a farce. They may have reached recommendations that may prove worthy, but the agenda of some was all too obvious. I have felt from the beginning that certain Commissioners sat on the wrong side of the table, so to speak. Now that you have uncovered Able Danger, I want them all to sit as witnesses before Congress. Just who knew what and who decided these most important findings to be ''historically insignificant,'' are questions that must be answered.

The loss of Pete on 9/11 is something I deal with every moment, of every day. Now that we are 2 weeks from what would've been his 47th birthday (one he shared with my sister, Kathy), a week away from Thanksgiving, 5 weeks from his favorite day of the year—Christmas . . . well, the heartache of his murder is felt a bit deeper.

On a personal note, Pete's death on 9/11 was one tragedy from that day, but it is not the only one. What his murder has done to our family is quite another. There is no way to explain how those terrorists ruined more than one life that day and there is no way to express my anger at how life for us will never again be the same. We struggle to find joy, we find it difficult to accomplish what once were ordinary tasks . . . but we do, and thanks to our faith. I also believe we do because of public servants like you. Decent

elected officials who actually serve the public instead of themselves. You have my family's backing and full support and we pray to GOD that more and more elected officials join you in your fight to expose Able Danger and in your fight to keep our Nation safe and secure, so no other family has to endure what we did on 9/11, and what we continue to endure since because of the acts of hate filled cowards.

Thank you again Congressman Weldon and God bless! Please keep up the good fight on Able Danger!

You remain in our thought & prayers, as does our President and our Brave Troops!

Sincerely,

A proud American,

JOHN P. OWENS,

Loving brother of Peter J. Owens, Jr.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BERMAN (at the request of Ms. PELOSI) for today on account of a death in the family.

Mr. GARY G. MILLER of California (at the request of Mr. BLUNT) for today after 4:00 p.m. on account of illness.

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. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. MEEHAN, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. MEEK of Florida, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

(The following Members (at the request of Mrs. BIGGERT) to revise and extend their remarks and include extraneous material:)

Mr. FRANKS of Arizona, for 5 minutes, today.

Mrs. BIGGERT, for 5 minutes, today.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mr. FORTENBERRY, for 5 minutes, today.

Mr. PEARCE, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1418. An act to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States; to the Committee on energy and Commerce.

S. 1785. An act to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the distinction between a hull and a deck, to provide factors for the determination of the protectability of a revised design, to provide guidance for assessments of substantial similarity, and for other purposes; to the Committee on the Judiciary.

S. 1961. An act to extend and expand the Child Safety Pilot Program; to the Committee on the Judiciary.

S. 1989. An act to designate the facility of the United States Postal Service located at 57 Rolfe Square in Cranston, Rhode Island, shall be known and designated as the ''Holly A. Charette Post Office''; to the Committee on Government Reform.

ENROLLED BILL AND A JOINT RESOLUTION SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill and a Joint Resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4326. An act to authorize the Secretary of the Navy to enter into a contract for the nuclear refueling and complex overhaul of the U.S.S. Carl Vinson (CVN–70).

H.J. Res. 72. Joint resolution making further continuing appropriations for the fiscal year 2006, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on November 18, 2005, he presented to the President of the United States, for his approval, the following bills.

H.J. Res. 72. Making further continuing appropriations for the fiscal year 2006, and for other purposes.

H.R. 2419. Energy and Water Development Appropriations Act, 2006

H.R. 2490. 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. 2862. Departments of Commerce and Justice, Science, and Related Agencies Appropriations Act, 2006

H.R. 3339. 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''.

H.R. 4326. To authorize the Secretary of the Navy to enter into a contract for the nuclear refueling and complex overhaul of the U.S.S. Carl Vinson (CVN–70).

ADJOURNMENT

Mr. WELDON of Pennsylvania. Mr. Speaker, pursuant to House Concurrent Resolution 307, 109th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to House Concurrent Resolution 307, 109th Congress, the House stands adjourned until 2 p.m. on Tuesday, December 6, 2005.

Thereupon (at midnight), pursuant to House Concurrent Resolution 307, the House adjourned until Tuesday, December 6, 2005, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5296. A letter from the Secretary, Commission of Fine Arts, transmitting in response to OMB Memorandum 06-01, a report stating that the Commission has not conducting any competitive sourcing efforts in FY 2004, FY 2005, and are not conducting any competitions in FY 2006; to the Committee on Government Reform.

5297. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Department's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Specifications and Management Measures; Inseason Adjustments [Docket No. 040830250-5062-03; I.D. 093005A] received October 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5298. A letter from the Deputy Asistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Specifications and Management Measures; Inseason Adjustments; Correction [Docket No. 051014263-5263-01; I.D. 093005A] (RIN: 0648-AU00) received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5299. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 100605B] received October 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5300. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackeral in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 100605C] received October 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5301. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 100705B] received October 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5302. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 100705A] received October 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5303. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States;

Northeast Multispecies Fishery; Closure of the Regular B Days-at-Sea Pilot Program [Docket No. 040804229-4300-02; I.D. 100305A] received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5304. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Framework Adjustment 17 [Docket No. 050520137-5220-02; I.D. 050905F] (RIN: 0648-AT10) received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5305. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Annual Specifications [Docket No. 050819225-5257; I.D. 080505A] (RIN: 0648-AS59) received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5306. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 101705A] received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5307. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 101405B] received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5308. A letter from the President and Chief Executive Officer, American Trucking Association, transmitting recommendations for an appointment to the National Surface Transportation Policy and Revenue Study Commission; to the Committee on Transportation and Infrastructure.

5309. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Above Head of Passes, Mile Marker 134.7 to Mile Marker 135.4, extending the entire width of the Laplace Anchorage, LA [COTP New Orleans-05-016] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5310. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Port Valdez and Valdez Narrows, Valdez, AK [COTP Prince William Sound 05-012] (RIN: 1625-AA87) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5311. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Knapps Narrows, Maryland [CGD05-05-124] (RIN: 1625-AA09) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5312. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Spa Creek, Annapolis, MD [CGD05-05-104] (RIN: 1625-AA08) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5313. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Willoughby Bay, Norfolk, VA [CGD05-05-098] (RIN: 1625-AA08) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5314. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Strait Thunder Performance, Port Angeles, WA [CGD13-05-009] (RIN: 1625-AA08) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5315. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Event; John H. Kerr Reservoir, Clarksville, VA [CGD05-05-107] (RIN: 1625-AA08) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5316. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Choptank River, Cambridge, MD [CGD05-05-105] (RIN: 1625-AA08) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5317. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Jet Routes J-8, J-18, J-19, J-58, J-76, J-104 and J-244; and VOR Federal Airways V-60, V-190, V-263 and V-611; Las Vegas, NM [Docket No. FAA-2005-22421; Airspace Docket No. 05-ASW-1] (RIN: 2120-AA66) received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5318. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Dodge City Regional Airport, KS [Docket No. FAA-2005-21874; Airspace Docket No. 05-ACE-28] received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5319. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D and Class E Airspace; Topeka, Forbes Field, KS [Docket No. FAA-2005-21703; Airspace Docket No. 05-ACE-19] received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5320. A letter from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting the Department's report regarding its efforts in the area of transportation security for the calendar year 2004, pursuant to 49 U.S.C. 44938(a) and (b); to the Committee on Homeland Security.

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. TOM DAVIS of Virginia: Committee on Government Reform. Investigation Into Rafael Palmeiro's March 17, 2005 Testimony at the Committee on Government Reform's Hearing: ''Restoring Faith in America's Pastime: Evaluating Major League Baseball's Efforts to Eradicate Steroid Use'' (Rept. 109–310). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. S. 229. An act to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes (Rept. 109–311). Referred to the Committee of the Whole House on the State of the Union.

Mr. GINGREY: Committee on Rules. House Resolution 572. Resolution providing for consideration of the resolution (H. Res. 571) expressing the sense of the House of Representatives that the deployment of United States forces in Iraq be terminated immediately and providing for consideration of the concurrent resolution (H. Con. Res. 308) directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.R. 3058 (Rept. 109–312). Referred to the House Calendar.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 3128. A bill to affirm that Federal employees are protected from discrimination on the basis of sexual orientation and to repudiate any assertion to the contrary (Rept. 109–313). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 1631. A bill to provide for the financing of high-speed rail infrastructure, and other purposes (Rept. 109–314 Pt. 1). Ordered to be printed.

Mr. HYDE: Committee on International Relations. H.R. 972. A bill to authorize appropriations for fiscal years 2006 and 2007 for the Trafficking Victims Protection Act of 2000, and for other purposes: with an amendment (Rept. 109–317 Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Armed Services and Energy and Commerce discharged from further consideration of H.R. 972.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 2829. A bill to reauthorize the Office of National Drug Control Policy Act, with an amendment (Rept. 109–315, Pt. I). Referred to the Committee on Education and the Workforce for a period ending not later than December 17, 2005, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(e), rule X. Ordered to be printed.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 3699. A bill to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and for other purposes, with an amendment (Rept. 109–316, Pt. 1). Referred to the Committee on Energy and Commerce for a period ending not later than December 17, 2005, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(f) rule X; and to the Committee on Transportation and Infrastructure for consideration of such provisions of the bill and

amendment as fall within the jurisdiction of that committee pursuant to clause 1(r) rule X. Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 921. Referral to the Committee on Education and the Workforce extended for a period ending not later than December 17, 2005.

H.R. 972. Referral to the Committee on the Judiciary extended for a period ending not later than December 8, 2005.

H.R. 1631. Referral to the Committee on Ways and Means extended for a period ending not later than December 17, 2005.

H.R. 2829. Referral to the Committees on the Judiciary, Energy and Commerce, and the Permanent Select Committee on Intelligence for a period ending not later than December 17, 2005.

H.R. 2830. Referral to the Committee on Ways and Means extended for a period ending not later than December 6, 2005.

H.R. 3699. Referral to the Committee on Resources extended for a period ending not later than December 17, 2005.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HINCHEY:

H.R. 4387. A bill to amend the Internal Revenue Code of 1986 to provide a credit to individuals for charitable contributions of services; to the Committee on Ways and Means.

By Mr. THOMAS:

H.R. 4388. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; to the Committee on Ways and Means.

By Mr. MILLER of North Carolina (for himself and Mr. CONYERS):

H.R. 4389. A bill to amend the Federal Election Campaign Act of 1971 to exempt news stories, commentaries, and editorials distributed through the Internet from treatment as expenditures or electioneering communications under such Act, and for other purposes; to the Committee on House Administration.

By Mr. LANGEVIN (for himself, Mr. SHAYS, Mrs. MCCARTHY, Ms. CORRINE BROWN of Florida, Mr. VAN HOLLEN, Ms. DELAURO, Mr. KENNEDY of Rhode Island, Mr. CASE, Mr. WEXLER, Mr. MORAN of Virginia, Mr. LEWIS of Georgia, Ms. SCHAKOWSKY, Ms. NORTON, and Ms. WOOLSEY):

H.R. 4390. A bill to ensure greater accountability by licensed firearms dealers; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska (for himself, Mr. SHUSTER, Mr. BAKER, Mr. BOUSTANY, Mr. JINDAL, Mr. JEFFERSON, Mr. MELANCON, and Mr. PICKERING):

H.R. 4391. A bill to authorize the President to provide disaster assistance for the repair, restoration, reconstruction, or replacement of a privately-owned power transmission facility damaged or destroyed by Hurricane Katrina or Hurricane Rita; to the Committee on Transportation and Infrastructure.

By Mr. ALLEN:

H.R. 4392. A bill to provide for the importation of pharmaceutical products under a compulsory license as provided for under the World Trade Organization; to the Committee on Ways and Means.

By Mr. BRADY of Texas:

H.R. 4393. A bill to amend the Internal Revenue Code of 1986 to clarify the application of section 584(h) of such Code; to the Committee on Ways and Means.

By Mr. CASTLE (for himself, Mr. SCHWARZ of Michigan, Mr. BLUMENAUER, and Mr. COSTA):

H.R. 4394. A bill to alter the composition and terms of the Board of Directors of Amtrak, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CONYERS:

H.R. 4395. A bill to amend titles XVIII and XIX of the Social Security Act to provide for an improved voluntary Medicare prescription drug benefit, to provide greater access to affordable pharmaceuticals, and for other purposes; 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. CROWLEY (for himself and Mr. GENE GREEN of Texas):

H.R. 4396. A bill to establish the National Vaccine Authority within the Department of Health and Human Services; to the Committee on Energy and Commerce.

By Mr. CROWLEY (for himself, Mr. BERMAN, Mr. BACA, and Mr. MCNULTY):

H.R. 4397. A bill to ensure that the two top officials of the Federal Emergency Management Agency have extensive background in emergency or disaster relief; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Alabama (for himself, Mr. BUTTERFIELD, and Mr. BISHOP of Georgia):

H.R. 4398. A bill to provide relief for African-American farmers filing claims in the cases of Pigford v. Veneman and Brewington v. Veneman; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FITZPATRICK of Pennsylvania (for himself and Mr. BRADY of Pennsylvania):

H.R. 4399. A bill to amend title XVIII of the Social Security Act to extend the annual enrollment periods of the Medicare prescription drug benefit program and under the Medicare Advantage program, and to suspend Medicare prescription drug late enrollment penalties for two years after the initial enrollment period; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANKS of Arizona (for himself, Mr. ADERHOLT, Mr. AKIN, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BEAUPREZ, Mr. BISHOP of Utah, Mr. BLUNT, Mr. BOEHNER, Mr. CALVERT, Mr. CANTOR, Mr. CHABOT, Mr. CHOCOLA, Mr. COLE of Oklahoma, Mrs. JO ANN DAVIS of Virginia, Mr. DOOLITTLE, Mr. EHLERS, Mr. FEENEY, Mr. FERGUSON, Ms. FOXX, Mr. GARRETT of New Jersey, Mr. GERLACH, Mr. GOODE, Mr. GREEN of Wisconsin, Mr. GUTKNECHT, Mr. HAYWORTH, Mr. HENSARLING, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. ISTOOK, Mr. JINDAL, Mr. JONES of North Carolina, Mr. KING of Iowa, Mr. KINGSTON, Mr. KLINE, Mr. KOLBE, Mr. LEWIS of Kentucky, Mr. MARCHANT, Mr. MCHENRY, Mr. MILLER of Florida, Mr. MURPHY, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. PAUL, Mr. PENCE, Mr. PITTS, Mr. PUTNAM, Mr. RADANOVICH, Mr. RENZI, Ms. ROS-LEHTINEN, Mr. RYUN of Kansas, Mr. SHADEGG, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. SULLIVAN, Mr. TIAHRT, Mr. TIBERI, Mr. WAMP, Mr. WELDON of Florida, and Mr. WILSON of South Carolina):

H.R. 4400. A bill to amend the Internal Revenue Code of 1986 to provide for a credit which is dependent on enactment of State qualified scholarship tax credits and which is allowed against the Federal income tax for charitable contributions to education investment organizations that provide assistance for elementary and secondary education; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 4401. A bill to provide for the conveyance of certain public lands in and around historic mining townsites in Nevada, and for other purposes; to the Committee on Resources.

By Mr. HINCHEY (for himself and Mr. SANDERS):

H.R. 4402. A bill to establish the Hudson-Fulton-Champlain 400th Commemoration Commission, and for other purposes; to the Committee on Government Reform.

By Mr. HULSHOF (for himself and Mr. TANNER):

H.R. 4403. A bill to amend title XVIII of the Social Security Act to clarify Congressional intent regarding the counting of residents in a nonhospital setting under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JEFFERSON:

H.R. 4404. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for qualified equity investments in companies affected by Hurricane Katrina; to the Committee on Ways and Means.

By Ms. KAPTUR (for herself, Mr. COSTELLO, Mr. DEFAZIO, Mr. DUNCAN, Mr. EVERETT, Mr. GORDON, Mr. GRIJALVA, Mr. HUNTER, Mr. JONES of North Carolina, Mr. SMITH of New Jersey, Mr. TAYLOR of Mississippi, and Mr. FATTAH):

H.R. 4405. A bill to require that, in cases in which the annual trade deficit between the United States and another country is $10,000,000,000 or more for 3 consecutive years, the President take the necessary steps to create a more balanced trading relationship with that country; to the Committee on Ways and Means.

By Mr. KENNEDY of Minnesota:

H.R. 4406. A bill to amend title XVIII of the Social Security Act to establish a criminal penalty for defrauding individuals in connection with enrollment under a prescription drug plan or under the Medicare Advantage Program; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KILDEE:

H.R. 4407. A bill to prohibit the entry into any bilateral or regional trade agreement, and to prohibit negotiations to enter into any such agreement, for a period of 2 years; to the Committee on Ways and Means.

By Mr. KING of New York (for himself, Mr. PAUL, Mr. LATOURETTE, Mr. WILSON of South Carolina, Mr. DUNCAN, Mr. KING of Iowa, Mr. TAYLOR of Mississippi, Mr. BARRETT of South Carolina, Mrs. EMERSON, Mr. LAHOOD, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 4408. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KINGSTON (for himself, Mr. ENGEL, Mr. SAXTON, Mr. BISHOP of New York, Mr. GILCHREST, Mr. INGLIS of South Carolina, Mr. PRICE of Georgia, Mr. BISHOP of Georgia, Mr. BURTON of Indiana, Mr. PENCE, Mr. BARROW, Mrs. JOHNSON of Connecticut, Mr. TERRY, Mr. TANCREDO, Mr. BACHUS, Mr. PITTS, Mr. BURGESS, Mr. WESTMORELAND, Mr. LINDER, Mr. CHABOT, Mr. CONAWAY, Mr. WILSON of South Carolina, Mrs. KELLY, Mr. DEAL of Georgia, Mr. RENZI, and Mr. EHLERS):

H.R. 4409. A bill to promote the national security and stability of the United States economy by reducing the dependence of the United States on foreign oil through the use of alternative fuels and new vehicle technologies, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science, Ways and Means, Transportation and Infrastructure, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut (for himself, Ms. DELAURO, Mrs. MCCARTHY, Mr. DOYLE, Mr. STUPAK, Mr. WU, Mr. DOGGETT, Mr. MCDERMOTT, Mr. JEFFERSON, Mr. BECERRA, Mr. CAPUANO, and Mr. RYAN of Ohio):

H.R. 4410. A bill to amend part D of title XVIII of the Social Security Act to extend the initial enrollment period for Medicare prescription drug benefits through May 15, 2008, to waive penalties for late enrollment before June 1, 2008, and to provide other additional beneficiary protections; 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. LEACH (for himself, Mr. PENCE, Mr. BACHUS, Mr. OSBORNE, Mr. PITTS, Mr. BOEHLERT, Mr. GILLMOR, Mr. GILCHREST, Mr. ROGERS of Michigan, Mr. BASS, Mr. FORTENBERRY, Mr. EHLERS, Mr. KIRK, Mr. RAMSTAD, Mr. DENT, Mr. WALSH, Mr. MCCAUL of Texas, Mr. LATHAM, and Mr. AKIN):

H.R. 4411. A bill to prevent the use of certain payment instruments, credit cards, and fund transfers for unlawful Internet gambling, and for other purposes; to the Committee on Financial Services.

By Mr. MCHENRY (for himself, Mr. JINDAL, Mr. ISSA, Mr. DOOLITTLE, Mr. KLINE, Mr. WESTMORELAND, Mr. BRADY of Texas, Mr. WAMP, Mr. BARTLETT of Maryland, Mr. ROHRABACHER, Mr. MCCAUL of Texas, Mr. FEENEY, Mr. SHADEGG, Mrs. MYRICK, Mr. GINGREY, and Mr. GUTKNECHT):

H.R. 4412. A bill to require the Secretary of Homeland Security to consolidate existing U.S. Citizenship and Immigration Services databases into a comprehensive database that allows real-time access to data, in order to improve customer service and enhance national security and public safety, and for other purposes; to the Committee on the Judiciary.

By Mr. MEEK of Florida (for himself and Mr. RYAN of Ohio):

H.R. 4413. A bill to amend the Truth in Lending Act to provide for enhanced disclosure under an open end credit plan; to the Committee on Financial Services.

By Mr. MEEK of Florida (for himself and Mr. RYAN of Ohio):

H.R. 4414. A bill to amend the Electronic Fund Transfer Act to require notice to the consumer before any fee may be imposed by a financial institution in connection with any transaction for any overdraft protection service provided with respect to such transaction, and for other purposes; to the Committee on Financial Services.

By Mr. MEEK of Florida (for himself and Mr. RYAN of Ohio):

H.R. 4415. A bill to establish a fair order of posting checks and deposits to prevent unjust enrichment of financial institutions from fees that accrue only by virtue of the order used by the institution for posting checks and deposits, and for other purposes; to the Committee on Financial Services.

By Ms. MILLENDER-MCDONALD:

H.R. 4416. A bill to reauthorize permanently the use of penalty and franked mail in efforts relating to the location and recovery of missing children; to the Committee on Government Reform, and in addition to the Committee on House Administration, 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. MOLLOHAN:

H.R. 4417. A bill to provide for the reinstatement of a license for a certain Federal Energy Regulatory project; to the Committee on Energy and Commerce.

By Mr. PEARCE:

H.R. 4418. A bill to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents; to the Committee on Resources.

By Mr. PORTER (for himself, Mr. SHADEGG, Mr. HAYWORTH, Mr. RENZI, Mr. FLAKE, Ms. BERKLEY, Mr. GIBBONS, and Mr. FRANKS of Arizona):

H.R. 4419. A bill to repeal the perimeter rule for Ronald Reagan Washington National Airport, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SANDERS (for himself and Mr. KUCINICH):

H.R. 4420. A bill to repeal tax subsidies enacted by the Energy Policy Act of 2005 for oil and gas, to repeal certain other oil and gas subsidies in the Internal Revenue Code of 1986, and to use the proceeds to carry out the Low-Income Home Energy Assistance Act of 1981 and to provide weatherization assistance; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and the Workforce, and the Budget, 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 (for himself and Mr. RAMSTAD):

H.R. 4421. A bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes; to the Committee on Ways and Means.

By Mr. SHAYS (for himself, Mr. LANTOS, and Ms. ESHOO):

H.R. 4422. A bill to enhance homeland security by preventing unauthorized access to explosive materials stored by State or local agencies; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey:

H.R. 4423. A bill to encourage and facilitate the consolidation of security, human rights, democracy, and economic freedom in Ethiopia; to the Committee on International Relations.

By Mr. STUPAK (for himself, Mr. RAMSTAD, Mrs. MCCARTHY, Mr. KENNEDY of Rhode Island, Mr. BISHOP of Georgia, Mr. PALLONE, and Mrs. MALONEY):

H.R. 4424. A bill to amend title 5, United States Code, to make family members of public safety officers killed in the line of duty eligible for coverage under the Federal employees health benefits program, and for other purposes; to the Committee on Government Reform.

By Mr. SULLIVAN (for himself, Mr. TERRY, Mr. FRANKS of Arizona, and Mr. HAYWORTH):

H.R. 4425. A bill to amend the Telemarketing and Consumer Fraud and Abuse Prevention Act to apply to charities only if the solicitation of such charities involves fraud or deception; to the Committee on Energy and Commerce.

By Mr. THOMPSON of Mississippi:

H.R. 4426. A bill to designate the United States Courthouse to be constructed in Jackson, Mississippi, as the ''R. Jess Brown United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. THOMPSON of Mississippi (for himself, Mr. ALEXANDER, Mr. JEFFERSON, Mr. POE, Ms. JACKSON-LEE of Texas, and Mr. TAYLOR of Mississippi):

H.R. 4427. A bill to direct the Secretary of Homeland Security to establish a database of small businesses for purposes of consultation by Federal agencies prior to awarding contracts relating to declared emergencies; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIBERI:

H.R. 4428. A bill to clarify the status of retirement benefits provided by the Young Women's Christian Association Retirement Fund under the benefit accrual standards of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986; 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 Mr. TIERNEY (for himself and Mr. RAMSTAD):

H.R. 4429. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to drug safety, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WELDON of Florida:

H.R. 4430. A bill to amend the Internal Revenue Code of 1986 to provide that qualified homeowner downpayment assistance is a charitable purpose; to the Committee on Ways and Means.

By Mr. WICKER (for himself and Mr. PICKERING):

H.R. 4431. A bill to authorize financial assistance under the community development block grant program for disaster relief and recovery for communities affected by Hurricane Katrina or Hurricane Rita; to the Committee on Financial Services.

By Mr. LEWIS of California:

H. Con. Res. 308. Concurrent resolution directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.R. 3058; to the Committee on Appropriations, and in addition to the Committee on House Administration, 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. BEAN (for herself, Mr. SKELTON, Mr. EVANS, Mr. MURTHA, Mr. SIMMONS, Mr. LYNCH, Mr. HINCHEY, Mrs. MCCARTHY, Mr. MCGOVERN, Mr. VAN HOLLEN, Mr. MCDERMOTT, Mr. BRADY of Pennsylvania, Mr. SNYDER, Mrs. DAVIS of California, Mr. REYES, Mr. ETHERIDGE, Mr. BUTTERFIELD, Mrs. MALONEY, Mr. SCOTT of Georgia, Mr. BOSWELL, Mr. SCHWARZ of Michigan, Mr. MILLER of North Carolina, Mrs. CAPPS, Mr. LANTOS, Mr. WAXMAN, Mr. RAHALL, Mr. TAYLOR of Mississippi, Mr. TANNER, Mrs. TAUSCHER, Mr. EDWARDS, Mr. HOYER, Mr. ISRAEL, Ms. HARMAN, Mr. DAVIS of Tennessee, Mr. SHIMKUS, Mr. HOLDEN, Ms. WASSERMAN SCHULTZ, Mr. CROWLEY, Mr. HIGGINS, Ms. WOOLSEY, Mr. BURTON of Indiana, Mr. LIPINSKI, Mr. COOPER, Mr. CUELLAR, Mr. BROWN of Ohio, Mr. EMANUEL, Mr. SHERMAN, Mr. WELDON of Pennsylvania, Mrs. CHRISTENSEN, Mr. ROTHMAN, Mr. DOYLE, Mr. PALLONE, Ms. HERSETH, Ms. SCHWARTZ of Pennsylvania, Mr. KIND, Mr. BOYD, Mr. CONYERS, Mr. FEENEY, Mr. SCHIFF, Ms. LINDA T. SÁNCHEZ of California, Mr. MATHESON, Mr. COSTELLO, Mr. MARKEY, Mr. CLEAVER, and Mr. BARROW):

H. Con. Res. 309. Concurrent resolution commending Armed Forces medical personnel for their outstanding care of combat casualties; to the Committee on Armed Services.

By Mr. FORD:

H. Con. Res. 310. Concurrent resolution expressing the sense of the Congress with respect to unilateral altering, by the European Union, of the standards for imports of certain wood products; to the Committee on International Relations.

By Mr. HUNTER:

H. Res. 571. A resolution expressing the sense of the House of Representatives that the deployment of United States forces in Iraq be terminated immediately; to the Committee on International Relations.

By Mr. ALLEN (for himself, Mr. SNYDER, and Mr. SPRATT):

H. Res. 573. A resolution congratulating Mohamed ElBaradei and the United Nations International Atomic Energy Agency on winning the Nobel Peace Prize; to the Committee on International Relations.

By Mr. BECERRA (for himself and Ms. MILLENDER-MCDONALD):

H. Res. 574. A resolution congratulating the Los Angeles Galaxy on their victory in the 2005 Major League Soccer championship; to the Committee on Government Reform.

By Mr. CANTOR (for himself, Mr. MENENDEZ, Ms. ROS-LEHTINEN, Ms. BERKLEY, Mr. MCCAUL of Texas, and Mr. WEXLER):

H. Res. 575. A resolution providing that Hamas and other terrorist organizations should not participate in elections held by the Palestinian Authority, and for other purposes; to the Committee on International Relations.

By Mrs. DAVIS of California (for herself, Mr. FILNER, Mr. DAVIS of Illinois, Mr. HONDA, Mr. FARR, Mr. SHERMAN, Mr. CASTLE, Mr. MANZULLO, Mr. WAXMAN, Mr. REYES, Mr. COOPER, Mr. CALVERT, Mr. BERMAN, and Mr. RUPPERSBERGER):

H. Res. 576. A resolution celebrating Advancement Via Individual Determination's 25 years of success; to the Committee on Education and the Workforce.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. REYNOLDS, and Ms. HART):

H. Res. 577. A resolution expressing the sense of the House of Representatives regarding the conditions for the United States to become a signatory to any multilateral agreement on trade resulting from the World Trade Organization's Doha Development Agenda Round; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Mr. CARDIN, Mrs. NORTHUP, Mr. PITTS, Mr. PENCE, Mr. COSTELLO, Mr. BURTON of Indiana, Mrs. JO ANN DAVIS of Virginia, Mr. TIAHRT, Mr. BRADLEY of New Hampshire, and Mr. FRANK of Massachusetts):

H. Res. 578. A resolution concerning the Government of Romania's ban on intercountry adoptions and the welfare of orphaned or abandoned children in Romania; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

203. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to a Resolution urging the Massachusetts Congressional Delegation to create a postage-free mail program for items sent to Armed Forces Distribution Centers; to the Committee on Government Reform.

204. Also, a memorial of the House of Representatives of the Commonwealth of Puerto Rico, relative to a Resolution requesting a formal and encompassing investigation on the performance of the Federal Bureau of Investigations and its personnel, as well as of other officers of the Government of the Commonwealth of Puerto Rico, if any, in the preperation, execution and conclusion of the operation which culminated with the death of Filiberto Ojeda-Rios, a fugitive since September 1990, and self-proclaimed leader of the group denominated Ejercito Popular Boricua, better known as ''Los Macheteros''; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. ADERHOLT introduced a bill (H.R. 4432) for relief of the estate of Henry Clay Blizzard; which was referred to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. RENZI.
H.R. 282: Mr. THOMPSON of Mississippi.
H.R. 284: Mr. MICHAUD.
H.R. 305: Mr. SIMMONS.
H.R. 388: Mr. EVANS and Mr. SABO.
H.R. 500: Mr. WOLF.
H.R. 515: Mr. CONYERS.
H.R. 517: Mr. DICKS.
H.R. 550: Mr. TAYLOR of Mississippi, Mr. ANDREWS, and Mr. EVANS.
H.R. 551: Ms. ZOE LOFGREN of California and Ms. MOORE of Wisconsin.
H.R. 556: Ms. DEGETTE.
H.R. 601: Mr. MEEKS of New York.
H.R. 602: Mrs. BIGGERT.
H.R. 690: Ms. MCKINNEY and Mr. FORD.
H.R. 698: Mr. CUNNINGHAM, Mr. RENZI, Mr. JENKINS, Mr. HEFLEY, Mr. BURGESS, Mr. PITTS, Mr. MCKEON, and Mr. WHITFIELD.
H.R. 703: Mr. MILLER of Florida.
H.R. 769: Mr. NEAL of Massachusetts.
H.R. 772: Mr. BRADLEY of New Hampshire.
H.R. 783: Mr. SABO, Ms. GRANGER, and Mr. WALDEN of Oregon.
H.R. 808: Mr. MENENDEZ, Mr. CASE, and Mr. CHANDLER.
H.R. 874: Mr. OXLEY.
H.R. 896: Mr. RUPPERSBERGER.
H.R. 898: Mr. PRICE of Georgia, Mr. ROGERS of Michigan, Ms. BALDWIN, Ms. SLAUGHTER, and Mr. ANDREWS.
H.R. 964: Mr. WYNN, Mr. UDALL of New Mexico, Mr. MCNULTY, and Mr. RYUN of Kansas.
H.R. 968: Mr. WALDEN of Oregon.
H.R. 994: Mr. HOSTETTLER, Mrs. DAVIS of California, Mr. BROWN of Ohio, Mr. ACKERMAN, and Mr. PRICE of Georgia.
H.R. 997: Mr. PAYNE.
H.R. 1019: Mr. GRIJALVA.
H.R. 1053: Mr. PITTS, Mr. SMITH of New Jersey, Mr. DENT, and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 1131: Mr. NEAL of Massachusetts.
H.R. 1182: Mr. SERRANO.
H.R. 1241: Mr. GOODE.
H.R. 1243: Mr. CRENSHAW, Mr. CAMP, and Mr. TAYLOR of North Carolina.
H.R. 1246: Ms. WOOLSEY.
H.R. 1259: Mr. HUNTER, Mr. ENGEL, and Mr. GENE GREEN of Texas.
H.R. 1264: Ms. DELAURO and Mr. SIMMONS.
H.R. 1372: Ms. BALDWIN, Mr. BLUMENAUER, Mr. CUMMINGS, and Mr. KILDEE.
H.R. 1398: Mr. CASE, Mr. FILNER, Mr. ROSS, and Mr. SABO.
H.R. 1426: Mr. MARKEY.
H.R. 1445: Mr. MANZULLO.
H.R. 1506: Mrs. JOHNSON of Connecticut and Mr. MURPHY.
H.R. 1554: Mr. SHAW.
H.R. 1595: Mr. MCGOVERN.
H.R. 1668: Mr. PASCRELL, Mrs. JONES of Ohio, Mr. LEWIS of Georgia, and Mr. HONDA.
H.R. 1689: Mr. MURPHY.
H.R. 1707: Mr. TERRY, Mr. CLAY, Mr. KIRK, and Mr. VAN HOLLEN.
H.R. 1898: Mr. COBLE and Mrs. KELLY.
H.R. 2014: Mr. STUPAK.
H.R. 2043: Mr. KIRK and Ms. DEGETTE.
H.R. 2052: Mr. HOLT.
H.R. 2090: Mr. LYNCH and Mr. EVANS.
H.R. 2251: Mr. PENCE and Mr. CALVERT.
H.R. 2356: Mr. LANGEVIN and Mr. HEFLEY.
H.R. 2421: Mr. PAYNE, Mr. MCGOVERN, Mr. MENENDEZ, Mr. TIERNEY, Mr. MILLER of North Carolina, Mr. MCHUGH, Mr. HINCHEY, Mr. SHAYS, and Mr. LAHOOD.
H.R. 2562: Mr. BERMAN.
H.R. 2637: Mr. MCGOVERN.
H.R. 2642: Mr. FRANK of Massachusetts.
H.R. 2679: Mr. WILSON of South Carolina, Mr. KLINE, Mr. MCCAUL of Texas, Mr. DEAL of Georgia, Mr. FRANKS of Arizona, and Mr. BEAUPREZ.
H.R. 2717: Mr. PALLONE, Ms. HOOLEY, Mrs. MALONEY, Mr. GUTIERREZ, Mr. HONDA, and Mrs. LOWEY.
H.R. 2786: Ms. HARRIS.
H.R. 2823: Ms. JACKSON-LEE of Texas.
H.R. 2861: Mr. ABERCROMBIE and Mr. WYNN.
H.R. 2943: Ms. BORDALLO.
H.R. 2946: Mr. KILDEE.
H.R. 2989: Mr. MCKEON.
H.R. 3006: Mrs. MCCARTHY, Ms. WASSERMAN SCHULTZ, and Ms. MATSUI.
H.R. 3011: Mr. RYAN of Wisconsin.
H.R. 3127: Mr. GILLMOR and Mr. EVANS.
H.R. 3187: Mr. LANGEVIN.
H.R. 3195: Mr. CARDIN.

H.R. 3307: Mr. SHAW.
H.R. 3373: Mr. LAHOOD and Mr. HEFLEY.
H.R. 3430: Mr. DAVIS of Kentucky.
H.R. 3463: Mr. BEAUPREZ and Mr. SIMPSON.
H.R. 3476: Mr. CUMMINGS and Mr. TIERNEY.
H.R. 3478: Mr. MILLER of North Carolina.
H.R. 3579: Mr. BAKER.
H.R. 3617: Mr. HEFLEY.
H.R. 3621: Mr. GARRETT of New Jersey.
H.R. 3641: Mr. WAXMAN, Mr. TOWNS, Ms. SCHAKOWSKY, Ms. NORTON, Mr. MEEKS of New York, Mr. REYES, Mr. OWENS, Mr. LEWIS of Georgia, Mr. KILDEE, Mr. ORTIZ, Mr. CLAY, Mr. MCGOVERN, Mr. MEEK of Florida, Mr. CROWLEY, Mr. CARDIN, Mr. GONZALEZ, Mr. CONYERS, Mr. HONDA, Mr. GRIJALVA, Mr. GENE GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. LANTOS, Mr. MCDERMOTT, and Mr. RANGEL.
H.R. 3642: Mr. CUMMINGS, Mr. CONYERS, and Ms. CARSON.
H.R. 3657: Mr. GORDON, Mr. ABERCROMBIE, Mr. INSLEE, and Mr. PASTOR.
H.R. 3680: Mr. MCHUGH.
H.R. 3714: Mr. PICKERING.
H.R. 3734: Mr. ROTHMAN.
H.R. 3752: Mr. BROWN of Ohio.
H.R. 3778: Mr. CASE and Mr. GEORGE MILLER of California.
H.R. 3852: Mr. DAVIS of Tennessee and Mr. GRIJALVA.
H.R. 3858: Mr. SMITH of New Jersey.
H.R. 3861: Mr. OBEY, Mr. FORD, Ms. DELAURO, Mr. SABO, Mr. BECERRA, Mrs. MALONEY, Ms. KILPATRICK of Michigan, Mr. ROSS, Ms. ZOE LOFGREN of California, and Mr. EVANS.
H.R. 3883: Mr. PICKERING, Mr. JENKINS, and Mr. MARSHALL.
H.R. 3949: Mrs. JONES of Ohio and Mr. CLEAVER.
H.R. 4010: Mr. EVANS.
H.R. 4011: Mr. GRIJALVA, Mr. BRADY of Pennsylvania, Ms. BALDWIN, and Mr. PAYNE.
H.R. 4029: Ms. MCKINNEY.
H.R. 4033: Mr. SHAW.
H.R. 4052: Mr. HIGGINS.
H.R. 4062: Mr. EVANS and Mr. CAPUANO.
H.R. 4063: Mr. UDALL of New Mexico.
H.R. 4071: Mr. RADANOVICH.
H.R. 4073: Ms. LEE, Ms. BERKLEY, Mr. PAYNE, Mrs. JONES of Ohio, and Mr. GENE GREEN of Texas.
H.R. 4078: Mr. GILLMOR, Mr. HALL, Mrs. CUBIN, Mr. BILIRAKIS, Mr. MCHUGH, and Mr. WAMP.
H.R. 4083: Mrs. SCHMIDT.
H.R. 4090: Ms. SCHAKOWSKY.
H.R. 4096: Mrs. JO ANN DAVIS of Virginia.
H.R. 4098: Mr. LOBIONDO, Mr. MATHESON, and Mr. LUCAS.
H.R. 4129: Mr. SMITH of Texas and Mr. KUHL of New York.
H.R. 4147: Mr. FOLEY and Mr. HONDA.
H.R. 4156: Mr. MENENDEZ, Mr. SCHIFF, Mr. SCOTT of Georgia, Mr. DEFAZIO, Mr. ABERCROMBIE, Mr. EVANS, Mr. BROWN of Ohio, Mr. OBERSTAR, Mrs. NAPOLITANO, Mr. MCGOVERN, Mr. STUPAK, Mr. UDALL of Colorado, Ms. DEGETTE, and Mr. BISHOP of New York.
H.R. 4157: Mr. MCHUGH.
H.R. 4167: Mr. COLE of Oklahoma, Ms. BEAN, Ms. ROS-LEHTINEN, Mr. PETRI, Ms. FOXX, Mr. JINDAL, Mr. AKIN, and Mr. MCCAUL of Texas.
H.R. 4186: Mr. KILDEE.
H.R. 4190: Ms. LINDA T. SÁNCHEZ of California, Mr. MICHAUD, Mr. GRIJALVA, Ms. WOOLSEY, Mr. LANTOS, Mr. ENGEL, and Mr. STARK.
H.R. 4194: Mr. VAN HOLLEN.
H.R. 4197: Mr. BRADY of Pennsylvania, Mr. FALEOMAVAEGA, Mr. KUCINICH, Mr. CROWLEY, Mr. FRANK of Massachusetts, Mr. RUPPERSBERGER, Mr. GRIJALVA, Ms. WASSERMAN SCHULTZ, Mr. HONDA, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. MILLER of North Carolina, and Ms. SCHAKOWSKY.
H.R. 4200: Mr. CAMP, Mr. MARCHANT, Mr. CARDOZA, Mr. JENKINS, and Mr. FORBES.
H.R. 4201: Mr. EVANS.
H.R. 4212: Ms. HERSETH and Mr. PAYNE.
H.R. 4222: Ms. WOOLSEY and Mr. FILNER.
H.R. 4223: Ms. MILLENDER-MCDONALD, Mr. MORAN of Virginia, and Mr. RUPPERSBERGER.
H.R. 4225: Mr. POE, Ms. MCKINNEY, and Mrs. MALONEY.
H.R. 4229: Mr. DOGGETT and Mr. ALLEN.
H.R. 4232: Mr. GRIJALVA.
H.R. 4259: Mr. SANDERS and Mr. MILLER of Florida.
H.R. 4263: Mr. LANGEVIN.
H.R. 4268: Mr. NORWOOD, Mr. CULBERSON, and Mrs. JOHNSON of Connecticut.
H.R. 4272: Ms. LEE.
H.R. 4282: Mrs. JO ANN DAVIS of Virginia, Mr. OTTER, Mr. TANCREDO, and Mr. ROHRABACHER.
H.R. 4286: Mr. WEXLER.
H.R. 4298: Mr. CONYERS.
H.R. 4300: Mr. EVANS.
H.R. 4312: Mr. SMITH of Texas, Mr. LINDER, Mr. SOUDER, Mr. GIBBONS, Mr. SIMMONS, Mr. ROGERS of Alabama, Mr. PEARCE, Ms. HARRIS, Mr. REICHERT, Mr. MCCAUL of Texas, Mr. DENT, Ms. GINNY BROWN-WAITE of Florida, Mr. MCHUGH, Mr. ROYCE, and Mrs. MYRICK.
H.R. 4313: Mr. COBLE, Mr. WAMP, Mrs. CUBIN, Mr. JONES of North Carolina, Mrs. MILLER of Michigan, Mrs. SCHMIDT, Mr. ALEXANDER, Mr. GINGREY, Mrs. BLACKBURN, Mr. BURTON of Indiana, Mr. RYUN of Kansas, and Mr. BURGESS.
H.R. 4315: Mr. BOSWELL and Mr. WELDON of Pennsylvania.
H.R. 4318: Mr. PEARCE, Mr. JEFFERSON, Mr. BISHOP of Utah, Mr. DUNCAN, Mrs. EMERSON, Mrs. CUBIN, Mr. FLAKE, Mr. WICKER, Mr. MANZULLO, Mr. YOUNG of Alaska, Mr. FALEOMAVAEGA, Mr. GIBBONS, Mr. WAMP, Mr. BROWN of South Carolina, Mr. TAYLOR of North Carolina, Mr. MICA, Mr. DOOLITTLE, Mr. OSBORNE, Mr. THOMAS, and Mr. REGULA.
H.R. 4321: Mr. JONES of North Carolina.
H.R. 4330: Mr. ROGERS of Alabama.
H.R. 4331: Mr. CHANDLER, Mr. DAVIS of Illinois, and Mr. HASTINGS of Washington.
H.R. 4346: Mr. BURTON of Indiana, Ms. CARSON, Mr. HOSTETTLER, Mr. PENCE, Mr. VISCLOSKY, and Mr. SODREL.
H.R. 4349: Mr. KILDEE and Mr. MCGOVERN.
H.R. 4351: Mr. CLAY.
H.R. 4357: Mr. SCHWARZ of Michigan, Mr. RAMSTAD, Mr. WICKER, Mr. SOUDER, and Mr. WILSON of South Carolina.
H.R. 4365: Mr. HEFLEY and Mr. MACK.
H.R. 4378: Ms. DELAURO and Mr. LARSON of Connecticut.
H.J. Res. 70: Mr. BISHOP of New York.
H.J. Res. 73: Mr. HOLT, Mr. MCNULTY, Mr. CAPUANO, Mr. DOYLE, Mr. MORAN of Virginia, Ms. ZOE LOFGREN of California, Mr. RANGEL, Ms. LEE, Ms. SOLIS, Mr. WEINER, Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, and Mr. BECERRA.
H. Con. Res. 42: Mr. GOODE.
H. Con. Res. 210: Mr. FITZPATRICK of Pennsylvania, Mr. PUTNAM, and Mr. HOLDEN.
H. Con. Res. 231: Mr. CUMMINGS.
H. Con. Res. 278: Mr. BARROW, Mr. GRIJALVA, and Mr. WAXMAN.
H. Con. Res. 280: Mr. BERMAN and Mr. LINCOLN DIAZ-BALART of Florida.
H. Con. Res. 291: Mr. GRIJALVA.
H. Con. Res. 294: Ms. WATSON, Mr. WELLER, Mrs. DRAKE, Mr. PITTS, Ms. LINDA T. SÁNCHEZ of California, Mr. EVANS, and Mr. LINCOLN DIAZ-BALART of Florida.
H. Con. Res. 296: Mr. LANTOS, Mr. BURTON of Indiana, Mr. CHABOT, Mr. GERLACH, Mr. PITTS, Mrs. NAPOLITANO, Mr. ENGEL, Mr. CROWLEY, Mr. WEXLER, Mr. OBERSTAR, Mrs. MALONEY, Mr. MEEKS of New York, Mrs. MCCARTHY, Mr. LYNCH, Mr. GRIJALVA, Mr. SANDERS, Mr. STRICKLAND, Mr. HONDA, Mr. WEINER, Mr. MICHAUD, Mr. FRANK of Massachusetts, Mr. EVANS, Mr. PALLONE, Ms. MOORE of Wisconsin, Mr. SNYDER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK of Michigan, Mr. MORAN of Virginia, Mr. MARKEY, Mr. MCGOVERN, Ms. WASSERMAN SCHULTZ, Mr. STARK, Mr. CARDOZA, Ms. BORDALLO, Mr. OWENS, and Mr. TANCREDO.
H. Con. Res. 298: Mr. PALLONE, Mr. LYNCH, Mr. MOORE of Kansas, and Mr. KILDEE.
H. Con. Res. 301: Mr. MCHENRY, Mr. PRICE of Georgia, Mr. PAUL, Mr. FRANKS of Arizona, Mr. SHADEGG, Mr. MARCHANT, Mr. BISHOP of Utah, Mr. WESTMORELAND, Mr. FLAKE, Mr. HOSTETTLER, Mr. SODREL, Mr. ROHRABACHER, Mr. WELDON of Florida, Mr. GUTKNECHT, Mr. GOODE, Mr. KINGSTON, Mr. TANCREDO, Ms. FOXX, Mr. PENCE, Mr. DOOLITTLE, Mr. AKIN, Mr. CULBERSON, Mr. HENSARLING, Mr. SESSIONS, Mr. HALL, Mr. SAM JOHNSON of Texas, Mr. BONILLA, Mr. CARTER, Mr. MCCAUL of Texas, Mr. GOHMERT, and Mr. GARRETT of New Jersey.
H. Con. Res. 302: Mrs. DRAKE, Mr. SOUDER, and Mr. MILLER of Florida.
H. Res. 196: Mr. CAPUANO, Ms. MOORE of Wisconsin, Mr. FILNER, Mr. KILDEE, Mr. RUSH, Mr. MARKEY, Mr. TOWNS, Mr. MOORE of Kansas, Mr. FALEOMAVAEGA, Mr. SNYDER, Mr. LANTOS, Mr. GUTIERREZ, Mr. MEEK of Florida, Ms. WOOLSEY, Mr. PALLONE, Mr. SMITH of New Jersey, Mr. BERMAN, and Mr. VAN HOLLEN.
H. Res. 200: Mr. REYES.
H. Res. 222: Mr. KILDEE.
H. Res. 223: Mr. HOYER and Mr. MCDERMOTT.
H. Res. 487: Mr. CUMMINGS and Mr. EVANS.
H. Res. 510: Mr. WELDON of Pennsylvania, Mr. FRANK of Massachusetts, Mr. DAVIS of Alabama, and Mr. MEEHAN.
H. Res. 512: Mr. KUCINICH.
H. Res. 517: Mrs. MALONEY, and Mr. WEINER.
H. Res. 526: Ms. BALDWIN.
H. Res. 550: Ms. HARRIS, Mr. WEXLER, and Mr. WU.
H. Res. 561: Ms. SCHAKOWSKY, Ms. BEAN, Mr. LEWIS of Georgia, and Mr. RAHALL.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

77. The SPEAKER presented a petition of the Municipal Legislature of Moca, Puerto Rico, relative to Resolution No. 54 expressing opposition to the elimination of the Community Development Block Grant Program; to the Committee on Financial Services.

78. Also, a petition of the City of Naperville, Illinois, relative to Resolution No. 05-28 expressing support for the continuation and full funding of the Community Development Block Grant Program; to the Committee on Financial Services.

79. Also, a petition of the Houghton County Board of Commissioners, Michigan, relative to a Resolution recommending and supporting the re-authorization of the Community Services Block Grant for FY 2006 and beyond, and that funding for (CSBG) be continued at its current level; to the Committee on Financial Services.

80. Also, a petition of the City of Shaker Heights, Ohio, relative to Resolution No. 05-49 opposing cutting the Community Development Block Grant Program and other programs as proposed by the Congress of the United States and declaring an emergency; to the Committee on Financial Services.

81. Also, a petition of the City of Rock Falls, Illinois, relative to Resolution 2005-470 requesting rejection by the Congress of United States of limits upon municipal telecommunications franchising authority; to the Committee on Energy and Commerce.

82. Also, a petition of the Village of Carpentersville, Illinois, relative to Resolution No. R05-94 expressing support of the continued administration of the Community Development Block Grant Program through the Department of Housing and Urban Development at current or increased levels of funding; to the Committee on Financial Services.

83. Also, a petition of the City Council of Santa Cruz, California, relative to Resolution No. NS-27,006 endorsing broad election reform and supporting the restoration of voter confidence; to the Committee on House Administration.

84. Also, a petition of the California State Lands Commission, relative to a Resolution requesting the Congress of the United States to continue the California Oil and Gas Leasing Moratorium; to the Committee on Resources.

85. Also, a petition of the Junior Order United American Mechanics, Tennessee, relative to Resolution No. 5 expressing opposition to a few states that allow same sex marriage; to the Committee on the Judiciary.

86. Also, a petition of the Junior Order United American Mechanics, Tennessee, relative to Resolution No. 4 expressing support of every American's right to say the Pledge of Allegiance to our Flag; to the Committee on the Judiciary.

87. Also, a petition of the Junior Order United American Mechanics, Tennessee, relative to Resolution No. 3 expressing support and appreciation to these brave men and women of the armed forces of the United States of America, who are representing our country, both at home and abroad; to the Committee on Armed Services.

88. Also, a petition of the North Lauderdale Commission, Florida, relative to Resolution No. 2005-05-4882 expressing support for amendments to the Florida Constitution requiring the periodic review and approval of all sales tax exemptions and exclusions in the state of Florida; to the Committee on the Judiciary.

89. Also, a petition of City of Gretna, Louisiana, relative to Resolution No. 2005-093 urging the Congress of the United States to revisit the recent legislation passed by both United States House and Senate and include a forgiveness clause in that legislation that allows Louisiana communities to qualify for low interest loans; to the Committee on Transportation and Infrastructure.

DISCHARGE PETITIONS

Under clause 2, rule XV the following discharge petition was filed:

Petition 3, November 16, 2005, by Mr. EDWARDS, on House Resolution 271, was signed by the following Members: Chet Edwards, Nick J. Rahall II, John W. Olver, Dale E. Kildee, Brian Higgins, Albert Russell Wynn, Michael H. Michaud, Jim McDermott, Kendrick B. Meek, Diane E. Watson, C.A. Dutch Ruppersberger, Eddie Bernice Johnson, Julia Carson, Carolyn McCarthy, Dennis Moore, Maurice D. Hinchey, Steny H. Hoyer, David R. Obey, Bernard Sanders, Betty McCollum, Bart Stupak, Jerry F. Costello, Daniel Lipinski, Lois Capps, Sanford D. Bishop, Jr., Patrick J. Kennedy, Ben Chandler, Russ Carnahan, John S. Tanner, Alcee L. Hastings, Robert Menendez, Joe Baca, Shelley Berkley, Ted Strickland, Lynn C. Woolsey, Tom Udall, Solomon P. Ortiz, Edolphus Towns, John F. Tierney, Stephanie Tubbs Jones, Lloyd Doggett, Charles B. Rangel, Stephen F. Lynch, Zoe Lofgren, Chris Van Hollen, Sheila Jackson-Lee, Al Green, Timothy H. Bishop, Corrine Brown, James P. Moran, Carolyn B. Maloney, Mike McIntyre, John Barrow, Mike Ross, William D. Delahunt, Ed Pastor, Donald M. Payne, Jerrold Nadler, Michael E. Capuano, Lane Evans, G.K. Butterfield, Doris O. Matsui, Rush D. Holt, Major R. Owens, Collin C. Peterson, Bob Etheridge, Adam B. Schiff, Nydia M. Velázquez, Henry A. Waxman, James L. Oberstar, Steven R. Rothman, Jim Costa, Emanuel Cleaver, Sherrod Brown, Ellen O. Tauscher, Jim Cooper, Rosa L. DeLauro, Bob Filner, Xavier Becerra, Mike Thompson, Diana DeGette, Benjamin L. Cardin, Michael R. McNulty, Gary L. Ackerman, Stephanie Herseth, Artur Davis, Frank Pallone, Jr., James P. McGovern, Debbie Wasserman Schultz, Robert C. Scott, James R. Langevin, Ruben Hinojosa, David Scott, Gregory W. Meeks, Cynthia McKinney, Susan A. Davis, David E. Price, Dan Boren, Danny K. Davis, Raul M. Grijalva, Charles A. Gonzalez, Sander M. Levin, Tom Lantos, Grace F. Napolitano, Janice D. Schakowsky, Gene Green, Jim Davis, Melvin L. Watt, Rick Larsen, Barney Frank, Nancy Pelosi, Peter A. DeFazio, Juanita Millender-McDonald, Brad Miller, Mark Udall, Joseph Crowley, Lucille Roybal-Allard, Henry Cuellar, Linda T. Sánchez, Silvestre Reyes, Darlene Hooley, Ed Case, John T. Salazar, Brad Sherman, Thomas H. Allen, Jane Harman, Louise McIntosh Slaughter, John M. Spratt, Jr., Eliot L. Engel, Bennie G. Thompson, Robert E. Andrews, Nita M. Lowey.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, FRIDAY, NOVEMBER 18, 2005 No. 154

Senate

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our Father, fountain of every blessing, during this season of gratitude we pause to thank You for the gifts You have given us and all humanity. Thank You for all the beauty You have placed in our world, for the loveliness of the Earth, sea, and sky. Thank You for great art to see, great music to hear, great books of prose and poetry to read. Thank You for the nimbleness of minds and hands that enable people to find ways of defeating diseases and easing pain. Thank You for generous hearts that give to help the less fortunate. Thank You for our power to love and for the opportunities to lose ourselves in a great cause. Thank You for the ability to harness nature's forces and to make fertile the desert. Thank You for our Senators and for all who labor many hours with them for a world at peace. Thank You for our military and the courageous sacrifices of our men and women in harm's way.

Above all else, we thank You for saving us by giving us Yourself. Accept this, our sacrifice of thanksgiving and of praise.

Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we will get off to a quick start in the Senate. We actually left not that many hours ago, and we are making real progress in terms of moving the Nation's business forward. This will be a very busy day.

In a moment I will call up the continuing resolution which will keep Government operations funded beyond midnight tonight. We are starting that early. We are voting early this morning, in large part to get it completed here and sent to the President so it can be signed by midnight tonight.

Senator HARKIN will have an amendment which we expect to vote on at or around 9:30. After that, I will have more to say on the schedule itself. But we do have the continuing resolution, we will have the Harkin amendment, we are waiting for several pieces of legislation from the House of Representatives and several conference reports: MilCon or Military Quality of Life, Transportation TTHUD bills, the PATRIOT Act. We also have an adjournment resolution we must pass later today and several other conference-related matters.

It is going to be a very busy day. I do ask for the cooperation and patience of all Senators as we cover a lot and have a number of rollcall votes over the course of the day.

In terms of the schedule for tomorrow, or Sunday, or Monday—as the day proceeds, as soon as I have information brought to me and we determine the best way to handle that on the floor, I will be making those announcements over the course of the day.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2006

Mr. FRIST. I now ask unanimous consent the Senate begin consideration of H.J. Res. 72, which is at the desk.

The PRESIDING OFFICER (Mr. ISAKSON). Is there objection?

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I am reserving the right to object, to speak with the leader for a moment about a situation that is developing at home and one of which he is certainly aware.

I understand that the motion that has been put forward would allow the Congress to go home for approximately 30 days and to come back in the middle of December to finish our business. I wanted to ask the leader if it is his intention when we come back to press forward for the supplemental bill that the senior Senator from Mississippi, Senator COCHRAN, and others have been working on for relief for the gulf coast. It is a very important piece of legislation, and many people, individuals and businesses, large and small, have been waiting for some direct, significant funding. I wanted to ask the leader from Tennessee what his intentions are when we get back, at least as he can press the Senate and press our colleagues in the House to move that piece of legislation.

Mr. FRIST. Mr. President, the issues the distinguished Senator from Louisiana comments on and mentions are something we take very seriously here. As she well knows, my personal commitment, the commitment of leadership on both sides of the aisle, is to address the issues. We have worked very hard, both in a personal sense and in an institutional sense. With regard to the latter, we passed 21 separate pieces of legislation that have responded to many of the immediate needs. I well recognize these needs are ongoing. We are going to need to stay on top of them, which I pledge and leadership pledges to continue to do.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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We will be coming back in December, depending on the outcome of today, in all likelihood, and we will continue to address these very important issues. Several issues we will be addressing over the course of the day as well.

Ms. LANDRIEU. I ask the leader, if I could, please, I understand, I want the leader to know, we have passed 21 pieces of legislation. I take him at his word. It has been very hard to follow as these things have moved so quickly, in some cases, and not so quickly in others. But I want to make a point and ask the leader that. Because we pass legislation does not necessarily mean it has been effective. Sometimes Congress has a way of passing legislation, but that is not any guarantee it is actually working.

As the Senator from Tennessee knows, the members of the Louisiana delegation, joined at times by members of the Mississippi delegation, have consistently said that money given to FEMA is not making its way to the hands of people in businesses. As the leader knows, the housing money has been very difficult for people to get. Shelter has been very difficult to get, housing has been very difficult to get. Many of our businesses that have applied for loans that are authorized have not yet received a response from FEMA or the Small Business Administration.

For the record, I say it is not the quantity of legislation but the quality of legislation, and that is why this supplemental Senator COCHRAN has been crafting is so important. We think this may be the first major piece of legislation that actually gets money into the hands of people who can do something with it other than having it sit in bank accounts while people are suffering and trying to get their lives back together.

I understand the Senator from Tennessee is aware of these great needs. He himself has been down to our State, and we are appreciative of that. But that is the point. If I could get a comment about the importance of the supplemental, that would be of some comfort to the people of the gulf coast.

Mr. FRIST. Mr. President, I obviously am committed not only to what is in the supplemental, but I think we need to make it very clear to our colleagues and to the people in Louisiana, Mississippi, and Alabama, where I have personally visited very early on and have visited after that again and again, that in terms of responsiveness, we have been responsive in many ways. When I say 21 pieces of legislation, people say, What does that mean? Let me give examples. In terms of things that have been enacted or cleared for the President, we have passed the emergency supplemental, No. 1, which was $10.5 billion in Public Law 10961. We passed another emergency supplemental for $51.8 billion. We passed a Katrina short-term tax relief bill for $6.1 billion; flood insurance borrowing authority, H.R. 3669, for $2 billion; the TANF disaster relief bill for $.3 billion; the unemployed insurance provisions for $.16 billion. We passed a bill for redistribution of campus student aid, another bill for Pell grant relief, another bill for the Community Disaster Loan Act, for a total of $70.9 billion.

Those are the things that have passed the Senate and the House. If you look at the things passed by the Senate, there are another nine bills for $9 billion: the Deficit Reduction Act, Sarbanes housing amendment, the Snowe small business amendment, the Katrina education reimbursement bill, the Baucus economic development amendment, the Byrd unemployment HHS IG amendment, the Harkin legal services amendment—all of which have been passed by the Senate, this body.

I want my colleagues and the American people to understand we are acting and we are moving. We have a lot more to do, which I think is the importance of the supplemental. The distinguished chairman, who is here on the floor, knows we are focused on it and there is going to need to be more assistance there in order to renew and rebuild and respond. This body understands the importance. We are absolutely committed to that continued support for our appropriate renewal.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. The Senator has been very patient. I realize we have to move forward. But if he would grant me a few more questions—one or two.

I understand those pieces and those packages, because of course we are following them very carefully. But I want the record to reflect that this morning, as we break, there was $70.9 billion appropriated and $30 billion is still sitting in a bank somewhere in a FEMA account. So we have allocated $40 billion. I would judge from the controversies and reports that much of that money was squandered in many ways that we know, and used in an inefficient manner. But I would call to the attention of the leader that we have not passed an emergency education bill which would cover tuition for children, 370,000 children who are today displaced from the school they were in the week before Katrina and Rita. Those 370,000 children have not yet received word from this Congress if their tuition will be covered. That is not done yet.

We have not passed a comprehensive health care piece that allows people with no job, no home, no school, and no church to think that they could show up at a hospital over the holidays and get their health care covered. That has not passed yet.

We have not passed any loans to our governments in Louisiana that would allow them to operate and pay for police and fire over the holidays because the loan package we passed was inoperable because they cannot pay the money back in 3 years.

So for the record, we have no real health care relief, no significant elementary and secondary care relief, our universities are teetering on bankruptcy and closure, and our medical schools are having difficulty. The dean of LSU Medical School took a job out of our State. It was announced this week. I don't blame him for leaving because he doesn't see any help on the way. It is one of the great medical schools in the country.

Finally, FEMA—to pour salt on the wound, to make sure we were all having just the very best Thanksgiving we could possibly have—announced that they are going to make us homeless for the holiday and has announced that on December 1, everyone who is in a shelter or a hotel in the country—they do not have an accurate number, so they do not know how many, and if they do not know how many, how are they planning to help them? But believe me, there are thousands who are now going to be put on the streets and will be homeless for the holidays.

I just tell my colleagues as respectfully as I can that when we are sitting around our tables—and I will be at a different table, and many people from Louisiana will not be at the table which they usually are to have Thanksgiving dinner. I will be at a different table, Senator LOTT will be at a different table, and perhaps Senator COCHRAN will be at a different table. But as we sit around our tables, there will be thousands and hundreds of thousands of families who have no table to pull up to. They are in shelters, they are on the street, and they are crowded into apartments that they can barely afford with no hope and no plan.

I will say it for the last time. We are not dealing with a regular hurricane. We are dealing with an unprecedented natural disaster caused by the collapse of a Federal levee system that was not invested in, not maintained, and not funded. It is a disaster for the region and for the Nation. I cannot say this more emphatically or more passionately. I have tried to be a team player. We have tried to be cooperative. We have tried every strategy. We are running out of strategies.

I want my colleagues to know that while I will allow this resolution to go forward today, if we do not come back in December and pass a robust supplemental that reflects the values of this body—not what MARY LANDRIEU wants in it, not what Louisiana thinks it deserves, although we think we are entitled to say what we deserve—that reflects the values of the men and women who serve in this body whom I know so well from having worked with them, if we don't have a supplemental and if we don't get some action on our levee system so people can have confidence to come back, and a few other emergency items that we need, we will not be going home for Christmas.

We are going home for Thanksgiving, but we will not be going home for Christmas until the people of the gulf coast understand they have a home they can go to, if not this Christmas, some Christmas soon.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 72) making further continuing appropriations for the fiscal year 2006, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

AMENDMENT NO. 2672

Mr. HARKIN. Mr. President, I call up my amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. BINGAMAN, Ms. MIKULSKI, Ms. STABENOW, Mr. LAUTENBERG, Mr. ROCKEFELLER, Mr. AKAKA, Mr. KERRY, Mr. PRYOR, Mr. CARPER, Mr. KOHL, and Mr. LEAHY, proposes an amendment numbered 2672.

Mr. HARKIN. 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 increase the amount appropriated to carry out under the Community Services Block Grant Act)

At the end of the resolution, insert the following:

SEC. 2. COMMUNITY SERVICES BLOCK GRANT ACT.

Notwithstanding section 101 of Public Law 109–77, for the period beginning on October 1, 2005 and ending on December 17, 2005, the amount appropriated under that Public Law to carry out the Community Services Block Grant Act shall be based on a rate for operations that is not less than the rate for operations for activities carried out under such Act for fiscal year 2005.

Mr. HARKIN. Mr. President, I understand that under the order, I will be recognized for 20 minutes.

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. I might reserve a little bit of time. I may have other colleagues who will come over to speak.

Just to refresh memories, when this continuing resolution was passed at the end of September, I came on the floor and offered an amendment that would have kept whole the Community Services Block Grant program. That is a program that administers the LIHEAP program, administers a lot of Head Start programs, Even Start programs, Older Americans Act programs, elderly transportation programs, emergency shelter programs, weatherization assistance—you get the idea. Most of the programs really help a lot of poor people in this country. Last year's level was $636.8 million.

The amendment I offered in September would have kept the funding of the Community Services Block Grant program at that level. You might say that was a continuing resolution. A continuing resolution keeps things at last year's level. Therein lies the problem.

The House sent us a continuing resolution that said: We will continue programs at last year's level or at the level of the House budget, whichever is less. The House budget cut the Community Services Block Grants Program down to less than $320 million. They cut it in half. That is the level it was in 1986.

I said in September that it was unfair for poor people to have to have theirs cut right away down to that level because winter was coming and you need the heating energy assistance and things like that.

At that time, at the end of September, there was a lot of talk. We couldn't accept this amendment because the House had gone out. As long as the House was out and if we changed the continuing resolution, that meant the entire House of Representatives would have to come back to Washington, DC, and do something about this. I said at the time on the floor, big deal. They came back for a lot of other things; they could come back for this, too.

Obviously, my arguments did not prevail. The amendment was defeated; whereupon, however, the chairman of the Appropriations Defense Subcommittee, the Senator from Alaska, Mr. STEVENS, said that he was going to take my amendment that continues the community services block grants at last year's level and put it on the Defense appropriations bill, which he did and for which I commended him. We all thought that the Defense appropriations bill would zing through here right away. Fine.

Here we are. It is November 18, and the Defense appropriations bill has not been passed—and we don't know when; probably next month, I suppose, before the end of the year.

We have another continuing resolution. The continuing resolution expires today at midnight. We know that. The continuing resolution is the same. It is at either last year's level or the House budget level, whichever is less. That means the Community Services Block Grant program is still cut down to the level it was in 1986.

The amendment I am offering today basically says—it is the same amendment, basically—for the purposes of this continuing resolution, the community services block grant shall be based on the rate that it was last year, which is $636.6 million.

On November 8, barely a week and a half ago, 58 Senators from both sides of the aisle cosigned a letter saying we want to keep the Community Services Block Grant Program at the Senate level, at last year's level. That is what we did in our bill, and 58 Senators a week and a half ago signed this letter to keep it at the same level. Yet today we are going to pass a continuing resolution that cuts it in half. This continuing resolution is until December 18.

There is another unique feature about the Community Services Block Grant Program that I wish to bring to the Senate's attention. Unlike a lot of programs, such as education, for example, wherein the money goes out basically next summer, if we use that language—the lower of the House level—it doesn't mean a lot because the money is not going to go out until next summer, and we probably will fix this prior to going home for Christmas. I think. I don't know. We have had CRs going into January and into February. That is not unusual around here.

So we have a continuing resolution before us today that says until December 18, and we think it will be done by then. It may not be. I don't know how many people around here would like to bet a dollar to a dime on that one. Maybe yes; maybe no; get it done by December 18. It could go into next year.

Here we have a situation, unlike education, where the money goes out next summer, and we will fix it before then, certainly. The Community Services Block Grant program goes out quarterly. Every quarter, the money goes out and is used. That means right now we are about 7 weeks into this quarter, and the entire nationwide Community Services Block Grant program has been operating at the level of $320 million. That is bad enough. If we extend that another month, it could be disastrous, or another 2 months, because it is not like they can draw down some money somewhere and say: We are going to get it next year, we will make up for it. They can't just go to the bank and borrow the money. They do not have it. If they don't have the money for weatherization or for Head Start programs or for low-income energy assistance programs, they just do not do it.

We have had vote after vote here when Members supported the Low-Income Energy Heating Assistance Program. It is vitally needed. But if you do not have the people to administer the program and get the goods and hire the people to administer it, what good does it do? That is what the Community Services Block Grant program does.

You may hear talk that the Community Services Block Grant program is just one part of the picture because there are State and local governments that help. That is true. There are private charities that help. That is true. That is the good thing about this program—it brings a lot of different stakeholders into play. But there is the anchor, there is the anchor of the money. If that is not there, they do not even have the people to go out and do anything.

I ask Senators to think about this. Here is a program that is widely supported; 58 Senators signed a letter a week and a half ago. We passed it in our Labor, Health and Human Services Appropriations Subcommittee when it was on the floor at last year's level, $636.8 million. No one talked against that. It just passed. We all supported it. As a matter of fact, if I am not mistaken, I think it was later supported by the House, even though their numbers were less. The conference report

that was rejected by the House at least had this high figure in it.

So we find ourselves in an odd situation with another continuing resolution in the dead of winter when the homeless need a lot of help, when poor people are put to the extreme in terms of buying enough food, energy to heat their homes, get clothes for their kids, finding enough money for rent, going to food banks when the food stamps run out.

Any Senator here who has been to the food banks in their State knows that the food bank demand is up over what it has been in the past because food stamps are running out about the third week of the month, and poor families are going to the food banks to get food. I say to any Senator, go to your food bank—any State, I don't care which State it is—go to your food banks, food pantries, and ask them whether the demand for food is up over what it was last year or just a few months ago. That is the program administered by the Community Services Block Grant program.

The argument that was made in September is we could not do this because the House would have to come back, and they cannot do it, la-de-da, and all that stuff. Well, the House is in session today—they may be in session tomorrow, I don't know. But they are in session today. We could pass this amendment; say, no, the one program we are going to exempt from the 50-percent cut of the House of Representatives is Community Services Block Grant program. Send it back to the House, let them bring it up and pass it and send it to the President. The argument that we could not do it because of the time pressures does not hold any longer.

This is just a matter of simple justice. If this were a program that could make up the money later on next year, it would be different. This is now. People need help now for housing, for rental assistance, food banks, heating energy assistance, Head Start, foster grandparents, rental assistance.

One of the things the Community Services Block Grant program does for people includes if they are evicted and they need someplace to stay. Think of the single mother with two or three children. The husband has left her and gone off someplace. They have been in an apartment, maybe there has been an illness in the family for which they are not covered—who knows what kind of calamities could have hit—and they find themselves evicted. They can go to the local community action agency in their area. One of the things they will do is they will find them a place to live. They will give them rental assistance to get them established and a place to live. That is what this program does. What I just described happens 10 times a day in 1,000 cities across America—100,000 times a day.

I hope we can pass this amendment. It is very simple and straightforward. Leave the Community Services Block Grant program at last year's level. We have all said that is where we want it. We need to get that money out there. The House is in session. They can pass it and send it to the President.

How much time remains?

The PRESIDING OFFICER. The Senator has 6 minutes 14 seconds.

Mr. HARKIN. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa be advised that the time continues to run.

Mr. HARKIN. How much time total?

The PRESIDING OFFICER. Five minutes sixteen seconds. The Senator was originally yielded 20 minutes, and the Senator has used 14 minutes.

Mr. HARKIN. How much time on the other side?

The PRESIDING OFFICER. There is no time on the other side.

Mr. HARKIN. Parliamentary inquiry: I understand I had 20 minutes to speak and there is no time on the other side to speak on this amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. There are a couple of other points.

The amendment is a straight failure. Senators understand it. But I will point out, because of a quirk in the law, there are some States that are cut more than others.

Here is what that means. This gets a little complicated, but I think the States that are going to be voting need to know this. If the total funding for a fiscal year is less than $345 million, then no State shall receive less than one-fourth of 1 percent. Now, last year, since we cut it back to $320.6 million, that means there are 13 States—Alaska, Delaware, Hawaii, Idaho, Maine, Montana, Nevada, New Hampshire, North Dakota, South Dakota, Utah, Vermont, and Wyoming—that are not cut by 50 percent; they are cut by 75 percent. Because of a quirk in the law, 13 of our smallest States have a 75-percent cut. That is what they are operating at right now in those States.

I say to the Senators from those States, this may not be knowledge to a lot of Members. I happen to know about this program because I am on both the committees that administer it, but this is a program that helps the poorest in our country.

I anticipate there may be some other reasons people do not want to vote for this, but as long as 58 Senators signed the letter a week and a half ago, as long as the House is in session, it seems to me we could vote on this and let the House do it.

As I said, this is the dead of winter. We were told at the end of September that the Defense appropriations bill would be acted upon. This amendment was included. But it has not been acted on. We are now told we have a continuing resolution until December 18, but will we really act on it by December 18? As I said, who can bet on that around here?

These are the poorest of our poor people. Can't we at least say we are going to hold them a little bit harmless in this? It is not that we are holding them harmless, we are holding them at last year's level, which means it is cut a little bit simply because of the cost-of-living increase. But to be cut 50 percent, and in 13 States to be cut by 75 percent, is grossly unfair.

Let's do the moral thing. Let's do the right thing. This is a very small matter, a small thing to do, to pass this amendment and send it to the House and have them pass it on.

I ask unanimous consent to have printed in the RECORD the letter I discussed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, November 9, 2005.

Hon. ARLEN SPECTER,
Chairman, Senate Subcommittee on Labor, HHS, Education, Appropriations, Washington, DC.

Hon. TOM HARKIN,
Ranking Member, Senate Subcommittee on Labor, HHS, Education, Appropriations, Washington, DC.

DEAR SENATORS SPECTER AND HARKIN: We applaud the Senate Labor, Health and Human Services, and Education Appropriations Subcommittees (Labor HHS) for restoring funding to the Community Services Block Grant (CSBG). In the face of budget constraints and competing priorities, we urge you to uphold the Senate funding level of $637 million in negotiations with the House on H.R. 3010, the Labor-HHS Appropriations bill.

As you know, CSBG helps to strengthen communities by helping low-income individuals and families to become self-sufficient. Nearly one-fourth of Americans living in poverty receive services from CSBG grantees located in 90 percent of the nation's counties. Please enable these entities to continue their vital assistance to families and communities.

We urge you to insist on the Senate positions in CSBG, $637 million, during final negotiations on H.R. 3010. Thank you for your continued efforts on this issue.

Sincerely,

Charles E. Grassley, Orrin G. Hatch, Olympia J. Snowe, Rick Santorum, Christopher J. Dodd, Edward M. Kennedy, Max Baucus, Jeff Bingaman, Jim Bunning, Lamar Alexander, Richard Burr, Mike DeWine, George Allen, Conrad Burns, Lincoln D. Chafee, Norm Coleman, Susan M. Collins, Hillary Rodham Clinton, Kent Conrad, James M. Jeffords, John F. Kerry, Blanche L. Lincoln, Barbara A. Mikulski, Jack Reed, John D. Rockefeller, Charles Schumer, James M. Talent, John Thune, George V. Voinovich, John W. Warner, Mark Dayton.

Richard J. Durbin, Joseph R. Biden, Jr, Barbara Boxer, Maria Cantwell, Thomas R. Carper, Jon S. Corzine, Byron L. Dorgan, Dianne Feinstein, Frank R. Lautenberg, Joseph I. Lieberman, E. Benjamin Nelson, Barack Obama, Ken Salazar, Debbie Stabenow, Russell D. Feingold, Tim Johnson, Patrick J. Leahy, Carl Levin, Bill Nelson, Mark Pryor, Paul S. Sarbanes.

Mr. HARKIN. I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. The Senator yields back the remainder of his time.

Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment of the Senator from Iowa.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Oregon (Mr. SMITH).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. INOUYE), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Ms. STABENOW) would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 50, as follows:

[Rollcall Vote No. 348 Leg.]

YEAS—46

Akaka	Durbin	Murray
Baucus	Feingold	Nelson (FL)
Bayh	Feinstein	Nelson (NE)
Biden	Harkin	Obama
Bingaman	Jeffords	Pryor
Boxer	Johnson	Reed
Byrd	Kennedy	Reid
Cantwell	Kerry	Rockefeller
Carper	Kohl	Salazar
Chafee	Landrieu	Sarbanes
Clinton	Lautenberg	Schumer
Collins	Leahy	Snowe
Conrad	Levin	Specter
Dayton	Lieberman	Wyden
Dodd	Lincoln	
Dorgan	Mikulski	

NAYS—50

Alexander	DeWine	Martinez
Allard	Dole	McCain
Allen	Domenici	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Roberts
Brownback	Frist	Santorum
Bunning	Graham	Sessions
Burns	Grassley	Shelby
Burr	Gregg	Stevens
Chambliss	Hagel	Sununu
Coburn	Hatch	Talent
Cochran	Hutchison	Thomas
Coleman	Inhofe	Thune
Cornyn	Isakson	Vitter
Craig	Kyl	Voinovich
Crapo	Lott	Warner
DeMint	Lugar	

NOT VOTING—4

Corzine	Smith
Inouye	Stabenow

The amendment (No. 2672) was rejected.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was not agreed to.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the third reading and passage of the joint resolution.

The joint resolution was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, is this the continuing resolution?

The PRESIDING OFFICER. The Senator is correct.

Ms. LANDRIEU. Mr. President, earlier this morning we had a colloquy that expressed concerns.

The PRESIDING OFFICER. The Senator will be advised that all time for debate has expired.

Ms. LANDRIEU. Mr. President, I ask unanimous consent for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, we had a colloquy this morning with the leader about the need to do more for the victims of Hurricanes Katrina and Rita. I am not going to ask for a record vote, and I am not going to delay the debate, but I do want to be recorded as voting ''no'' if we have a voice vote. It is very important to let people in this country know that our work is not yet finished. While we are breaking for the holidays, there will be many people who have no holiday table to go home to. Members of this body have worked very hard. I respect the work that each has done. We have worked in a bipartisan way to address some issues of health care, education, and housing. But just because we have done our job doesn't mean the same thing is actually happening on the other side of the Capitol.

There are still more issues that we need to find solutions for. We need to find a solution for the health care crisis along the gulf coast due to the hurricanes and subsequent levee breeches. We need to find a solution for the massive housing shortage throughout the States that Katrina and Rita whipped through. We need to find a solution for the small businesses that have been devastated and the thousands of people who have been left jobless. And we need to find a solution to building Category 5 levees and providing plenty of storm and flood protection which also means restoring our vital coastal wetlands, as they are our first line of defense. Without this protection, all our other efforts will be for naught.

We need solutions, Mr. President. We need real answers, because it is unsettling to know that while we go home to have Thanksgiving with our families, my constituents still have real problems and real needs. And so I thank you, Mr. President, for this time and for allowing me to note for the record, that I am voting no to this continuing resolution because our job is not finished, and these vital concerns are not settled.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass?

The joint resolution (H. J. Res. 72) was passed.

Mr. ENSIGN. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF BUSINESS

Mr. FRIST. Mr. President, in a few moments, I will propound a unanimous consent request. In essence, what we will be doing in about an hour is having another vote on going to conference on the HHS appropriations bill. We will ask unanimous consent for that shortly and divide up the time accordingly. It will be approximately an hour from now that we will have another rollcall vote. As soon as we have the word on the unanimous consent request, I will be propounding that.

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. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 2006

Mr. FRIST. Mr. President, I ask that the Chair lay before the Senate a message from the House to accompany H. R. 3010, the Labor-HHS appropriations bill; provided further, that the Senate request a conference with the House, and that the Chair be authorized to appoint conferees. I further ask that prior to the Chair appointing the conferees, Senator SPECTER be recognized in order to make a motion to instruct the conferees on the issue of LIHEAP; provided further, that there be debate divided with Senators as follows: 10 minutes for Senator REED, 7 minutes for Senator HARKIN, 5 minutes for Senator SPECTER, 5 minutes for Senator COCHRAN. I further ask that following that time, the motion be temporarily set aside and Senator DURBIN be recognized to make a motion to instruct relating to NIH, and there be 15 minutes for debate for Senator DURBIN on that motion, and that following the use or

yielding back of debate time, the Senate vote on the motions to instruct in the order offered, and following those votes, the Chair then immediately appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask for one modification, that Chairman SPECTER be given 5 minutes to speak on the motion to instruct relating to NIH following Senator DURBIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. ISAKSON) laid before the Senate a message from the House of Representatives, having had under consideration 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. 3010) entitled ''An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.''

Resolved, That the House insist upon its disagreement to the amendment of the Senate.

The PRESIDING OFFICER. The Senator from Pennsylvania.

MOTION TO INSTRUCT

Mr. SPECTER. Mr. President, I move that the managers, on the part of the Senate to the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill, H. R. 3010, be instructed to insist that $2,183,000,000 be available for the Low-Income Home Energy Heating Assistance Program and that such funds shall be designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95, of the 109th Congress, the Concurrent Resolution on the Budget for fiscal year 2006.

The PRESIDING OFFICER. The motion is pending. Who yields time?

The Senator from Rhode Island.

Mr. REED. Mr. President, the instructions that the Senator from Pennsylvania sent to the Chair, in my understanding, would designate the full amount of LIHEAP funding that is currently in the appropriations bill as emergency spending.

I understand the motivation. This bill is underfunded. There are valuable programs that need additional resources. Both the Senator from Pennsylvania and the Senator from Iowa strove mightily to try to provide those resources. They are attempting today to try to free up about $2 billion to classify some money as emergency spending, LIHEAP money. I understand the motivation, but I think it is extremely poor policy.

This LIHEAP program is composed of two components. There is a regular formula program which each and every year every State in this country depends upon to provide heating and cooling assistance to its citizens.

The application process begins before the heating and cooling season. It is usually conducted from community action centers. This whole infrastructure suddenly now is going to be declared an emergency process. That would send a terrible signal throughout this country about our commitment to low-income heating assistance. It would open a situation of uncertainty and a situation that would be counterproductive to helping poor people struggling with heating bills in the winter and cooling bills in the summer.

This would, again, in my view, create a terrible precedent. We have over the last several weeks in this Chamber supported funding of LIHEAP, not on an emergency basis, but on a full authorization basis of $5.1 billion. We did it last evening. Unfortunately, because of procedural obstacles, we needed 60 votes. Last evening, a majority of this Senate voted to increase LIHEAP funding to $5.1 billion, offsetting it by a temporary windfall profits tax. Previously, even a larger majority of the Senate voted simply to appropriate $5.1 billion. Today we are on this floor saying not only are we not talking about $5.1 billion, we are talking about the regular formula money in the regular program suddenly is an emergency. That is not the emergency funding that LIHEAP sometimes gets. This funding supports year in and year out the needs of people who we know have low income. They are seniors, they are disabled, and they are low-income working families, and they will anticipate heating and cooling bills. There is no emergency here.

One of the real problems is, because we call it an emergency, no funds can be disbursed until the President declares an emergency. When will that declaration take place? Will it take place in August so these community action agencies can start requesting applications, processing applications, or will it take place in October or November or January? If it does, then this is going to cause chaos.

We were looking weeks ago at the chaos caused in the wake of Katrina because Federal programs were not realistically grounded in what was happening. This policy is going to throw a monkey wrench into the normal operations of the LIHEAP program.

It also sends a terrible signal, if it is adopted, because we are saying that no longer do we have a regular program committed to helping poor people—seniors, the disabled—with their heating and cooling bills. What we have is something that may or may not exist every year.

I know people will stand up and say, Oh, come on, the reality is they are going to have to declare it this year as an emergency. I do not entirely agree. But more importantly, when next year we are looking, under excruciating budget pressure, for additional resources, there will be the susceptibility to taking this approach, saying we will use this gimmick again. I suspect the administration—I am not the expert in budgets, but I expect the administration will say: This is a great deal they have handed us. We can send up the programs we like in the regular budget and say all of this LIHEAP is just emergency.

I am terribly concerned about this. Again, we have spent the last several weeks in this body, on a bipartisan basis, a majority of our colleagues saying not only is this not an emergency program, this is a program that should be funded even more than $2.1 billion.

So I must express my deep opposition to this proposal. I immensely respect Senator HARKIN and Senator SPECTER. I know they are laboring under excruciating budget constraints that are squeezing out money for programs that are necessary for America's families, America's children, America's health care, America's future. But in this desperate moment, it is not a time to undercut a program that serves every State in this country well and serves people who need help, particularly as this winter approaches. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, first, I thank my colleague from Rhode Island for pointing this out. I cannot find anything about which I disagree with him. I think he is right. This is not the way to do business, normally.

These are not normal times, however. We have a small space in which we might be able to get something done, and we have to take advantage of it. I say to my friend from Rhode Island, I think it is instructive for all of us that there is only one appropriations bill cut from last year's level—one. Not Commerce, State, Justice, not Transportation, not the Housing and Urban Development, not all of the rest—only one appropriations was cut. Guess what it deals with: health; human services; education; labor. That has been cut. What kind of message are we sending to Americans?

We had a vote on whether to continue the Community Services Block Grant program at last year's level. I pointed out a week and a half ago, 58 Senators signed a letter—please keep it at last year's levels. A week and a half ago they vote to cut it, in some cases 75 percent. That is why I put the letter in the RECORD right after the vote. I want people to see the vote and read the letter and see how people signed the letter and then how they voted. It is one thing to sign the letter around here and I guess another thing to vote.

I guess what I am expressing is this is a terrible appropriations bill that we have for the needs of the American people, for education, basic structure of health care and public health, for NIH, for basic medical research. This is the first time since 1970 that we have flatlined funding for the National Institutes of Health—35 years. That is the bill that Senator SPECTER and I are faced with.

What we are trying to do is find some way of getting some money for health,

trauma care, rural emergencies—rural emergency medical services was completely eliminated—health community access program, community health centers—we will not be able to open one new community health center next year under the bill that we go to conference with. No Child Left Behind is underfunded; Pell grants are kept at the same level for the fourth year in a row. For kids with disabilities, IDEA, we are going backward. How many times have we heard, on both sides of the aisle, Republicans and Democrats get out here and say we have to fully fund IDEA. This bill actually goes backward, from 18.6 percent to 18 percent.

That is why Senator SPECTER and I decided to take this step of having a motion to instruct the conferees to take the slightly less than $2.1 billion in LIHEAP and designate it as an emergency for this one time only in order for us to get to conference, to put pressure on the House to come up with some more money.

I am not saying this will stay as an emergency in the final bill. My hope is we will be able to find the money and come up with something so it does not. But if it does, it is only for 1 year. I tell my friend from Rhode Island, I will do everything I can, everything humanly possible in the Senate to ensure that when it comes up next year, we do not have it as an emergency, that we get a better budget allocation.

But again I have to say I do not want anybody around here hiding behind the skirts of the Budget Committee. They say the reason we got a bad bill, the reason our bill, the one that funds Health and Human Services and Education and Labor—the reason it is cut is because the Budget Committee gave us a bad budget.

Fine. But did you vote for it? Did you vote for the budget? If you voted for the budget, you own this bill. Don't hide behind the skirts of the Budget Committee. If you voted for the budget, you own it. You bought it. So anyone who voted for the budget, this is what you got.

I share a little frustration on this, also, as you can probably tell. But I think in this one case we desperately, drastically need to meet the human needs of the people of our country. We are up against almost an intransigent House and an administration I think, quite frankly, that does not care. If they cared, they wouldn't be treating us like this. To them, this is nothing. Community action agencies, LIHEAP? That is just poor people. They don't count because they probably don't vote anyway, and they certainly don't contribute any money, so therefore why even pay attention to them.

I share the frustration of my friend from Rhode Island. Normally, this would not be the way to do it, but as I said, this is an abnormal situation in which we find ourselves. If we have to, as a one-shot deal, push this into the emergency column so we can help kids with disabilities, if we can help getting more health care up for rural emergency medical services, if we can help with Head Start, if we can help with community health centers—then, for one time, I think we ought to do it. That is why I support the Specter motion to instruct the conferees to put LIHEAP on an emergency basis for this one time only.

With that, I yield the floor. I think I had 7 minutes, if I am not mistaken?

The PRESIDING OFFICER. The Senator has consumed his time.

Mr. HARKIN. I yield the floor then.

The PRESIDING OFFICER. Who yields time?

Mr. REED. Mr. President, how much time do I have?

The PRESIDING OFFICER. There remains 5 minutes 42 seconds for the Senator from Rhode Island. Who yields time? Time will be charged proportionately against all Senators controlling time.

The Senator from Arizona.

Mr. MCCAIN. I understand, under the unanimous consent agreement, there are Senators who have been given time prior to the vote. I ask those Senators to come over. Otherwise, under the rules of the Senate, the time is running as we speak.

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCAIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Parliamentary inquiry: Can the Chair state how much time is remaining on all sides?

The PRESIDING OFFICER. The Chair will attempt to determine that number.

At the outset of the subtraction of the proportional time, the Senator from Rhode Island controlled 5 minutes 42 seconds; the Senators from Mississippi and Pennsylvania each controlled 5 minutes; approximately 4 minutes have been consumed, of which 2 will be charged against the Senator from Rhode Island and 1 each to the Senators from Pennsylvania and Mississippi. And the clock continues to run.

The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent that I be given 2 minutes prior to the completion of the time so I could respond to the comments of the Senator from Pennsylvania and Senator HARKIN. I think it appropriate that I be able to respond to his comments.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SPECTER. Mr. President, the appropriations bill on Labor, Health, Human Services and Education, in my judgment, as I have said repeatedly, is vastly underfunded. The Senate passed a bill within the context of our allocation. Working with my colleague, Senator HARKIN, and our very energetic and devoted staff, we did the very best we could with the limited funding. But there simply wasn't enough money to do the job.

Health is our major capital asset. Without health, we can't function. Education is our major capital asset for the future, to give opportunity for labor and worker training.

We made the allocations as best we could, but the bill was underfunded. I made an effort, joined by Senator HARKIN and by the subcommittee, to put LIHEAP in an emergency classification for $2.83 billion.

I said in the conference that it would enable us to improve the bill—not where it ought to be but improve it substantially.

I conferred with Chairman REGULA and considered the projects—or so-called earmarks—which are $1 billion, where, as a matter of longstanding tradition, the Members in both the House and Senate, Democrats and Republicans, are enabled with an allocation to make designations within their districts or States because we know more about our States and our districts than, in many instances, do the officials who run the bureaucracy of the U.S. Government.

I said if we could not get the $2.83 billion emergency declaration for LIHEAP that it was going to be my position that we ought not to include the earmarks for the projects. When we could not get that emergency declaration, we struck the earmarked projects.

That was a very tough decision. We are paid to make tough decisions around here. I can't think of one in the time I have been here more disappointing to a lot of people in America who are relying on these projects. Although, the $1 billion spread around the country, here and there, is not unsubstantial—a lot of people were disappointed. Many Members were disappointed that the traditional allocations were not made.

It is my hope that we can put the $2.83 billion into LIHEAP. We are facing a drastic situation with fuel costs, as we all know, and as significantly occasioned by Hurricane Katrina, which is an emergency. If there ever was a clear-cut emergency, it is what the consequences of Hurricane Katrina are. The fuel costs are a direct result of that. This is a classical, quintessential emergency.

I think we have the 51 votes to pass it here in the Senate. The difficulty is going to be in getting our House colleagues to agree to it.

But I hope we work our way out of this morass and impasse with approval of this resolution and ultimate approval by both bodies.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I respect immensely the Senator from Pennsylvania and the Senator from Iowa who tried to take a budget that is inadequate and fulfill many programs. But

I strenuously object to the classification of LIHEAP in this way as an emergency program.

There are two components of LIHEAP. This is a program that has been appropriated for years and years and has built up a locked-in structure in every State to go ahead and solicit applications and to process the applications. They have to have some sense that this program is going to be in place, not depending upon our Presidential emergency declaration at some time in the year.

There is another component which is emergency. That is additional funds. But we are creating bad policy and bad precedent.

There are a number of programs in this Labor-HHS bill that could also been declared emergencies.

We have a children's vaccination program that provides vaccines. The States have offices that have to deal with it. They have to predictably know they are going to have these funds.

This is bad policy and bad precedent. It is being forced because the budget is inaccurate. I think it is a desperate moment to do this. It would send a terrible signal to people throughout this country and State and local community agencies that are dedicated to this program that they can no longer depend upon the formula for LIHEAP funds which they have been now for almost 20 years.

I hope my colleagues will reject this proposal.

I yield the floor.

MOTION TO INSTRUCT CONFEREES

Mr. DURBIN. Mr. President, I ask unanimous consent that the pending motion be set aside and that I may be permitted to file a motion at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

Mr. DURBIN moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the bill H.R. 3010 (making appropriations for the Departments of Labor, Health, and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes) be instructed to insist on retaining the Senate-passed provisions relating to funding for the National Institutes of Health.

Mr. DURBIN. Mr. President, what I am doing with this motion is making a statement of policy that I think most American families would support. It is this:

In this troubled time, when we are having difficulties with our budget, the one area we absolutely must protect is medical research at the National Institutes of Health.

Over the last 10 years or more, we have made a concerted effort in America to invest more money in medical research, to ultimately double the amount of money going into medical research. It is a heroic effort, and it is the right thing to do under Presidents of both political parties because we understand how vulnerable each and every one of us and every member of our family could be with one diagnosis from a doctor.

I salute the chairman of the committee, Senator SPECTER, and Ranking Member HARKIN of Iowa. I can't find any stronger advocates for medical research than these two Senators.

The bill that we are considering that came to us from conference is a bill which turns its back on all the progress we have made by putting money into medical research. Unfortunately, this bill would result in our funding the National Institutes of Health at a level inconsistent with the pattern of growth that we have seen over the last several years.

Let me be as specific as I can. I have heard from people across Illinois about how important medical research is to them and their families. My family knows that, and the families of everyone watching know it, too.

Eight-year-old Claire Livingston, who is living with type II diabetes, came by my office. More and more children are affected by diabetes. Claire checks her blood glucose level several times a day and adjusts her medication, her diet, her activity levels. She is bright and happy. Her mother wakes her up in the middle of the night to make sure she is going to be alive in the morning.

That is the reality. They only ask one thing of me. Please make sure that we continue the research into diabetes at the National Institutes of Health.

Autism: Are you aware of the fact that 1 out of every 165 children in America now suffers from autism? I don't know why. We are not certain why.

Do we want to stop asking the important questions? You know the struggle these children go through and their families go through to cope with their terrible disease. Why in the world would we step away from medical research funding in this area?

The autism research NIH supports is looking at biological factors that cause autism but also looking at interventions—what works and what doesn't work. We owe it to the NIH to allow them to continue their work. The list goes on and on.

Members of the Senate and the House are visited on a regular basis by individuals and families who are suffering from diseases and maladies. They ask us to do something, please—whether it is cancer or heart research or diabetes or asthma. Please make sure the funding levels continue.

NIH-supported research into muscular dystrophy is promising. Children are living longer. We cannot back off. We cannot lose sight of the enormous role that NIH research plays in the discovery of treatments and cures for the life-threatening illnesses that afflict millions of Americans each year—such as heart disease, cancer, and stroke.

NIH research grants have moved us to the forefront of the world's scientific community. We take a backseat to no one when it comes to medical research. If we pass budgets such as the ones sent to us by the NIH, we will be weakening our commitment.

The bill the House rejected just yesterday includes only a $150 million increase in National Institutes of Health funding, the lowest increase in 36 years. You say to yourself, well, $150 million more in these times cannot hurt. Considering the rate of biomedical inflation, what it costs to do research, this increase represents a cut in funding. Assuming no change in committed resources, it means there will be 505 fewer research projects next year at the National Institutes of Health than there were this year.

Could one of those important projects, projects that have been carefully evaluated, be that critical project for you, your family, your children, or someone you love? If it is, is this not a false economy, to cut this budget at this moment in our history? Can we really afford to shortchange our Nation's premier research institution when illnesses such as heart disease and stroke continue to be leading causes of death? When so many people are afflicted with so many forms of cancer? These diseases will cost our country $394 billion in medical expenses and lost productivity in this your alone.

In simple dollar terms, the amount of money we are alleging we will save by cutting medical research just means more people afflicted with disease, more medical expenses for them and for our Nation.

Increased investment in NIH research can yield extraordinary breakthroughs. We can maintain our leadership role in the world in medical research. We can further the missions we have started at the National Institutes of Health. We need to significantly increase medical research funding, not back off. We need to support our Nation's researchers. They need to know we stand behind them. These men and women working in the laboratories, as I stand and speak in the Senate, need to know this budget process is not going to move from left to right and up and down. They need to know there is continuity and commitment from our Government so they can dedicate their lives to this important work.

I urge my colleagues to join me in charging the conferees to retain the Senate language, which increases the budget of the National Institutes of Health by $1 billion. A billion could not be better spent in this economy. Any who have had the misfortune of learning of a serious illness in the family say a little prayer to God, then try to find the best doctor and hospital we can find. We walk into that doctor's office, frightened with what we are about to hear, hoping that doctor will say there is something we can do. If the doctor says they are not quite there yet, this illness that we are concerned about is one that they do not have a

grip on yet, we pray to God that someone somewhere in a laboratory connected with medical research is trying to find that cure to save that person we love so much.

Unlike most people who can just pray for that outcome, we can do something about it in the Senate. We can say that a national priority will be medical research come hell or high water. We can say that we are not going to back out of a 36-year commitment to increase the funding for the National Institutes of Health.

Some will argue there are higher priorities. There are some who believe tax cuts for wealthy Americans are much more important than dealing with medical research. Those ranks do not include this Senator. I believe medical research should be the highest priority. It has no partisan side to it. Republican and Democrats, people who do not vote, we all get sick. We all pray there will be a commitment by this Senate and by this Nation for premier medical research to find cures for those illnesses.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THUNE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I yield back all remaining time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask for the yeas and nays on the pending motions.

The PRESIDING OFFICER. Is there objection to requesting the yeas and nays on two motions concurrently?

Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Parliamentary inquiry: Do I have 5 minutes on the Durbin motion?

The PRESIDING OFFICER. The time was just yielded back.

Mr. SPECTER. The time was yielded back?

Senator DURBIN did not have the authority to yield back my time.

I understand he did not have that authority. I am obliged it was not Senator DURBIN. It was unnamed conspirators that I will deal with later.

I support the amendment of the Senator from Illinois to reinstate the Senate mark on the National Institutes of Health because the money is needed. When you take in the inflation factor, NIH will be funded at a lower rate this year than last year.

The Senate has taken the lead, initiated by Senator HARKIN and myself and our subcommittee, the full Committee of Appropriations, to more than double NIH funding from $12 billion to $28 billion. The results have been remarkable. We are on the vanguard of enormous advances on some classifications of cancer, on the research on many maladies which confront America.

It is something of sharper focus this year to me than in the past, although I have steadfastly supported NIH during my entire tenure in the Senate. This is a modest addition. I believe this Senate will instruct the conferees, and we will have more than 50 votes. The difficult part is getting it done in conjunction with the House. It is a good amendment. I urge my colleagues to support it.

I yield the floor and yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the motion made by the Senator from Pennsylvania.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Nevada (Mr. ENSIGN).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. INOUYE), the Senator from Nebraska (Mr. NELSON), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

I further announce that, if present and voting, the Senator from Nebraska (Mr. NELSON) and the Senator from Michigan (Ms. STABENOW) would vote ''aye.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 28, as follows:

[Rollcall Vote No. 349 Leg.]

YEAS—66

Akaka	Dorgan	Mikulski
Baucus	Durbin	Murkowski
Bayh	Feingold	Murray
Bennett	Feinstein	Nelson (FL)
Bingaman	Frist	Obama
Bond	Grassley	Reid
Boxer	Hagel	Rockefeller
Burns	Harkin	Salazar
Burr	Hatch	Santorum
Byrd	Hutchison	Sarbanes
Cantwell	Jeffords	Schumer
Clinton	Johnson	Shelby
Coburn	Kennedy	Smith
Cochran	Kerry	Snowe
Coleman	Kohl	Specter
Collins	Landrieu	Stevens
Conrad	Lautenberg	Sununu
Dayton	Leahy	Talent
DeWine	Levin	Thune
Dodd	Lieberman	Voinovich
Dole	Lugar	Warner
Domenici	Martinez	Wyden

NAYS—28

Alexander	Crapo	McCain
Allard	DeMint	McConnell
Allen	Enzi	Pryor
Brownback	Graham	Reed
Bunning	Gregg	Roberts
Carper	Inhofe	Sessions
Chafee	Isakson	Thomas
Chambliss	Kyl	Vitter
Cornyn	Lincoln	
Craig	Lott	

NOT VOTING—6

Biden	Ensign	Nelson (NE)
Corzine	Inouye	Stabenow

The motion was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the motion was agreed to and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the motion to instruct offered by the Senator from Illinois.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Nevada (Mr. ENSIGN).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. INOUYE), the Senator from Nebraska (Mr. NELSON), the Senator from Michigan (Ms. STABENOW), are necessarily absent. I further announce that, if present and voting, the Senator from Nebraska (Mr. NELSON) and the Senator from Michigan (Ms. STABENOW) would each vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 36, as follows:

[Rollcall Vote No. 350 Leg.]

YEAS—58

Akaka	Dodd	Mikulski
Alexander	Dorgan	Murray
Allen	Durbin	Nelson (FL)
Baucus	Feingold	Obama
Bayh	Feinstein	Pryor
Bingaman	Harkin	Reed
Boxer	Hutchison	Reid
Burr	Isakson	Roberts
Byrd	Jeffords	Rockefeller
Cantwell	Johnson	Salazar
Carper	Kennedy	Sarbanes
Chafee	Kerry	Schumer
Chambliss	Kohl	Smith
Clinton	Landrieu	Snowe
Coleman	Lautenberg	Specter
Collins	Leahy	Talent
Conrad	Levin	Warner
Cornyn	Lieberman	Wyden
Dayton	Lincoln	
DeWine	Lugar	

NAYS—36

Allard	Domenici	McCain
Bennett	Enzi	McConnell
Bond	Frist	Murkowski
Brownback	Graham	Santorum
Bunning	Grassley	Sessions
Burns	Gregg	Shelby
Coburn	Hagel	Stevens
Cochran	Hatch	Sununu
Craig	Inhofe	Thomas
Crapo	Kyl	Thune
DeMint	Lott	Vitter
Dole	Martinez	Voinovich

NOT VOTING—6

Biden	Ensign	Nelson (NE)
Corzine	Inouye	Stabenow

The motion was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Chair appoints Mr. SPECTER, Mr. COCHRAN, Mr. GREGG, Mr. CRAIG, Mrs. HUTCHISON, Mr. STEVENS, Mr. DEWINE, Mr. SHELBY, Mr.

DOMENICI, Mr. HARKIN, Mr. INOUYE, Mr. REID, Mr. KOHL, Mrs. MURRAY, Ms. LANDRIEU, Mr. DURBIN, and Mr. BYRD conferees on the part of the Senate.

The Senator from Idaho.

MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent that I be able to proceed for 10 minutes, to be followed by the Senator from Massachusetts, Mr. KERRY, for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Idaho is recognized.

ENERGY CONSERVATION

Mr. CRAIG. Mr. President, for the last several weeks, those of us who serve on the Subcommittee on Health and Human Services have been trying to find adequate resources amongst other resources to fund LIHEAP, the money necessary to help low-income families provide for their comfort this winter. I thought it would be an appropriate time to talk about that for a little bit because I think Americans need to understand they are not without power to do a few simple things over the course of the next several months of this winter to help themselves as it relates to the heating of their own homes.

Americans spend more than $160 billion—that is right, $160 billion—a year on heat, cooling, lights, and living in their homes. That is an awful lot of money. If most Americans are like I am, I would like to know how I can bring that number down a little bit, how I might be able to tighten my belt a little or my family's budget a little bit during this time of extremely high-priced energy.

We hear about record natural gas prices and 30- and 40- and 50-percent increases in heating bills this winter for those who heat with natural gas. We know those who heat with home heating oil in the Northeast are going to pay substantially more. In the West and in the pipelines of the West on which my home is connected, where there is more gas, we are still going to be paying 25 or 30 percent more.

What might we do about it? Let me suggest a couple of things.

Do you know that if you lower your home heating thermostat by 2 degrees—by 2 degrees—for every degree you lower it, you save 1 percent on your heating bill. We were told by experts recently who were testifying before the Energy and Natural Resources Committee, if every American did that this winter, by spring, we could potentially have a surplus in natural gas in the lower 48, and that in itself would drive prices down. Americans have power to help themselves if they simply would turn their thermostats down by 2 degrees.

I am not going to do a ''Jimmy Carter'' on you by saying put on a sweater, but if you did turn your home heating thermostat down by 2 degrees and if you did put on a sweater and if you are a couple living by yourself in a large home and you turn off the radiators in some of your bedrooms that you are not using and close the doors, there could literally be a dramatic savings across this country.

If you want to change your gas price experience at the pump, instead of driving 70 and 75 or 80 miles per hour on the freeway, why don't you go back to 60 or 65? And if you turned it down and slowed it down, oil consumption could drop in a day—a day—in this country by 1 million barrels of consumption. That is the power of the American consumer if the American consumer wants to do something about it instead of pointing fingers and blaming—and there is plenty of that going around, and we deserve to take some of it. The consumer is not without power.

Let me suggest this in my time remaining. Senator BINGAMAN and I would like to help in that effort. So we are going to provide conservation packages, packets of information to our colleagues' offices that they can send out in their letters to their constituents advising and assisting in this kind of conservation effort. We hope you do it. If every Senator and all Senate staffs turn off their computers when they go home at night—shut them down, hit the off switch, turn out the lights in your office. If that were done across America today, heating bills and energy bills would drop precipitously.

But we are in this mode of everything on, all the lights on, the thermostat turned up because we are still living in the memory of surplus and inexpensive energy. That memory is gone. The reality is that the world has changed significantly, and while we scramble to catch up and provide increased availability of supply in the market—and that is what we are doing and that is what the national energy policy passed in August is attempting to do—while that is happening, you know what we can do: We can help ourselves.

So once again I say to America, turn your thermostat down a few degrees, put on a sweater, shut portions of your house down and take literally tens, if not hundreds, of dollars off your heating bill in the course of a winter. If we do it collectively across America, by spring, natural gas prices could be down dramatically, and we would not see the kind of job loss that is occurring today in the chemical industry as large manufacturing plants are shut down simply because they cannot afford the price of natural gas, and they are moving elsewhere in the world to produce their product.

We are building pipelines, we are drilling for more natural gas out West and in the overthrust belts than we ever have before, and there are trillions of cubic feet available out there if we can get to it. We are making every effort to, and this administration is doing just that. In the interim, in the reality of a cold winter, America, you can help yourself. America, you can drive a little slower, you can turn your thermostats down, and if we were all to do that collectively, it would have a dramatic impact on the marketplace and on consumption.

Does it have to be mandated by law? Need there be a law to tell you that you can save a little money by those actions? I would hope not. I would hope that the wisdom of the pocketbook would suggest that we be prudent as to a procedure to follow.

Senator BINGAMAN and I are going to supply packets to the offices of our colleagues. We hope our colleagues will pass those on. We hope our colleagues might take the time to do a public service announcement over the course of the next month, talking to their folks at home about the opportunity and what is available. I think it is appropriate, and I think it is the right thing to do.

Senator BINGAMAN and I have coalesced with industry to see if they cannot collectively begin to produce a greater message of clarity about the opportunity in the marketplace to conserve and to save and, in so doing, to lower the overall cost of energy and its impact upon the American economy.

Want to give yourself a Christmas gift? Put on a sweater and turn the thermostat down 2 degrees.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask unanimous consent I be permitted to proceed for such time as I may consume in order to finish my statement. It will not be much more than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Subsequently, I ask unanimous consent that the Senator from Arizona, Mr. KYL, be recognized to speak after me.

The PRESIDING OFFICER. Without objection, it is so ordered.

JACK MURTHA, AN AMERICAN PATRIOT

Mr. KERRY. Mr. President, yesterday, as all of us know, JACK MURTHA, one of the most respected Congressmen on military affairs, one of the most respected Congressmen on national security issues, a former marine drill sergeant and a decorated Vietnam veteran, spoke out on our policy in Iraq. Whether one agrees or disagrees with Congressman MURTHA is not the point. He did not come to this moment lightly. Any one of us who knows Congressman MURTHA or anybody who has

worked with him over these years, Republican or Democrat, respects this man, respects his personal commitment to our country, respects his understanding of these issues, and understands he did not come to that moment lightly.

He spoke his mind and he spoke his heart out of love for his country and out of absolute and total unconditional support for the troops, of which he was once one.

I do not intend to stand for, nor should any of us in the Congress stand for, another Swiftboat attack on the character of JACK MURTHA. It frankly disgusts me that a bunch of guys who never chose to put on the uniform of their country now choose in the most personal way, in the most venomous, to question the character of a man who did wear the uniform of his country and who bled doing it. It is wrong. He served heroically in uniform. He served heroically for our country.

Have we lost all civility and all common sense in this institution and in this city? No matter what J.D. HAYWORTH says, there is no sterner stuff than the backbone and courage that defines JACK MURTHA's character and his conscience.

DENNIS HASTERT, the Speaker of the House, who never chose to put on the uniform of his country and serve, called JACK MURTHA a coward and accused him of wanting to cut and run. On its face, looking at the record, looking at his life, JACK MURTHA has never cut and run from anything. JACK MURTHA was not a coward when he put himself in harm's way for his country in Vietnam and he earned two Purple Hearts. He was a patriot then and he is a patriot today. He deserves his views to be respected, not vilified.

JACK MURTHA did not cut and run when his courage earned him a Bronze Star, and his voice ought to be heard today, not silenced by those who would actually choose to cut and run from the truth.

Just a day after Vice President DICK CHENEY, who himself had five deferments from service to his country because, as he said, he had other priorities than serving his country, just 1 day after he accused Democrats of being unpatriotic, the White House accused JACK MURTHA of surrendering.

JACK MURTHA served 37 years in the U.S. Marine Corps. JACK MURTHA does not know how to surrender, not to enemy combatants and not to politicians in Washington who say speaking one's conscience is unpatriotic.

The other day we celebrated what would have been the 80th birthday of Robert Kennedy. When Robert Kennedy opposed the war in Vietnam, despite the fact that his brother and the administration he was in had been involved in articulating that policy, he talked about how there was blame enough to go around. He also said the sharpest criticism often goes hand in hand with the deepest idealism and love of country.

CHUCK HAGEL showed that he has not forgotten that when he said: The Bush administration must understand that each American has a right to question our policies in Iraq and should not be demonized for disagreeing with them.

Too many people seem to have forgotten that long ago and too many of our friends on the other side of the aisle somehow think that asking tough questions is pessimism. It is not pessimism. It is patriotism. It is how one lives in a democracy. We are busy trying to take to Iraq and take to Afghanistan and take to the world the democracy we love and we are somehow unwilling to fully practice it at home.

We have seen the politics of fear and smear too many times. Whenever challenged, there are some Republican leaders who engage in the politics of personal destruction rather than debate the issues. It does not matter who one is. When they did it to JOHN MCCAIN, we saw that it does not matter what political party one is in. When they did it to Max Cleland, we saw that it does not matter if one's service put them in a wheelchair. And when they did it to JACK MURTHA yesterday, perhaps the most respected voice on military matters in all of the Congress, we saw that some in this administration and their supporters will go to any lengths to crush any dissent.

Once again, some are engaged in the lowest form of smear-and-fear politics because I guess they are afraid of actually debating a senior Congressman who has advised Presidents of both parties on how to best defend our country. They are afraid to debate the substance with a veteran who lives and breathes the concerns of our troops, not the empty slogans that sent our troops to war without adequate body armor, without adequate planning, without adequate strategy.

Maybe they are terrified of actually leveling with the American people about the way that they did, in fact, mislead the country into war or of admitting that they have no clear plan to finish the job and get our troops home.

Whether one agrees with Jack Murtha's policy statement yesterday is irrelevant. The truth is there is a better course for our troops and a better course for America in Iraq. The Senate itself went on record this week as saying exactly that. Every Senator in this body voted one way or the other to express their feelings about Iraq.

I intend to keep fighting, along with a lot of other people, to make certain we take that better course for the good of our country.

American families who have lost or who fear the loss of their loved ones plain deserve to know the truth about what we have asked them to do, what we are doing to complete the mission, and what we are doing to prevent our forces from being trapped in an endless quagmire. Our military families understand—I mean, all one has to do is visit with them when they come here and they talk about their sons, their husbands, and their fathers who are over there. They are concerned and want an open debate about what will best support the troops and how to get them home the fastest with the job done the most effectively.

The only way to get it done right in Iraq, the only way to get our sons and daughters home, is for all of us to weigh in on this issue. We also need to be mindful that as the White House yet again engages in a character assassination to stop Americans from listening to the words of a military expert and understanding the consequences, we need to understand the consequences of the road we have already traveled because when one looks at the road we have already traveled, it makes it even more imperative that we have this debate and engage in this dialogue.

It is a stunning and tragic journey that on many different occasions even defies fundamental common sense and leaves a trail of broken promises. From the very start, when we were talking about what it might cost or not cost, when an administration official suggested it would cost $200 billion, he was fired, not listened to. When people wondered how we would pay for the war and we were told the oil will pay for it, while others were saying the oil infrastructure was not sufficient to pay for it, they were not listened to. When the administration could have listened to General Shinseki and actually put in enough troops to maintain order, they chose not to. When they could have learned from George Herbert Walker Bush and built a genuine global coalition so we had the world with us, not most of the world questioning us or against us, they chose not to. When they could have implemented a detailed State Department plan for reconstructing post-Saddam Iraq, they chose not to. When they could have protected American forces and prevented our kids from getting blown up by ammunition that was in the dumps of Saddam Hussein and in the various locations our military were aware of, they chose not to. Instead of guarding those ammunition dumps and armories, they chose not to. When they could have imposed immediate order and structure in Baghdad after the fall of Saddam, Secretary Rumsfeld shrugged his shoulders and said, Baghdad was safer than Washington, DC, and they chose not to take action.

When the administration could have kept an Iraqi army selectively intact, they chose not to. When they could have kept an entire civil structure functioning in order to deliver basic services to Iraqi citizens, they chose not to. When they could have accepted the offers of the nations and individual countries to provide on-the-ground peacekeepers, reconstruction assistance, they chose not to. When they should have leveled with the American people that the insurgency had in fact grown, they chose not to. Vice President CHENEY even absurdly claimed

that the insurgency was in its last throes.

All of these mistakes tell us something. They scream out for a debate. They scream out for a dialogue. They scream out for a policy that gets it right.

We are in trouble today precisely because of a policy of cut and run where the administration made the wrong choice to cut and run from established procedures of gathering intelligence and of how it is evaluated and shared with the Congress; to cut and run from the best military advice; to cut and run from sensible wartime planning; to cut and run from their responsibility to properly arm and protect our troops; to cut and run from history's clear lessons about the Middle East and about Iraq itself; to cut and run from common sense. That is the debate some people appear to want to avoid in this country.

Instead of letting his cronies verbally blast away, the President ought to finally find the will to debate the real issue instead of destroying anyone who speaks truth to power as they see it.

It is time for Americans to stand up and fight back against this kind of politics and make it clear that it is unacceptable to do this to any leader of any party anywhere in our country at any time. We can disagree, but we do not have to engage in this kind of personal attack and personal destruction.

I hope my colleagues will come to the floor and engage in this debate. Our country will be stronger for it. That is what we ought to do instead of attacking the character of a man such as JACK MURTHA. Believe me, that is a fight nobody is going to win in our America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I ask unanimous consent to consume such time as I may take.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I am going to speak in a moment about the PATRIOT Act, but before I do, I want to respond to a couple of comments that were made by the Senator from Massachusetts.

I served with Congressman MURTHA when I was in the House of Representatives, and there is no greater patriot in the United States than Congressman MURTHA. In that, the Senator from Massachusetts and I agree. I disagree with Congressman MURTHA's opinions, but that is a matter of debate and that is one of the reasons we have the kind of open society that we do.

I do not think anyone is trying to crush debate or dissent or prevent questions from being asked. But it is a fact that when the President of the United States is accused of deliberate manipulation of intelligence to bring us into war—some have even said lied in order to bring us into war—that deserves response. That is part of a healthy debate.

When the President spoke in response, I think he was entitled to be listened to and not ridiculed and not condemned for criticizing those who disagreed with him. Neither side need back away from making their arguments and arguing that the other side is wrong. But of course no one should be questioning anyone else's patriotism. It is assumed anyone who serves this Government, and certainly anyone who has put on the uniform of this Government, is a patriot. In the case of Congressman MURTHA, I would be the first to assert that fact.

I think there are two critical facts with respect to this dispute. The first set of facts is that our intelligence, and that of virtually every other nation in the world, believed that Saddam Hussein was a threat to the world and had weapons of mass destruction and in some cases was developing capability for additional weapons of mass destruction, such as nuclear weapons. Some of that intelligence turned out not to be correct. But it does not mean that the people who debated the issues were liars or deliberately misrepresenting the facts. I daresay, if you took comments I made on the floor of the Senate and comments the Senator from Massachusetts made on the floor of the Senate, they would align pretty closely. They were pretty similar because they were based on the same intelligence. The same thing was said by other Democrats and Republicans, by people in the administration, by people in the former administration. I do not think it is appropriate to assign deliberate motives to mislead to any of those people.

I myself believe that the information was not correct with respect to the weapons of mass destruction but that the people who were giving it to us honestly believed it was correct. So I don't even think the people in the CIA were deliberately misleading anyone, though they turned out to be wrong. Can't we agree that people make mistakes, especially with respect to that murky area of intelligence where nothing is ever black and white, where everyone is always gathering bits and pieces of information and trying to construct a jigsaw puzzle out of it when a lot of pieces are missing and where the enemy is deliberately trying to deceive you? It is very difficult business. While I am somewhat critical, as a member of the Intelligence Committee, of the people who were engaged in the activity at the time, I don't question their motives either.

The other fact that I think is true is that it would be wrong for us to leave Iraq now. This is where I would disagree with Congressman MURTHA. I believe the consequences of leaving or setting up a timetable to leave soon, before the job is done, would not only be absolutely devastating for the people in Iraq who have been trying to set up their own government but would also set us back in the war against these terrorists, these evildoers, these radical Islamists who are watching very carefully what we do in Iraq. When you remember what Saddam Hussein said about the weak horse and the strong horse, you know how important it is for the United States to maintain a firm, strong position with respect to completing the job in Iraq.

To the extent that there is a suggestion that we will back out if they keep enough pressure on us, it does play into their hands because they simply play the waiting game in order to wait us out until they can move in and do more evil deeds. That is where I think the debate comes down. It is a legitimate debate to have, but I think the President is on the right side of that debate. We have to finish the job before we withdraw.

Mr. KERRY. Will the Senator yield?

Mr. KYL. I am happy to.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I respect the comments of the Senator and I appreciate the way he has approached it and I am grateful to him and thank him, as I am sure others do, for his comments about Congressman MURTHA. I know he would agree with me that those who suggested what he is saying is cowardly or suggested that is surrender, that those are words probably inappropriate in this debate. I think the Senator would agree with me that those characterizations have no place here. And he is right about the question of how everybody approached the intelligence. We all did have a unified belief about the existence of weapons—most of us.

But I disagree with the Senator. I would ask him if he does not agree that there are legitimate areas of inquiry, which the Intelligence Committee is now pursuing, with respect to what happened to certain intelligence that came to the Congress? For instance—about five areas. One was the speech that was made by the President, where he referenced nuclear materials coming from Africa which, in fact, the CIA on three different occasions, both verbally and in writing, informed the White House: Don't use this. But nevertheless it was used.

Whether that was intentional or inadvertent, all we know is that winds up being misleading because the CIA disagreed with the evidence.

Likewise, telling America they could deliver biological, chemical weapons within the period of 45 minutes, which was disagreed with in the intelligence community, was not signed off within the intelligence community.

Likewise, suggesting Iraq had trained al-Qaida in the creation of bombs, bomb making, and poison creation—not agreed by the intelligence community; in fact, erroneous.

Likewise, as the Vice President said on several occasions, that there was a meeting between Iraq and al-Qaida operatives, a meeting that the intelligence community did not substantiate, which we now know did not take place.

Those are, on their face, misleading representations made to us, which Members of the Congress operated on. I would assume the Senator would agree the mere fact that there were no weapons of mass destruction means we were all misled. Whether it was intentional is the operative question.

I can't tell you whether it was intentional. But I certainly know that when you ignore the CIA's warnings, don't use this intelligence, and nevertheless it winds up in the State of the Union message, there is a disconnect that raises the most serious questions, that leaves a lot of us wondering.

I ask the Senator, does he not agree that those instances where the intelligence community is in disagreement and they don't tell us they are in disagreement and we don't get the same intelligence, provides some serious questions?

Mr. KYL. Mr. President, I was very happy to have the Senator from Massachusetts take a long time to make a lot of points, asking an important question. Therefore, I am happy to engage in what amounts to a debate on the issue. I would be delighted to comment on the specifics that he points out.

I served on the Intelligence Committee for 8 years during this period of time and have a fair degree of information about it. I need to reflect a little bit carefully about what one can now say because, after a while, you realize, when you are on the committee, it is better not to say a lot because it might be one of the things you should not be talking about. But I think I should speak to each of these items.

The last one first. No, I don't agree that being in error is the same as misleading. I don't think that the people in the intelligence agencies were misleading us. They were, in some instances, in error. Frequently, they expressed their views with caveats and degrees of certainty that, frankly, are not reflected in the public debate.

Mr. KERRY. Mr. President, will the Senator yield?

Mr. KYL. Let me make my point here. They have a very careful way of expressing their views. In the public debate, I have noted the political people are not nearly as nuanced and careful in expressing these views as the member of the intelligence community is.

Second, with respect to that, ordinarily the way that views were expressed to us, and specifically in this case, they represented the majority opinion or the consensus within the intelligence community. Where there were significant questions or differences of opinion within the intelligence community, those were noted and sometimes with respect to some issues, there were divisions. Without getting into a lot of detail, there has been a lot of talk about another issue that the Senator did not raise, the so-called aluminum tubes. Without getting into a big debate about it, you had the majority of the intelligence community believing that those were for one purpose related to production of nuclear materials. And you had a couple of other agencies that had expertise in the area saying they didn't think so.

I am not sure that anyone has ever concluded which were actually correct, or not, but a lot of information has been thrown out that clearly the majority opinion was wrong. I don't know that one can say that.

So I think we have to be careful. There are frequently, in intelligence estimates, little caveats: We are not sure how good this particular source is; we are not sure about this particular element.

But usually a consensus is reached. That consensus is what was briefed to us and that is what we were relying on. With respect to the four specific points—with respect to the issue of yellow cake coming from Niger, it was a fact that the intelligence the United States had was not nearly as conclusive as the intelligence from Great Britain, and therefore the President was advised—not the President himself directly but his speechwriters were advised—not to suggest that our intelligence confirmed the attempts of Iraq to acquire this nuclear material from Niger but rather to refer to a different intelligence service which, in fact, had concluded that the attempt had been made. That was the British service and that was the reference in the speech. The British service still stands by its position.

With respect to the bioweapons, there was very good evidence to suggest, prior to the war, that Saddam Hussein not only had a viable bioterrorism program but that he had even mobilized—in one respect, mobilized that program.

I am not certain we can say, from the Senate floor, how we have finally evaluated the intelligence with respect to that. I think it would be probably difficult for any Senator to discuss the issue in great length. I would be willing to acknowledge that, certainly, questions have been raised about whether it turns out that there were mobile units devoted to creation of bioweapons.

Third, with respect to the intelligence that Iraq agents had actually instructed terrorists in bomb making and poison making, that information was very clear. It was issued by CIA Director George Tenet. It was public information, so that can be discussed on the floor of the Senate, and I am aware of nothing that draws any question about that particular evidence. I do not recall whether it specifically related to al-Qaida or terrorists or al-Qaida-connected terrorists. I probably should not speak to that issue because I am not certain how much is classified. But it is absolutely certain in public testimony, and in a letter George Tenet specifically sent to the Congress he discussed the issue of Iraq training terrorist bomb makers in the art of chemical weapon-making.

Finally, in regard to this alleged meeting that never actually occurred, if it is the meeting in Czechoslovakia that the Senator was referring to, that is a matter of dispute. I don't think it has ever been resolved one way or the other.

The point of all of this is it is one thing to say the intelligence was inconclusive and in some cases that there were disputes in the intelligence community and in some cases it was not accurate. It is quite another to allege that the people who used the intelligence were misleading other people.

Certainly, I was not deliberately misleading anyone, and I am certain the Senator from Massachusetts was not deliberately misleading anyone when we said roughly the same thing based upon the same intelligence that suggested that Saddam Hussein was a threat and had weapons of mass destruction.

The final point on this, and then I do want to turn to the PATRIOT Act, there is a bit of a double standard in that critics of the administration are now saying: You can't just look to the consensus opinion, you need to look at some of those within the intelligence community who were dissenting about certain aspects of intelligence, the so-called nuggets. If you look deeply into this report, you will find there was some element of it that did not quite jibe with the rest of the consensus or there was some entity in our Government that didn't totally agree with the consensus opinion. As I said, you are going to see that through any national intelligence estimate or any other description of intelligence analysis.

We encourage that. One of the 9/11 Commission recommendations, and the other commissions that have looked into this, is that there is not enough devil's advocacy going on. There is too much ''group think'' within the intelligence community. So it is a good thing to have that intelligence questioned.

I remember there was actually criticism of Vice President CHENEY because he went down to the CIA headquarters and had the temerity to ask these agents: Are you sure about this? Are you sure about this intelligence?

They said: What's he doing that for?

He is a so-called consumer of the intelligence. He has every right to say: Are you absolutely sure of this?

People within the administration should be questioning as well. That is why I think it is so unfortunate that there is, literally, a cabal to attack the Defense Department for questioning some of the intelligence community's estimates—not all of which turned out to be right, as we know. But there is an investigation that has been actually formally requested. In order to get it resolved, the Defense Department has agreed to conduct an inspector general's investigation into one of the offices of the Department of Defense, into the question of whether it should have questioned the intelligence of the

CIA and taken its analysis and its questions to other people within the Defense Department or the national security apparatus of the administration.

Why not? The whole point of these commission recommendations is people ought to be asking questions. The CIA is not a monastery of monks who get manipulated intelligence that nobody else ever looks at. The whole point of gathering intelligence is so our policymakers can use it and make decisions based upon it. When the policymakers have questions about it, they have every right to ask those questions. And when there is some evidence that suggests the intelligence is not exactly accurate, they have a duty to raise that kind of issue.

There is a bit of a double standard going on that when one wants to criticize the administration and wants to play devil's advocate, there was a little bit of evidence over here that contradicted the consensus in the community, and we should have paid more attention to that. Maybe so. You can't turn around and criticize those, in this case, in the Department of Defense who saw the same infirmities, and who had questions about the CIA intelligence and now are being criticized because they had the temerity to raise those questions. You can't have it both ways.

In reality, intelligence is an imperfect proposition at best, and we ought to be playing devil's advocate and be asking tough questions about it. But I daresay, unless you get very good evidence that someone was deliberately lying or misleading, you shouldn't throw those kinds of words around.

Mr. SESSIONS. Mr. President, will the Senator yield for a question?

Mr. KYL. I would be happy to yield.

Mr. SESSIONS. I hope every Senator was listening to Senator KYL's explanation of the important issues that have been raised. I hope the American people are listening. He served on the Intelligence Committee. He has been through these debates from the very beginning. He is a man of integrity, and he will be responsible in summarizing the matters that came before us.

He indicated that we hear allegations that things were black and white, when those of us who heard the briefings didn't hear them that way. They weren't black and white. The aluminum tubes—I ask the Senator from Arizona, regardless of the detail of it, whether he heard from those who debriefed us and got various opinions about that issue, and we were not misled. We were told there were various ways to interpret that evidence, were we not?

Mr. KYL. Mr. President, I say that is exactly right. In fact, the National Intelligence Estimate itself specifically characterized the dissenting as well as the majority views with respect to what those tubes were for. The majority view was that they were for centrifuge, for weapons material production. The minority view was they might be for artillery shells, or some other kind of projectile. There were two agencies within our government that held that latter view. The majority of the intelligence community held the former view.

But, yes, I remember as a member of the committee being briefed on that and hearing testimony on it numerous times.

Mr. SESSIONS. That was before 78 Members of this body—a majority of the Democratic Members along with a majority and maybe all of the Republicans—voted to authorize hostilities in Iraq.

Mr. KYL. That is true.

Mr. SESSIONS. We knew these subtleties and disagreements, and we were given the best estimate that the intelligence agency was given.

Let me ask the Senator this: The CIA is the Central Intelligence Agency. The Senator talked about the contradiction between saying at one point you should follow one or the other, or the minority opinion. Is one of the responsibilities of the CIA to review all intelligence and help advise the President, as that central agency, what he should take as reliable?

Mr. KYL. Mr. President, the Senator from Alabama is absolutely correct. There is an important factor the American people need to understand. There is not just one intelligence agency, the CIA; there are lots of different elements of our Government gathering information, a lot of it secret information. They meet as a group to try to put this together and to reach a consensus. But when the estimates are briefed to us and to the President, they try to arrive at a consensus. Frequently, that consensus is less certain because there are some dissenting views that characterize the consensus. Doubts are expressed in certain technical ways.

It is one thing for the community to say it is the community's judgment; of course, that is stepping down from saying we know it as a fact. A judgment is not fact, it is an opinion. Then there are further gradations down. We are exposed to those same—these are all footnoted. We all know who believed what. But at the end of the day, in order for us to get good advice, they try to put it together in a form that reaches a conclusion. Sometimes because there are differences within the intelligence community, those conclusions are not as certain or as certainly expressed as they are on other occasions because of that uncertainty.

Mr. SESSIONS. That is beautifully expressed. I think that is so important for us to know.

I want to drive home one point. The Senator from Massachusetts and other Senators have been complaining about these matters. I remember the briefings we attended. Every Senator was invited. Every Senator had the right to ask questions. People stayed late, if they chose to, and asked additional questions. They were given these nuanced opinions. It was only after all that, was it not, that this Senate, after full debate, voted to authorize military actions in Iraq.

Mr. KYL. Mr. President, the Senator from Alabama is correct. I would say that we should not make too much of these nuance opinions and disagreements. In one sense, they are important; but in another sense, you have to balance that against the fact that there was a mountain of evidence in different areas that all add up to the same proposition. And add to that—some of that turned out not to be correct—but add to that the element of judgment.

This can't be overemphasized. Intelligence analysts apply judgments and common sense to the evidence that they have. Because the evidence is rarely black and white, you very rarely get the bad guy to say, I will tell you everything I know, and it is everything you need to know about this. So you have to exercise judgment.

After the first gulf war, we later learned that Saddam Hussein was about 6 months away from having a nuclear weapon program. That is fact No. 1.

Fact No. 2: Throughout the ensuing decade, he hid his programs. He tried to deceive the inspectors. He refused to comply with U.N. resolutions to release information. One could, therefore, surmise—or at least it would not be a bad presumption to engage in—that if he had it at one point, or almost had it, we had evidence he was trying to get it. Again, he was hiding the ball at every opportunity. The intelligence analysts have to say, Which way am I going to presume this, that he does or that he doesn't? They concluded that there is every indication that we had better assume that he does.

The policymakers have to take that a step further. We say they are not absolutely certain; they are pretty sure, but they are not absolutely certain which way we should flop on this. Should we flop to the direction of inaction? Let's wait until we have absolute proof before we do anything, or go the other way? This is pretty dangerous business. If, in fact, he has, we had better act now before it is too late.

We think we will take the action that is based upon the proposition that he will have it. That is a judgment that we engaged in.

As my colleague, the Senator from Arizona, so eloquently has pointed out, the choice was when, not if, we would face Saddam Hussein. The question was, would we do it on his terms or on ours? We chose to do it on ours. The result is Saddam Hussein today stands trial for mass murder. The Iraqi people have an opportunity for freedom, and we have an opportunity to transform that region of the world into one that supports peace and opposes evildoers and terrorists as opposed to one which was a hot bed when Saddam Hussein was in charge.

Mr. SESSIONS. Mr. President, again, I thank the Senator for his thoughtful

and thorough analysis of how we came to know what we knew and how we came to make the decisions about matters that came before us. We think there is no doubt that Saddam Hussein used weapons of mass destruction against his own people. We know that. That is indisputable. Where it went subsequently I don't know, and people are shocked that we have not found them. We know that the French intelligence agency—the French Government opposed our entry into the war—believed he had weapons of mass destruction.

Those matters were very important. And what I am so glad about is people have heard what Senator KYL said and discussed, which is relevant to this Senate. We knew these things, fellow Senators. We discussed these things. Grown people make decisions based on the best evidence they have.

We had many hearings, top secret briefings, and every Senator could go. We heard the argument. We heard the evidence. We cross-examined, and we heard the uncertainties and certain levels expressed by the authorities that came before us. Then we came into this body and we voted to send our soldiers to execute our policy in harm's way. And we owe those soldiers our support. We don't need to be undermining the President, or even ourselves and our system, as in this circumstance making the policy. We voted by a 78-to-22 vote to make it more difficult to achieve and to place our soldiers at greater risk.

I thank the Senator for his wonderful comments.

THE PATRIOT ACT

Mr. KYL. Mr. President, I want to get to the matter I came to speak on, the PATRIOT Act.

The Senator from Massachusetts spoke to us about having respect for one of our colleagues in the other body who is, in fact, a patriot and who certainly should never be called a coward.

I also want to ask that same deference to those in the Defense Department and others who were doing their duty for our country, who could have been in the private sector making a lot of money and taking care of their families but chose to serve their country in another way in later life by acting on behalf of all of us in matters of national security. The Secretary of Defense, Don Rumsfeld, Paul Wolfowitz, Doug Fife, who headed the office I spoke of, these are patriots. And for anyone to suggest that someone like Doug Fife or Don Rumsfeld or Paul Wolfowitz were misleading anyone is, frankly, about as low as you can get. And even loose words such as ''unlawful'' have been thrown about.

This is a very bad state of affairs that we have come to when that is the kind of discourse we have in talking about people who have served our country honorably. I hope my colleagues will join me in trying to elevate the rhetoric rather than taking it down further. And that applies to everybody—Democrat and Republican Members of Congress, or the administration.

I came to talk about the PATRIOT Act. I would like to make some comments because we are in the middle of a big debate in the Senate and House about the reauthorization of the PATRIOT Act. If we don't reauthorize the PATRIOT Act, all of the tools that we have given to our law enforcement and intelligence community to help us win the war on terror are going to—not quite, but most of those tools will cease to exist. They will expire. That is why we have to reauthorize it.

Just as it is important for us to give the men and women in the military the tools they need in the missions we send them on, the war on terror, so, too, it is for us to ensure our law enforcement and our intelligence people have the tools they need to carry out the mission that we ask of them.

In the war on terror, intelligence and the ability to use it in the law enforcement community are critical to our success.

One of the greatest things we accomplished after 9/11 in passing the PATRIOT Act was to tear down the wall that had been created between our intelligence-gathering organizations and law enforcement. They couldn't talk to each other. One could gather information, but they couldn't give it to the other, and vice versa.

As a result, neither were able to do their job in getting information about terrorists and putting out that information to proper and good use.

There is virtually no disagreement that I know of that this part of the PATRIOT Act has been critical to our success since 9/11. Yet there are those on both sides of the aisle in this body who are threatening to hold up the reauthorization of the PATRIOT Act because they haven't gotten their way on every little thing that they want, and some of them don't even know what the conference committee has been negotiating. I am on that conference committee and I know what we have discussed, and I know what is still a matter of issue out there.

I want to talk a little bit about the PATRIOT Act because there is a great deal of ignorance about what this important tool does for our war on terror. And we cannot be ignorant, even though it is a matter of law and a little bit complicated. We don't have the luxury of being ignorant about this. We have to understand it to appreciate it.

I will speak to that for a little bit.

I believe, like some great controversies of the time, history books will record that the controversy over the PATRIOT Act was actually something we will look back on and say, What was all the fuss about? It is a little bit like when President Reagan talked about tearing down the wall and calling the Soviets the ''Evil Empire.'' There was great handwringing. This was not going to be good for our foreign policy. We look back on it now and say, What was all the fuss about? He was right. It was a good thing.

Those who are threatening to hold up the reauthorization of the PATRIOT Act should have pretty much the same words spoken to them about the wall. This time we are talking about the wall between intelligence and law enforcement. I say to them, ''Tear down this wall.'' We did it in the PATRIOT Act. They are about to let the PATRIOT Act expire because they have some view that every little thing they want has not gotten accomplished in the PATRIOT Act.

This is important business. For those who are threatening to prevent the reauthorization of the PATRIOT Act, I challenge them to come to the Senate today, tomorrow. I will be here. Let's have the debate.

What are the big deals in the PATRIOT Act? The biggest is the wall coming down, as I said. There is no disagreement about that. Yet, it is going to go right back up if we do not act.

The second provision in the PATRIOT Act that people have focused on is the so-called section 215 which allows a FISC, Foreign Intelligence Surveillance Court, to issue subpoenas to produce business records. That authority has been in the law for a long time. But we added it to the PATRIOT Act in order to allow the FBI to seek an order from this special court that was created for:

> . . . the production of tangible things (including books, records, papers, documents, and other items) for an investigation to obtain foreign intelligence information.

Not to obtain foreign intelligence information. And FISC defines ''foreign intelligence'' as information relating to foreign espionage, foreign sabotage, or international terrorism.

Section 215 is basically a form of subpoena authority, such as that allowed for numerous other types of investigation. A subpoena is merely a request for particular information. Unlike a warrant—and this is important—a subpoena does not allow a government agent to enter somebody's property and take things. It is only a request. If the recipient objects, the Government must go to court and defend the subpoena and seek an order for its enforcement. Most Federal agencies have the authority to issue subpoenas, and many agencies have multiple subpoena authorities.

The Justice Department has identified over 335 different subpoena authorities in the United States Code. One can hardly contend that although the Federal Government can use subpoenas to investigate Mohammed Atta if it suspects he is committing Medicare fraud that it should not be allowed to use the same powers if it suspects he is planning to fly airplanes into buildings. What sense would that make?

Some critics argue that most of the existing authorities are different because section 215 subpoenas do not relate to heavily regulated industries

like some of the other subpoenas. But even subpoenas issued to investigate the industries are used to request information from persons outside the industry. For example, the Small Business Administration is authorized to use subpoenas to aid its fraud investigations. When it uses that subpoena, it can and often does request information from others doing business—from anyone doing business—with the recipient of the SBA loan.

In one important way, the authority in section 215 of the PATRIOT Act is even narrower than the authority given by most subpoena statutes. This is critical. Unlike these other authorities, a section 215 order must be preapproved by a judge. Many people who debate the PATRIOT Act ignore this or do not know it. They say, you do not even have to get a court order. It must be preapproved by a judge. Even grand jury subpoenas, despite their name, are simply issued by a prosecutor conducting a grand jury investigation with no judicial review prior to their issuance.

Chief among the complaints made by critics of this section is that it could be used to obtain records from bookstores or libraries. Some of these critics have even alleged that section 215 would allow the FBI to investigate someone simply because of the book he borrows from the library. Section 215 could, in fact, be used to obtain library records, though neither it nor any other provision of the PATRIOT Act specifically mentioned libraries or in any way is directed at libraries. Section 215 does authorize court orders to produce tangible records and that could theoretically include library records.

Where the critics are wrong is in suggesting a section 215 order could be obtained because of the books that someone reads or Web sites he visits. Section 215 allows no such thing. Instead, it allows an order to obtain tangible things as part of an investigation to obtain foreign intelligence information, information relating to foreign espionage or terrorism or relating to a foreign government or group and national security.

By requiring a judge to approve such an order, section 215 assures these orders will not be used for an improper purpose. And as an added protection against abuse, the PATRIOT Act also requires that the FBI fully inform the House of Representatives and the Senate every 6 months. These checks and safeguards leave FBI agents little room for the types of witch hunts the PATRIOT Act critics conjure up. Any use of the subpoenas, in other words, must be reported to us.

Further, and I ask Members to think about this for a moment, especially in view of some of the criticism that has been leveled at the act, I would like to emphasize there are very good and legitimate reasons why an intelligence or criminal investigation might extend to a bookstore or a library. One example former Deputy Attorney General Comey has cited is the investigation of the Unabomber, Ted Kaczynski. Remember that the Unabomber's brother had relayed to Federal agents his suspicion that Ted Kaczynski was behind this decades-long string of mail bomb attacks. At the time, the Unabomber had recently published this manifesto which cited several obscure and ancient texts. In order to confirm the brother's suspicions, Federal agents subpoenaed Ted Kaczynski's library records and discovered that, in fact, he had checked out these same obscure texts cited in the manifesto.

Section 215 also could have been used directly to investigate the perpetrators of the September 11 attacks. How so? We now know that in August of 2001 individuals using Internet accounts registered to Nawaf al Hazmi and Khalid al Midhar used public access to computers in the library of a State college in New Jersey. The computers in the library were used to shop for and review airline tickets on an Internet travel reservation site. Al Hazmi and Al Midhar were hijackers aboard American Airlines flight 77 which took off from Dulles Airport and crashed into the Pentagon.

The last documented visit to the library occurred on August 20, 2001. On that occasion, records indicate that a person using Al Hazmi's account used the library's computer to review September 11 reservations he had previously booked.

In August of 2001, Federal agents knew that al Midhar and al Hazmi had entered the United States. They initiated a search for these individuals because they knew they were associated with al-Qaida. Had the investigators caught the trail of these individuals—and by the way, one of the criticisms in the 9/11 Commission Report was that our Government did not adequately pursue these two individuals; that there was a lot of evidence they could have pieced together. They didn't follow it. They let them out of their sights, at which point they were gone. They knew they were here, but they could not find them. Had they followed the trail of the individual and had the PATRIOT Act already been law, the investigators would have likely used a section 215 to use the library records to see the Internet trail, and history might well be different.

Finally, over half a dozen reports submitted by the Inspector General of the Department of Justice have uncovered no instances of abuse involving section 215. The latest public report indicates this authority has been used approximately three dozen times—not all related to libraries, of course. Section 215 is not used very often. But we know that when Federal agents do use it, it is for an important purpose. I cannot imagine that any one of us would want to stop Federal agents from using section 215 in the way it has been used.

There were those who said we should have some additional restrictions on section 215; even though it is an important tool, we need it further restricted. So the conference committee said, all right, let's first make sure we have a new statutory relevance standard so there is no question the information obtained has got to be relevant to the foreign intelligence investigation.

Another concession made was that there would be a three-part additional test which would be put in place to presume relevancy if you can satisfy this three-part test. It is going to further complicate things, further delay things. It is not going to be easy for the Justice Department to prove.

Moreover, another layer of bureaucracy was imposed with so-called minimization standards. The Department of Justice would be required to put into regulation limits on how long the material could be kept, who it could be given to, and so on and so on.

Those who had concerns about section 215 brought those concerns forward and those have been negotiated. I know of no further issue relating to section 215 in the conference that Members of either side of the aisle have brought forward. So those of my colleagues who have said we are going to filibuster the conference report on the PATRIOT Act because, among other things, it has this section about library records. They ought to get informed about the section, and they also ought to appreciate the fact that the people who have negotiated this on both sides of the aisle, on both sides of the Capitol, have concluded they are now done with this section. We have put everything in there we need to to further ensure it can never be abused, but we want to retain it as an important part of our tools in fighting terrorism.

The second of the three sections I discuss is section 213, the delayed notice searches. This is the so-called ''sneak and peek'' search. It is an unfortunate name. Section 213 of the act merely codifies judicial common law, allowing investigators to delay giving notice to the target of a search that a search warrant has been executed against him. Section 213 allows delayed notice of a search for evidence of any Federal criminal offense if a Federal court finds reasonable cause to believe that immediate notice may result in endangering the life or physical safety of an individual, flight from prosecution, destruction, or tampering with evidence, intimidation of potential witnesses, or would otherwise seriously jeopardize the investigation. Notice still must be provided within a reasonable period of the warrant's execution, though this period may be extended for good cause.

The ACLU, in particular, has been critical of section 213. One might think an organization seeking to find fault with this section that deals with the war on terrorism might focus on something other than this particular PATRIOT provision because all it does is codify authority that has been allowed

by the Federal courts for several decades. This is not new. The ACLU alleges that section 213 expands the Government's ability to search private property without notice to the owner. It also states that section 213:

. . . mark[s] a sea of change in the way search warrants are executed in the United States.

And it finally has charged that as a result of the section 213 authorization of delayed notice, ''you may never know what the government has done.''

None of these allegations is true. First, the target of a delayed notice search will always eventually ''know what the government has done'' because section 213 expressly requires that the Government give the target notice of the execution of the warrant ''within a reasonable period of its execution.'' Section 213 clearly and explicitly authorized only delayed notice, not no notice.

Further, section 213 neither ''expands the government's ability'' to delay notice nor can it even remotely be described as a ''sea change'' in the law. Twenty-five years ago the U.S. Supreme Court established that ''covert entries are constitutional in some circumstances, at least if they are made pursuant to a warrant.'' That citation is Dalia v. U.S. Congress first authorized delayed notice searches 35 years ago in the 1968 Omnibus Crime Control Act. These searches repeatedly have been upheld as constitutional.

In 1990, the U.S. Court of Appeals for the Second Circuit held:

Certain times of searching or surveillance depend for their success on the absence of premature disclosure. The use of a wiretap, or a ''bug,'' or a pen register, or a video camera would likely produce little evidence of wrongdoing if the wrongdoers knew in advance that their conversation or actions would be monitored. When nondisclosure of the authorized search is essential to its success, neither Rule 41 nor the Fourth Amendment prohibits covert entry.

You can see why this is so. There are certain circumstances where you cannot let the ''bad guy'' know you are listening in on his conversations.

To the extent the ACLU intends to suggest that delayed notice searches are unconstitutional, it bears mention that the U.S. Supreme Court has already addressed that view. I mentioned the 1979 Dalia case in which the Supreme Court described that argument as ''frivolous.''

If anyone would still wish to argue that section 213 is controversial, I would note that on this point, too, the conference committee has resolved the only issue that was in contention. The Senate passed a bill that substantially reenacted section 213 with no restrictions on authority. The bill was, by the way, reported out of the Judiciary Committee on a unanimous rollcall vote, which means even the most vocal critics agreed to it, and it later passed the full Senate by unanimous consent. The only debate in the conference over section 213 is what the presumptive time limit should be for investigators to return to court to renew the delay-in-notice provision.

The Senate bill included a presumptive delay of 7 days, the House bill a presumptive delay of 180 days, with no provision for longer delay in particular cases. The conference committee has agreed to 30 days. I suggest that is an eminently reasonable compromise. And for all the huffing and puffing about so-called ''sneak and peek,'' this is what the real debate has come down to.

I have one more matter, and I will conclude very quickly, Mr. President.

The other section, the third section, is this one on roving wiretaps. It simply allows terrorism investigators to obtain a wiretap for any phone that a suspect uses rather than limiting the wiretap to a particular phone. Criminal investigations already have this authority. The PATRIOT Act simply updates the law to give terror investigators the same authority. As I said, this particular section is no longer in controversy. To my knowledge, all questions have been resolved in the conference committee on this.

Mr. President, I conclude by noting that the conferees have made a very good-faith effort to iron out differences, to add additional protections, preventions of abuse. What it boils down to is we have a law that finally gives law enforcement and the intelligence community the tools they need to fight terrorism. It brings down the wall that prevented them from cooperating in the past. It provides adequate safeguards to ensure that no liberties are being diminished. It applies only to the investigation of terrorism and crimes by terrorists against the citizens of the United States. It would be a pity if we did not move forward to reauthorize this important piece of legislation before it expires.

I renew my challenge to my colleagues. If anyone wants to discuss this, or debate it, I will be here today. I will be here tomorrow. For that matter, I will be here Monday if they want to do it. It is important we get this done and not leave here until we have given our law enforcement officials the tools they need to protect us.

Mr. LEAHY. Mr. President, the current consideration by the Congress of a rewrite of the USA PATRIOT Act is a significant event. These are important issues, and they have become increasingly important to the American people.

This bill, more than any other, must have the confidence of the American people. I understand that and Chairman SPECTER understands that. I commend the chairman for his commitment to work in a bipartisan manner, both during the committee process and throughout the House-Senate conference. He and I agree with the vast majority of Americans that a reauthorization of the PATRIOT Act's expiring provisions must be accomplished in a bipartisan process, not in a bitter, partisan battle.

The PATRIOT Act suffers from an image problem. This perception problem stems in large measure because of the rhetoric, practices and secrecy of the Bush administration and the Ashcroft Justice Department. The antidote is clear and it is simple—less secrecy, more congressional oversight, more judicial review and an adjusted balance that better protects the rights and liberties of all Americans.

That is what we produced here in the Senate when first the Senate Judiciary Committee and then the Senate unanimously adopted our PATRIOT Act reauthorization bill. We worked together and we did so in a timely manner, completing our work in July. The Senate appointed conferees immediately. Regrettably, the House did not follow suit. They delayed more than 3 months until November 9, just last week and just a week before Congress was scheduled to recess. We lost 3 months that we could have used to find common ground and create a better bill. Unfortunately, the House Republican leadership played games with the PATRIOT Act while the clock was ticking.

Even last week, with conferees newly appointed by the House, I was hopeful that in our limited time, we could negotiate in good faith and reach a bipartisan, bicameral agreement. We made some progress over the weekend on important issues, reaching a tentative agreement on improved reporting requirements that would shine some light on the use of certain surveillance techniques. I believed that we were close to striking a reasonable balance on the core civil liberties issues raised by the PATRIOT Act.

But on Sunday, the Bush administration stepped in and, with the acquiescence of congressional Republicans, the bipartisan negotiations were abruptly ended. The curtain came down. Democratic participation was excluded from the process. As a result the tentative agreements were scuttled based on Bush administration demands.

Further impeding bipartisan progress, the conference report was being loaded up with controversial provisions that had nothing to do with the PATRIOT Act, terrorism, or anything in either the House or Senate-passed bills. The PATRIOT Act suddenly was being used as a vehicle of convenience to pass laws that could not be passed on their own merit. This overreaching by the House Republican conferees caused more time to be lost, and because of the ill-advised choices that were made late in this process, the conference report is not what it should be.

The needless and divisive chapter in the late stages of what should have been—can what could have been—an open and bipartisan conference threatens to undermine national consensus on this bill. Sadly, it also threatens national confidence in how we as a Congress can best address these important issues. Before the Bush administration butted in and grabbed the reins, we were close to a compromise that could have been acceptable to almost all members of Congress and to the American public. This is not that conference

report. I am not sure that this conference report can win the confidence of the American people. Rather than seek common ground with the Congress and with the American people that we represent, the Bush administration and Republican conferees have taken and abused their power and taken terrible advantage.

Just 2 months ago, we observed the fourth anniversary of the horrific attacks of September 11, 2001. In the aftermath of the attacks, Congress moved quickly to pass anti-terrorism legislation. The fires were still smoldering at Ground Zero when the USA PATRIOT Act became law on October 30, 2001, just 6 weeks after the attacks.

Many of us here today worked together in a spirit of bipartisan unity and resolve to craft a bill that we had hoped would make us safer as a nation. Freedom and security are always in tension in our society, and especially so in those somber weeks after the attacks, but we tried our best to strike the right balance. One of the fruits of that bipartisanship was the sunset provisions contained in the PATRIOT Act. These sunsets have allowed us some opportunity to obtain key information Americans have a right to know, and to revisit these matters to add more sunshine and oversight. Those sunsets were supported by Dick Armey, the Republican House majority leader and by me in the Senate an unlikely duo I concede, but in this case, a successful and productive alliance that proved to benefit the American people. We prevailed, thank goodness.

Sadly, the Bush administration and Republican congressional leadership has largely squandered this opportunity to refine the PATRIOT Act. Instead, they are insisting on a continuing assault on habeas corpus rights and adding other extraneous matters. Working with Chairman SPECTER, we are insisting on modifications to the conference report that will make it more protective of civil liberties and increase opportunities for oversight, including a 4-year sunset.

I thank Senators KENNEDY, ROCKEFELLER and LEVIN for their efforts to improve the draft circulated to us this week. I know that some Senate Republican conferees were not satisfied that the draft fully protected Americans' civil liberties and thank them for working to improve this important measure. I hope that the other conferees will work with us to arrive at a conference report that we all can support and that we can take to the American people together.

If the Bush administration would cooperate with us—the people's representatives—we will be better able to refine the authorities and uses of national security letters and the other tools provided in the law. Without that cooperation, with the veil of secrecy cloaking so much activity, neither Congress nor the American people will know or trust what the government is doing.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Arizona for the passion and commitment he has to the protection of our law enforcement officers, who are doing a great job for us. I appreciate what he is saying and doing.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 2528

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that there be 1 hour of debate equally divided between the two managers in relation to the conference report to accompany H.R. 2528, the Military Quality of Life and Veterans Affairs appropriations bill. I further ask consent that following the use or yielding back of time, and when the Senate then receives the conference report, it be immediately considered, and the conference report be adopted, with the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I believe what we bring before the Senate today is a product worthy of our support. The conference report has been crafted under two different approaches. What I believe has emerged is not only a good compromise but also makes strides in both oversight and policy. What has emerged is a solid recommendation.

I thank my chairman, Senator COCHRAN, for his leadership. This subcommittee faced some extreme budgetary shortfalls, and without his leadership, and basically allocating more resources to this committee, we would not be able to bring this conference report to the Senate today.

I also especially thank my ranking member, Senator FEINSTEIN, for her constant support and willingness to work together. I thank her staff as well: Christian Evans, B.G. Wright, and Chad Schulken for their hard work and professionalism, along with my great staff, Tammy Cameron, Dennis Balkham, and Sean Knowles. It has been a team effort and I appreciate that so much.

The military construction portion of our bill provides $6.2 billion for military construction, $5.1 billion of which is for Active Component construction, and $1.1 billion for Reserve Component construction. It also includes $4 billion for family housing. There is $1.75 billion for BRAC implementation and cleanup for both 2005 and prior rounds. The conference agreement also provides necessary services for our service men and women and their families, not only enabling them to effectively do their jobs, but also providing an improved quality of life in our military communities. This is important for many reasons. Of course, it is the right thing to do for our military. It is also the smart thing to do with our tax dollars. In this time of war and frequent deployments, recruiting and retention, maintaining a ready and available workforce is very much on the minds of our military leaders. We often say, in this era of an All Volunteer Force: You recruit individuals, but you retain families. The quality-of-life improvements that make our military communities great places to live are crucial in the retention of military families. Within this conference report before you, we fund projects that will improve the lives of those families. We fund 11 family housing privatization projects, which will provide high-quality, market-standard housing for nearly 15,000 military families; 39 barracks projects that will get our single soldiers, sailors, airmen, and marines out of substandard living conditions, or, in some cases, off ships and into first-rate facilities; and schools, child development centers, and family support centers that will ensure our servicemembers' children and spouses are cared for, are included in this bill.

These improvements make it easier for troops to deploy, to focus on their day-to-day jobs, while giving them the peace of mind that comes with knowing their families and homes are taken care of, so they can give their attention to the job we are asking them to do—protecting America. The conference report provides the first piece to the most recent BRAC round. With the funds provided, it places priority on those funds which are critical to carrying out BRAC, while providing the necessary financial oversight of the resources provided.

For our veterans, we have fully funded the President's request for veterans benefits and health care. This has not been easy. House and Senate conferees have provided $22.547 billion for medical services, which includes $1.225 billion in emergency funding to fully meet the President's amended request for medical care for the country's veterans. This conference has strongly responded to the VA's recent budgetary shortfall by putting in place stringent financial reporting requirements in an effort to avoid the repeat of budget crises witnessed this summer in VA health care.

We have fully funded the request for medical facilities and infrastructure, totaling $3.3 billion for fiscal year 2006. We have created three Centers of Excellence for mental health care, while at the same time fully funding health care for post traumatic stress disorder and other mental health care throughout the VA.

The conference has funded medical and prosthetic research at $412 million, which is $19 million more than the President's request. This is important because we know many of our troops coming home from Iraq and Afghanistan are suffering from loss of limbs, to a greater extent than we have seen before. So we want the research to make sure the prostheses they have make

them fully ambulatory and able to function in the rest of their lives.

The conference takes the unprecedented step of providing $15 million specifically dedicated to Gulf War Illness research for this year and the next 4 fiscal years, fulfilling the Research Advisory Commission's recommendations on Gulf War Illness. This is a disease for which we must determine the cause so we can treat the one in six who returned from the Gulf War with these symptoms and protect future service men and women from contracting this disorder.

The conference report before you today establishes a new account within the VA dedicated to information technology systems. Not only does this new account provide for increased oversight and consolidated information technology efforts within the VA, it codifies the new position of a VA Chief Information Officer and subsequent reorganization. I believe this is a critical step toward helping the VA achieve success in medical recordkeeping and medical record availability. Its HealtheVet-electronic patient records project paid great dividends during the recent hurricanes.

In fact, the conference report has also responded to the recent hurricanes by providing the VA authority to establish an Assistant Secretary for Disaster Preparedness, something which will enable the VA to better respond to future disaster situations.

Finally, we have provided $1 million over the President's request for the American Battle Monuments Commission for an environmental study to save the eroding monument at Normandy Cemetery.

All in all, I believe the conference report before the Senate provides much-needed resources and does so while maximizing our limited resources in meeting the greatest needs of our military, their families, and our veterans.

On a personal note, I want to say I have worked very closely with Secretary Jim Nicholson of the VA, and I know of his dedication to doing what is right for our veterans, something we all wish to do. I appreciate his leadership. We owe our active-duty military, our Guard and Reserves, who stand ready to serve, and our veterans, who have served, the care of our country. We have achieved these goals in the conference report today.

Therefore, I urge my colleagues to vote in favor of this conference report.

Mr. President, I yield to my ranking member, Senator FEINSTEIN.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I am very pleased to join my chairman, Senator HUTCHISON, in recommending this 2006 Military Construction, Veterans Affairs, and Related Agencies appropriations conference report to the Senate. This is the first year that MILCON has added dramatically to its portfolio, and I want to compliment the chairman of our committee, and I want to compliment her staff for what has been, I think—on what could have been a very difficult bill—a very bipartisan, constructive, team-like, problem-solving effort. I only wish we had more of it in the Senate. But I want the chairman to know how much I am grateful to her for her leadership, and I want her staff to know that as well.

I also thank Chairman COCHRAN—what Senator HUTCHISON said was right about the amount of money—and also Senator BYRD for their leadership and diligence in getting this bill through conference and to the Senate floor.

As the chairman said, the conference report before us today is a first. It provides for the infrastructure needs of our military and the health care and other needs of our veterans.

The bill is a big one. It is an $82.57 billion bill. It includes $12.167 billion for MILCON, family housing, environmental cleanup; $70.25 billion for veterans' benefits and health care—that is the big addition—and $157.6 million for several related agencies.

Of the many vital programs the Senator elucidated as funded in this conference report, none is more important than the funding we provide to meet the medical needs of our Nation's veterans. As a Senator from a State with the largest population of veterans in the Nation, I cannot overstate the importance of this issue. We have to support our veterans to the fullest extent possible.

The conference report before us today provides $22.547 billion for veterans medical services. Included in that level is $1.225 billion in contingent emergency funding to make up the projected shortfall in the President's original budget request. The Senate had sought a higher level of funding, and it was my sincere hope that the House, which had zero emergency funding for veterans in its version of the bill, would have agreed to our position and accepted the full amount provided in the Senate bill. That did not happen. But given the huge disparity between the House and Senate funding proposals, the level of funding provided in the conference report is a good start. I commend, again, the chairman for her hard work—for the cooperation of Senator COCHRAN, chairman of the Appropriations Committee—in bridging the enormous gap between the two bills and ensuring that the conference report did not shortchange our veterans. I do not believe it does shortchange our veterans.

The proposed funding for VA medical services is equal to the level of funding the administration has said it needs for fiscal year 2006. That is clearly a good start. But it offers—and it has to be pointed out—no safety net to our veterans, should the VA's budget once again prove to be wrong. This is a worrisome prospect. Hopefully, the administration got it right this time and the funding will be sufficient, but everyone should know that we will be watching. Additionally, there is much talk floating around the Capitol of an across-the-board cut to discretionary programs. I would like to be clear to everyone, any across-the-board cut to VA medical services will mean cuts in health care for veterans. There is no other way around it. We can't allow it to happen.

As I noted earlier, the medical services proposal includes the $1.225 billion in contingent emergency funding. This means the administration will have to designate the funding as an emergency before it is apportioned to the VA. I want to send this message loud and clear to the administration: Do not sit on this funding and force the VA to have to begin rationing health care. We will not stand for that.

The MILCON portion of the report provides $12.17 billion to fund state-of-the-art facilities. The Senator has mentioned some of them—barracks, housing for military families, and other vital infrastructure for servicemembers around the world.

Army projects were increased by 19 percent; Air Force, by 18 percent; and the Navy, by nearly 8 percent. When enacted, this bill will fund Active-component MILCON at $5.1 billion. We were also able to provide significant increases in funding for Reserve-component MILCON. This is important at a time when our Reserve Forces are being asked to do more than ever before and, in many cases, are being deployed to combat zones overseas multiple times. Ensuring that these troops have adequate facilities in which to train and maintain their equipment is crucial to the success of their mission. To that end, the conferees agreed to increase funding for Army Guard projects by 60 percent, a substantial amount; for Air Guard projects by 83 percent over the President's budget request. In fact, overall funding for Reserve components was increased by 52 percent over the President's budget request, dedicating $1.1 billion for new facilities for our Reserve bases. That is important, and it means that this committee has done an excellent job in recognizing the need.

In summary, I once again thank my chairman, Senator HUTCHISON. I not only enjoy her collegiality but her friendship as well. I want her to know that that means a great deal to me. I thank Chairman COCHRAN and Senator BYRD for their leadership. And I would like to thank our staffs who really worked in what I like to believe is a hallmark, sometimes, of this great body, which is bipartisanship. They have shown an unfailing spirit of cooperation. So thank you, Tammy Cameron, Sean Knowles, and Dennis Balkham for Senator HUTCHISON, and Christine Evans, B. G. Wright, Chad Schulken, and Chris Thompson of my staff.

I yield the floor.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, collegiality and bipartisanship is a

two-way street. You can't do it if only one person wants to do the right thing. I have worked with Senator FEINSTEIN. She has been chairman of our committee, and I have been ranking member. I have been chairman, and she has been ranking member. We have always come together to do what is right for the military personnel who are defending our country as we speak today. We both believe in quality of life, good housing, good health care facilities, good childcare facilities, and all the things that we can provide in the purview of our bill. And now we have the veterans, which has been added to our bill this year, which is a great opportunity for us to continue to say thank you to those who have preserved the freedom for our generation.

We have come together on the goals, and I could not ask for a better partner.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Texas.

Mrs. HUTCHISON. I so appreciate that we can do this in the Senate, which is what we ought to be doing in every committee. I hope by our ability to do this—frankly, the Appropriations Committee, in general, does so—we will be able to create a better America for all of our constituents.

I thank the Chair and yield back all of my time.

Mrs. FEINSTEIN. I do, as well, Mr. President.

Mrs. HUTCHISON. Mr. President, we have already passed the resolution. When it comes from the House, we have deemed that it would be passed here.

With that, 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. SESSIONS. 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.

THE PATRIOT ACT

Mr. SESSIONS. Mr. President, I would like to share some thoughts on the PATRIOT Act which, unfortunately, seems to have reached an impasse. That is distressing to me. I can't imagine that we have allowed this to happen. It is very disappointing. The American people need to understand how important the act is and how little it impacts the liberties which we cherish and how carefully it was crafted so as to not impact our liberties. I would like to share a few thoughts about that.

Many of the key provisions of the act are scheduled to sunset at the end of this year. We will now presumably have to try to come back, in the few days we have in December, to complete the work. That is a very risky thing. We should complete this work today. Remember, those who do not sign up for this legislation, this conference report, or support it and do it today, giving us time to vote on it before we leave for the year, are risking letting the PATRIOT Act expire. And with its expiration, the walls that prohibited our governmental agencies from sharing critical intelligence information will go back up. Those are the very walls that were structured between the FBI and the CIA and other agencies that blocked the sharing of intelligence information that, in retrospect, we believe could possibly have allowed us to find out about and stop the 9/11 attacks. Perhaps not, but those walls, those failures to be able to share intelligence between those agencies were a critical factor in our lack of cooperation prior to 9/11.

We passed the PATRIOT Act to fix that. It has worked extremely well. We should not go back to that time of the great walls.

The PATRIOT Act has, without doubt, made us immeasurably safer. I fully support the act's provisions as originally passed. The main goal of the act was then, and remains today, very simple: to give Federal law enforcement officers, the FBI, and other agencies the same tools to fight terrorists and agents of foreign powers as the tools they have—and virtually every law enforcement officer at the county, city and State level have—to fight other type criminals, drug lords, murderers, and even white collar tax evaders.

I do not believe we acted too hastily in passing the PATRIOT Act. We were focused on this act. We made a commitment not to alter any of the great protections that we had. We negotiated it intentionally. People made the most outrageous allegations and had the most incredible misinformation about what was in it. By the time we completed the intense negotiations and debate for weeks, it was voted for in the Senate by an overwhelming bipartisan majority of 98 to 1. The House voted it with a huge majority also, 357 to 66. This year we passed the bill unanimously out of the Senate Judiciary Committee, a contentious committee, a committee which has civil libertarians on the right and the left. We voted it unanimously out of that committee, and the Senate passed it by unanimous consent. As originally drafted, the PATRIOT Act does nothing to harm the civil rights and liberties of Americans.

I want to talk about that just a little. The Department of Justice inspector general, Glenn Fine, an appointee of President Clinton, has investigated all of the claims of civil rights and civil liberties violations received by the Department of Justice under the act. The independent inspector general found no incident in which the PATRIOT Act was used to abuse the civil rights or civil liberties of American citizens or anyone else.

I do not believe portions of this act must be significantly revised, or have additional so-called protections added. And, I do not believe that sections of this act should be sunsetted. I will share with my colleagues the words of Attorney General Gonzales which he gave in a letter to our conferees as we tried to work out the final words for this act. He wrote to us and said—and no truer words have been spoken:

> The terrorist threat against this country will not sunset, and neither should the tools we use to combat terrorism.

Let me mention a few of the provisions of the act that give us the tools that are so important. One is the roving wiretap provision. Roving or multipoint wiretaps have been available to criminal investigators for many years. But section 206 of the PATRIOT Act made sure that this tool was also available for fighting terrorism. It allows the FISA court, the special foreign intelligence court, to authorize a wiretap to move from device to device as the target of the wiretap, the target of the foreign intelligence investigation, changes modes of communication.

So let me tell you, though this has been approved as a legitimate law enforcement tool, and should continue to be a law enforcement tool, it is not that easy to obtain, you really have to prove you need a roving wiretap. I was a Federal prosecutor for over 15 years, a U.S. attorney, and I personally supervised and prosecuted a lot of cases. Let me just tell you how it works.

In my 12 years as U.S. attorney for the Southern District of Alabama, I think maybe we had two wiretaps. These are very difficult to obtain. You have to have probable cause to believe that a person is involved in criminal activity. You have to identify how he is using communication devices and then submit to the court a memorandum—and the ones that I have seen were 60 to 100 pages of facts—to prove to the judge's satisfaction that we are not snooping on somebody who is innocent, but we are actually attempting to understand the scope of major criminal activity.

The way it is monitored and managed is incredibly important because you have to listen to it constantly. If they talk about their family, you are supposed to turn it off. You have to have people listening all the time so that you can catch the evidence you are seeking. It is very expensive. You don't do it unless it is very important.

So I have to say, Mr. President, it is so important in a terrorism investigation that agents have this tool when they are on to a group or entity that is not just selling drugs, as bad as that is, but are intent on blowing up and killing thousands of American citizens. And when you are on to them and they start using this phone and that phone and that phone and you have run back to court with your 60-page memorandum and find a judge and set up a hearing date and all that, by that time he has maybe gone to another phone, a cell phone, a pay phone, a phone in a motel, wherever he moves.

So it is perfectly appropriate to have a wiretap if it is approved by a court

upon sufficient showing of probable cause. That is no doubt. All this does is to say that you can get the ability to intercept communications on that individual and then can use whatever phone he is using. Previously, the tradition was that you would have the wiretap on a single telephone number. This makes it clear that the court decisions allowing roving wiretaps are the law of the land, and it also creates a standard as to how they should be approved and utilized.

So I think that is an important tool for investigators. Can you imagine how important that is to an investigative team that may be working on a dangerous terrorist cell? It could be the difference of life and death for thousands of American citizens.

Let me mention another provision of the act. The objections to this one are so amazing to me. It just breaks my heart that people seem to have as much confusion about it as they do. This is the delayed notice search warrant. Under section 213, the PATRIOT Act created a nationally uniform process and standard for obtaining delayed notice search warrants. The act's standard applies to delayed notice warrants sought in any type of investigation, not just terrorism investigations. Delayed notice warrants are explained by the August 29, 2005 letter from the Department of Justice. They said:

> A delayed-notice warrant differs from an ordinary warrant only in that the judge authorizes the officer executing the warrant to wait for a limited period of time before notifying the subject of the warrant because immediate notice would have an adverse result as defined by statute.

We must remember that delayed notice search warrants have been around for decades. As a matter of fact, I was reading a book not long ago about an organized crime matter that occurred years ago and they referred to a delayed notice search warrant. They didn't have any statutory standards for it at that time, but they asked the judge to allow them to delay notice, and the judge allowed it, and that process has been approved constitutionally.

The PATRIOT Act did not create any new authority or close any gap in delayed notice law because there was really no gap to close. It simply set a uniform statutory standard for getting permission to delay notice.

It is absolutely false to imply, as many have done, that these warrants are a way for the Government to ''sneak and peak'' into a civilian's home, papers, or effects without ever telling them. The truth is that they have to be told, but there is a delay between the search and when they are told. The critics have continued to suggest that these warrants are done without approval of a court, they want you to believe that because of the PATRIOT Act, the government can go into your house without a warrant and see what you have and never tell anybody that they have been there.

Nothing could be further from the truth. That is why this bill passed 98 to 1. We didn't write those kinds of broad provisions in this bill. We maintained the classic standard of approval of a search warrant, the probable cause standard and all that goes with it. The PATRIOT Act simply set an objective uniform standard for delayed notice.

Why is this important? Well, I could go into detail, but I would just ask you to imagine that one is surveiling a group that you have probable cause to believe is going to try to blow up an area of the United States and that you have probable cause to believe that they have planned to make a bomb. You could go in this residence while nobody is there pursuant to a search warrant on probable cause issued by a Federal judge and conduct a search. Normally, the only difference in these warrants is that you would normally tell the person whose house is searched immediately, and immediately report back to the Court. Here you have make a report but you don't have to tell the person you have searched their house until a later date set by the judge.

You may find in their house bombmaking materials papers on how to make a bomb, explosive devices, triggers, and those kinds of things. And it may be that from that you could obtain information from their house on who else was involved in the cell, to identify the entire ring, the entire cell, and arrest them all at once at an appropriate time. If you have to tell the person immediately, in some cases you risk tipping the whole group off and having them spread out like a covey of quail. That is what too often happens if you don't have this kind of tool. It is critically important to investigators trying to protect the United States of America that we preserve this section of the PATRIOT Act.

Section 215 of the PATRIOT Act allows the FBI to seek an order for the production of tangible things—books, records, papers, documents, and other items for an investigation to obtain foreign intelligence information. Basically, they are a form of subpoena authority. Section 215 orders must be preapproved by a judge and cannot be used to investigate ordinary crimes or even domestic terrorism. Opponents of section 215 have tried to create the impression that the FBI is using 215 to visit libraries nationwide in some sort of dragnet to check the reading records of everyday American citizens.

That is just not so. They have no interest in that whatsoever. Why would they? They are not doing that. I did get a letter from Rebecca Mitchell, director of the Alabama Public Library Service, who was critical of some of her colleagues who have been objecting to these provisions in the act. Her August 15 letter to me stated:

> I want to personally thank up for your strong leadership stand on the PATRIOT Act. Our libraries should not be a tool for terrorism. I know you have received negative comments from the American library association on your stand but this is not the opinion of most librarians in our State. Please continue to fight to keep our Nation safe.

Please understand that no provision of the PATRIOT Act, including section 215, even mentions libraries or is directed at libraries. Nevertheless, as Director Mitchell points out, it is important that library records remain obtainable as one of the tangible records that section 215 can reach. Intelligence or criminal investigators may have very good and legitimate reasons for extending to library or bookstore records. For example, investigators may need to show that a suspect has purchased a book giving instructions on how to build a bomb.

I prosecuted a guy who had already had one book written about him, and after the prosecution, they made a second movie about him. We conducted a search warrant, a lawful search warrant that was upheld. We found a book called ''Death Dealers Manual,'' describing how to kill people; and a book called ''Deadly Poison,'' describing how to make deadly poison. That was great evidence to use to show that he was more than casually interested in murdering people.

Andrew McCarthy, a former Federal prosecutor who led the 1995 terrorism case against Sheik Omar Abdel Rahman, recently elaborated on this point in an article in National Review Online. This is what he said:

> Hard experience—won in the course of a string of terrorism trials since 1993 [that he had personally been involved in] instructs us that it would be folly to preclude the Government a priori from access to any broad categories of business records. Reading material, we now know, can be highly relevant in terrorism cases. People who build bombs tend to have booklets and pamphlets on bomb making.

For heavens' sake, I would add, of course they do.

> Terrorist leaders often possess literature announcing the animating principles of their organizations in a tone tailored to potential recruits. This type of evidence is a staple of virtually every terrorism investigation—both for what it suggests on its face and for the forensic significance of whose fingerprints that may be on it. . . . If he [a defendant] claims unfamiliarity with the tenets of violent jihad, should a jury be barred from learning that his paws have yellowed numerous publications on the subject? Such evidence was standard fare throughout Janet Reno's tenure—and rightly so.

Of course, she was Attorney General under President Clinton.

So this occurs in every courtroom in America. Documents are obtained through subpoena. It is stunningly dangerous that we would not understand this concept and why it is needed in the context of terrorism investigations.

I will add just a few additional thoughts on obtaining records and documents. An American citizen has an expectation of privacy and it is the right of an American under the Constitution to be free from unreasonable—unreasonable—search and seizures is guaranteed by our Constitution.

Where do you have privacy rights? If you give someone your personal papers,

you turn them over to them, do you still have privacy rights if they were to read them? Certainly not. So the law has developed many years in this fashion. You have an expectation of privacy in those areas of your life where you have control—the inside of your automobile, the trunk of your car, the glove compartment of your car, your desk at your office, any part of your house, your garage, an outbuilding around your house that you have exclusive control over. Those are areas over which you have exclusive control, and you have an expectation of privacy. People cannot go into those places and seize anything you have there without probable cause or else it would be an unreasonable search and seizure.

But if you go to a motel and fill out a motel receipt and give it to the motel operator, it is not yours. It is the motel's document, it is a business record. If you go to a bank and you open an account and they keep all kinds of records of that account, they are the bank's records, not yours. Every person in that bank has access to those documents and records. If you make a telephone call, the words you use are yours, and you have an expectation of privacy between you and the person who receives the call. But the fact that you make a telephone call and the telephone company prints out a billing statement that has telephone numbers on it, that is available to anybody who works in the telephone company. That is not your record, it is their record. So you do not have the same privacy expectations, that is all.

The court has always understood that. This has never been in dispute. Every district attorney in America, all kinds of law enforcement officers, State and Federal, through subpoenas, without court approval, have been able to obtain those kinds of documents if the documents are relevant to an investigation they are undertaking.

I received telephone toll records in drug cases I prosecuted. These kinds of records could be relevant in a terrorist case, make no mistake about it. You check the telephone numbers they call, and they are calling a certain number in New York City. Maybe you have records from another person, and they are calling that same number at various times of the day, and maybe right before a terrorist attack occurred or right after an attack occurred, phone calls are going back and forth. That is real evidence of who may be involved in a terrorist cell or criminal drug enterprise. That is how investigators work every day. That is what juries expect to see when cases are prosecuted. To have this great fear that there is something in this act that in a significant way alters those classical powers of investigators to find out those who may be trying to kill us—it is just not true. It is an exaggeration. It is a concern that is not real.

This PATRIOT Act is about to expire. It would be an abdication of our responsibility as the Senate not to move this bill forward before the end of the year. Let's move it now. If we need to stay over the weekend, I am willing to do so. We can stay next week; I am willing to do so. It is important that we not allow this legislation to fail. I encourage the leaders on both sides to work toward achieving that goal.

TRIBUTE TO WILLIAM SMITH

Mr. SESSIONS. Mr. President, I wish to take a personal minute to share some thoughts and to bid farewell to my chief counsel on the Judiciary Committee, William Smith, who is sitting beside me. I know the Presiding Officer, the Senator from Georgia, knows Mr. Smith and admires him. He has been a great friend and a tremendous asset to this Senate. He will be returning to Alabama to practice at one of our State's most outstanding and prestigious law firms, Starnes & Atchison. Even more importantly, he will return to Alabama, accompanied by his soon-to-be bride, Diamond, to whom he will be married in early January.

But I am going to feel a great loss. The things he has done for me are innumerable, including helping us to prepare and pass this great act, the PATRIOT Act. Each day we have worked together, William has shown an unwavering dedication to his State, to his country, to me, and to the values we share. His passion for the law is unmatched, and his commitment to the rule of law is unwavering. I trust his judgment, and I have relied on him to manage our staff and our issues, confident that his work ethic and his ideals are beyond reproach.

Before joining the Senate, William had a distinguished legal career, having served as staff attorney on the Alabama Supreme Court and having taught at both Duke University School of Law and the University of Southern California School of Law.

In 2001, he moved to Washington, DC, to be my deputy chief counsel on the Subcommittee on Administrative Oversight and the Courts. He became my chief counsel the following year.

When William leaves the Senate at the end of this session, he will begin a practice focusing primarily on medical malpractice defense and commercial litigation. I have no doubt he will do well in this next venture of his life, and I have no doubt his principled approach, work ethic, and dedication are going to be difficult for this Senate to replace.

It is obvious my loss will be the State's gain. His presence in Washington was all our gain. William's work on the Senate Judiciary Committee is almost legendary. The Judiciary Committee takes an enormous number and wide variety of complex and sometimes controversial issues. It is one of the most demanding committees in the Senate.

To be successful as an attorney on that committee, you must not only be hard working and intelligent, but a public servant who routinely works long hours. You must also be a tough negotiator, able to frame your arguments in a strong but respectful and intellectually honest way. William does all of this with seemingly effortless skill.

Evidence of William's dedication to and influence on the committee and its staff can most clearly be seen by simply looking at what his colleagues say about him.

Ed Haden, my former chief counsel of the Courts Subcommittee and currently a lawyer with Balch & Bingham in Birmingham, says:

> William Smith is an example of a man who walks his principles. He is a Christian who lives it. He is a conservative who means it. He is a friend who is there for you. In a legislative body that fosters compromise, he will compromise on details, but not on his principle. How fortunate the United States Senate, the Judiciary Committee, and all of us who have worked for Senator SESSIONS have been to know and love this man.

Rita Lari Jochum, chief counsel for Senator GRASSLEY, says this:

> William Smith is a smart lawyer, a shrewd strategist, a dedicated public servant, and an all around great guy. He sticks to his principles and values, and has been a rock solid role model for many of us. The Senate will miss a much respected colleague, and I will miss a true friend. Even though he will no longer be walking the halls of the Capitol, he will not be forgotten.

Stephen Higgins, chief counsel of the Judiciary Subcommittee on Terrorism, Technology and Homeland Security, chaired by Senator JON KYL, says this:

> William Smith has an incredible love for this country and a great passion for his job. He is a devoted public servant and a forceful advocate for Senator Sessions.

Mary Chesser, chief counsel of the Judiciary Subcommittee on Corrections and Rehabilitation, chaired by Senator TOM COBURN, says this:

> William is a great American, leader, mentor, and friend. His diligent work on the committee constantly inspires his colleagues. I feel honored to have worked with him. He has always represented Senator Sessions and the people of Alabama with impeccable character, wisdom, and insight. He will be missed.

Chip Roy, senior counsel for the Senate Judiciary Subcommittee on Immigration, Border Security and Citizenship, chaired by Senator JOHN CORNYN, says this:

> William Smith has served the U.S. Senate admirably and with conviction. He personifies conservativism and the simple idea that there ought to be a limit to what we do here in Washington. While many staffers and members alike, Democrat and Republican, seem to succumb to the misguided notion that more government is better, William stands solidly on his strongly held belief that this simply is not the case. I will miss his strong sense of patriotism and his strong Christian faith, each of which serve as an example for all.

James Galyean, chief counsel on the Judiciary Subcommittee on Crime and Drugs, chaired by Senator LINDSEY GRAHAM, says this:

William Smith is a man of sterling character, devout faith, and unwavering integrity. Senator Sessions, Alabama, and the Nation have been well served during his time on the Committee. And while his presence and influence will be missed, we look forward to great things from him in the future.

And indeed we do.

Ajit Pai, chief counsel on the Judiciary Subcommittee on the Constitution and Civil Rights, chaired by Senator SAM BROWNBACK, says this:

William Smith is a tenacious advocate, a firm defender of principle, and an expert on the many rules of this institution. To me and others fortunate to know him well, he is also known as a good man and a great friend. He leaves the Judiciary Committee with a solid professional and personal record, and I wish him all the best as he makes a well-deserved return home.

Amy Blankenship, legislative counsel to Senator SAM BROWNBACK, says this:

Perhaps William's greatest gift is teaching. He exemplifies the kind of staffer we all want to be—thorough, prepared, and committed. Though some may disagree with his views, no one can question his commitment to uphold the principles he believes in.

The respect, loyalty, and friendship William has won from his colleagues extend well beyond the Senate Judiciary Committee and its staff.

Alan Hanson, my legislative director, says this:

Exceeding his commitment to the United States and its Constitution, which is indeed great, William Smith is a committed Christian and friend—both of which are in far too short supply in this day and age. His happy departure is the United States Senate's unfortunate loss.

Steven Duffield of the Senate Republican Policy Committee says this:

William is a real American who loves his country and cherishes the Constitution. He never hesitates to stick his neck out to defend both.

Allen Hicks, chief counsel for Senate Majority Leader BILL FRIST, says:

William is an anchor for conservative principles in the midst of shifting political winds. In leadership, we could count on him to represent views on issues clearly and articulately, without hesitation or equivocation. The Senate will miss his candor and his passion, and we wish him and his future bride all the best.

Ed Corrigan, executive director of the Senate Steering Committee, says this:

William Smith is known on Capitol Hill for his wisdom, cheerful banter, and an unflinching commitment to principle. Even his political adversaries have come to respect and admire him. The Senate will miss William, as will the countless number of us who are fortunate to call him friend.

John Abegg, legal counsel for Majority Whip MITCH MCCONNELL, whom I see on the floor, said:

I have enjoyed working with William very much. William is a man of high principle. He is devoted to the Constitution and to his country. He is an excellent lawyer, a straight shooter, and a real leader. He will be missed.

Mr. MCCONNELL. Mr. President, will the Senator from Alabama yield?

Mr. SESSIONS. I will be pleased to yield.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that I be allowed to make an observation rather than ask a question.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, William has many friends in the Senate, both Senate staffers and Members of the Senate. I was listening to my friend from Alabama discuss William's distinguished career on my television monitor, and I decided to come over and make an observation, if it is appropriate.

I remember running into William one time. I said:

What is your principal duty with Senator Sessions?

He said:

Well, it's to keep him from drifting off to the left.

I say to our friend William: You have done a good job of keeping Senator SESSIONS from drifting off to the left. You have had a distinguished run here in the U.S. Senate, and I am sure I am not the only Member of the Senate who hopes we will see you again in public service some day. I wish you well in your new endeavor.

Mr. President, I yield the floor.

Mr. SESSIONS. I thank the Senator from Kentucky for his remarks. So many of the Senators whom I have talked to feel the same way. Many have come by, Chairman SPECTER, Senator DOMENICI, and others to speak to William.

He will be here a few more weeks, but we will be out most of that time so this is probably our last time to get together.

Let me keep reading what William's colleagues have told me about him.

Wendy Fleming, legislative counsel to Senator DAVID VITTER, says this:

William Smith is truly a great American. He has a tremendous respect for the Constitution and the courage to stand-up for his core values. It was an honor to work for him.

William Henderson, counsel for Senator JIM BUNNING, says this:

Three of the things Americans cherish the most are God, country, and family. That is as true for William as anyone. Every day he lives his Christian faith. He works with a love of this country and defends the Constitution. Now he is leaving to start a family. William has been a great friend and teacher to me, and I am better for knowing him.

Chris Jaarda, legislative assistant for Senator JOHN ENSIGN, says this:

Every American should know the name William Smith and the character that he possesses while working on their behalf. His commitment to principle and respect for the rule of law, is unquestioned. Were William your lawyer, you would be served by a skilled advocate, committed to the highest standard of ethics and professionalism. Were William your judge, you would observe someone with the utmost respect for the Constitution and our laws. Were William your friend, as he is mine and countless others who serve in the Senate, you would be blessed; better for knowing him.

Chad Groover, counsel to Senator CHUCK GRASSLEY, says this:

William and I came to the Senate Judiciary Committee the same day, April 16, 2001. From that day on, William has been a close friend, mentor, and encourager. His strong Christian faith and unwavering commitment to conservative principles have been an example to me. The American people are truly better off because of William's service. He took to heart the adage that ''the government is best that governs least'' and, consequently, never let a bad bill go unchallenged. William represents the best there is in public service. I'll miss working with him on the Judiciary Committee, but I know that in Alabama he will continue to serve his Country and his Savior with the utmost distinction and fervor.

Drew Ryan, director of Government Affairs for The American Center for Law and Justice, says this;

William Smith is a man of character, a man of vision, and best of all, a man strong in his faith.

Tim Chapman, senior congressional liaison and national political writer for Townhall.com, says this:

William Smith's steadfast adherence to conservative principle has been an inspiration to me both personally and professionally. He is a man of character who our organization could always count on to put principle ahead of politics. His absence from the United States Senate and from the Judiciary Committee in particular, will not to without notice.

It is clear that William has influenced a great number of his colleagues and leaves behind a committed group of friends dedicated to advancing this great Republic's founding principles of federalism, liberty, and democracy. He will undoubtedly be missed by them, as he will be missed by me. He has served me and our State faithfully and tirelessly and in doing so has served our great Nation immeasurably.

Let me say I am already looking forward to working with him again after he goes back to the great State of Alabama. I have no doubt that he will continue to work toward the greater cause of service to his fellow man.

William, we appreciate you. No one has given more to this country. From the time you get up in the morning until the time you go to bed at night, you are committed to doing the right thing for this country. I love you for it. Your friends love you for it. God bless you in your future endeavors.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have been recognized. I notice that Senator HARKIN is in the Chamber. How much time would the Senator like?

Mr. HARKIN. About 15 minutes.

Mr. DOMENICI. Mr. President, am I recognized?

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, does the Senator from Alaska have a question? I understand it is her time to take the chair and preside. I ask the Senator if there is something this Senator from New Mexico could do for her? What is going on?

Ms. MURKOWSKI. Through the Chair, to the Senator from New Mexico, I have about a 3-minute statement.

If I could have the indulgence of doing that before I serve as the Presiding Officer, I would appreciate that from the Senator.

Mr. DOMENICI. Obviously, we have to get consent because I am next.

I ask unanimous consent that Senator MURKOWSKI be given 3 minutes at this point and then the Senator from New Mexico be recognized for up to 10 minutes, followed by Senator HARKIN. Is that correct, the Senator wants to be next after the Senator from New Mexico?

Mr. HARKIN. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

RURAL TEACHER HOUSING ACT OF 2005

Ms. MURKOWSKI. Mr. President, I appreciate the indulgence of my colleagues this afternoon.

I rise today to talk about a bill that I introduced last week that will have a profound effect on the retention of teachers, administrators, and other school staff in remote and rural areas of Alaska. This bill is the Rural Teacher Housing Act of 2005.

In rural areas of Alaska, we have school districts that face enormous challenges of recruiting and retaining teachers, administrators, and other school staff. The challenges lie primarily in 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 those applicants who did not accept a teaching position in that district indicated that their decision was related to the lack of housing. When we talk about lack of housing, it is not they cannot find an apartment that is to their suiting or to their liking, the fact of the matter is there is no housing available.

In 2003, I had the opportunity to travel through rural Alaska with then-Secretary of Education Rod Paige. I took him there because I wanted him to see the challenges of educating children in such a remote and rural environment. We went to the village school in Savoonga. We met the principal there. Secretary Paige was overwhelmed when the principal showed him the broom closet in the school, not to show him the school supplies but to let him know that this is where the principal of the school lived, in the broom closet in the school. This was because there was no housing in Savoonga for the teachers.

We met the special education teacher at the school, and she brought out the mattress that she sleeps on in her classroom every night. She does not have a home to go to. She does not have a space to call her own. Her classroom is her room, her house, her bed. The other teachers at the school shared housing in a single home.

When one thinks about that in terms of what the teachers do, needless to say there is no place for their spouse, so these teachers who are married—the teachers might be married, but the spouse might be living in another part of the State or, in the principal's case, his wife lived out of State.

Unfortunately, Savoonga is not an isolated example of the teacher housing situation in rural Alaska. Rural Alaska school districts experience a high rate of teacher turnover due primarily to the lack of housing. Turnover is as high as 30 percent each year in some of the rural areas with housing issues being a major factor.

So the question is, How can we expect our kids to receive a quality education when we cannot get good teachers to 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 the rural parts of the State 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 the State of Alaska's public housing agency. In turn, the corporation is authorized to provide grant and loan funds to rural school districts in Alaska for teaching housing projects. This legislation will allow the school districts in rural Alaska to address the housing shortage in the following ways: They can construct housing units, purchase housing units, lease housing units, rehabilitate, purchase or lease property on which the units can be constructed. They can repay loans secured for teacher housing projects and conduct other activities normally related to the construction, purchase, and rehabilitation of the teacher housing projects.

This also includes transporting construction equipment and materials to and from the communities in which these projects occur, which in the State is a particular concern because most of these communities are accessible only by air or water. Eligible school districts that accept funds under this legislation will be required to provide the housing to teachers, administrators, other school staffs, 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 the education of our rural students is at stake.

I thank my colleagues and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized.

SENATE MAJORITY LEADER

Mr. DOMENICI. Mr. President, I rise to congratulate the majority leader of the Senate, BILL FRIST. I do not do this because he is my good friend but because I want to make sure that we all understand that we have had an exceptionally productive legislative year. I thank him especially for his critical help in passing legislation in areas where I have been primarily responsible. In addition to that, I want to summarize the things that have been done this year under his leadership.

The reason I came to talk about this is because there is such an overwhelming, high-octane negativism in the air that one would hardly know the Senate was at work. There is so much politics going on that one would wonder whether the Senate is even functioning. Even on the floor there is an awful lot of polarization that has occurred. I do not say this in any real accusatory sense. It is true.

In spite of that, in his own way, the majority leader has very quietly and with very mature feelings and inordinate ability grasped details of legislation and has contributed immensely to a success story.

I would like to start by talking about matters that this Senator has particularly been involved in. We were able to pass in this body an Energy Policy Act. We have been working at that for almost a decade, but for the last 3 years we have tried each year and failed. This year, we got it done.

Obviously, something was done differently. That is, we attempted to create a bipartisan bill in the committee under my chairmanship, with the help of Senator BINGAMAN, and the majority leader, as leader in the Senate, should take great pride in that accomplishment, and we should as a Senate.

In addition, as it pertains to things the Senator from New Mexico works on, we sent to the President for his signature an appropriations bill that is called Energy and Water appropriations. That bill contained hundreds of millions of dollars that go to the storm-ravaged gulf coast. It is there to continue critical projects that are already started and moving along. They are projects that are needed. They are not part of the great concern about how much may be spent or should not be spent. These are public works projects in that four-State area that are important. I think that is very good.

In that bill, the nuclear armament programs of the United States went through to the President of the United States and also some very important nuclear nonproliferation activities.

In addition, the Energy and Natural Resources Committee was part of a reconciliation bill—let us call that the deficit reduction bill—that passed. The occupant of the chair in the committee that we served on contributed a piece of that. For the first time, we sent in such a bill for the start-up of the Alaska National Wildlife Refuge activity

where we will be starting to find out what is up there in terms of producing oil for the United States. That bill was a big achievement, $36 billion in deficit reduction. I guarantee that could not have been done without the help of the majority leader. So we got that done also with his very exceptional attention, his enlightened approach to getting people together. We barely did that, and without his help it would not have happened.

Finally, literally scores of small bills that are part of the Energy and Natural Resources Committee have passed the Senate within the last 2 days, for various things around the country. We thank him for getting that done. Yesterday, we passed big legislation and who would have thought 6 weeks ago we could pass it. It is the tax provisions of the Budget Act. We all know that that was hard. That extended the alternative minimum tax so it affects far less Americans in a negative way on the amount they owe to the Government. It extended research and development tax credits for American business so they can continue to invest in research. That whole bill had many items in it that are good for America's future. We got it passed. There are some things in it, obviously, that I do not like, and I hope some of those are not continued, because I think some of them are negative to the production of oil in the future, but overall, by an overwhelming vote, we passed a tax measure that moves us ahead. That was the strategy, for all of that was worked out with the help of our leader and the help of other distinguished Senators, including the chairman and ranking member of that committee.

I mentioned the Energy Policy Act, but let me back up to some other things people take for granted. They say, ''So what?'' We know our Founding Fathers said, with reference to bankruptcy in our country, the U.S. Government would have exclusive authority. For years we know the bankruptcy law of the Nation needed reform. How many times have we had bankruptcy reform on the floor only to see it fail? This year it finally passed. It will make those who file for bankruptcy slightly more responsible. That is, after they are finished, if they can by way of their job pay a small portion of what they owed, they will. That is all subject to criteria which the judges will administer so we are sure we are asking only those who can afford it to pay some. Finally, it was passed.

I say to the Senate that was a great credit to all of the Senate, but also to the distinguished majority leader for pushing, for exercising the dedication, and most of all, there is a certain steadfastness about this leader. He doesn't give up. He says what he is going to do. He stays right on it, and this is another example.

In addition, we have had the issue of excessive litigation. It still hangs over us like something we cannot quite fathom, but it is rampant. We were told the other day that American companies spend more on litigation than they do on research when you add it all up. That is a rather startling thing. This bill we passed will not fix that. Hopefully, sometime we will address it even more broadly. But we did pass a class action reform piece of legislation. We had only one part of that pass about 8 years ago. But this one makes it more difficult to abuse the class action litigation part of the Federal jurisdiction, where we use our Federal courts to accomplish class action suits. That is a great feather in the hat of the Senate because it has taken so long to get there. For that, we have to say to our majority leader: Thank you for your leadership. It is terrific.

The highway bill—let's leave aside the pieces of the highway bill. Let's talk about the overall funding of the highway system of America by the gasoline tax imposed on our citizens. That was tied up. It was supposed to have been passed 3 years ago. It got passed after that period of time. I think the absolute commitment it would get done, and the power of a majority leader's office, got us there. That is very important.

The Senate has passed all of its appropriation bills. It looks as though we may have been able to avoid an omnibus appropriation bill—or we are going to. Let's hope so. If we do, that will be a very big credit. But at least we are on the way. We have not gotten them all passed in both Houses, but they have all cleared this institution, which is a credit at this time of year. We don't do that very often. So that is another thing we can say that demonstrates we have had good leadership, good direction, and good pressure, the kind of positive pressure the Republican leader brings.

I am going to wrap up by talking about judicial appointments. I would be remiss if I did not mention that the United States of America has a new Chief Justice. It is pretty fair to say that the extraordinary patience and persistence of the majority leader got us to this place. The country is pleased with it. That is obvious. While they do not know everything about these nominees, they learn about our Supreme Court nominees because there is much openness. This man is ultimately a credit to the President for nominating him, the Senate for finally doing what they should, and to our majority leader for pushing it as he did.

Everybody has to acknowledge there are three or four things we must get done. They, too, are being looked at with the precision and the dedication and stick-to-it-iveness of our leader. They are right there on the horizon for next year.

I understand the asbestos quagmire is something people wouldn't think is big enough to be listed among the most important pieces of pending legislation. Let me say there is no question it is. Asbestos liability, for better or for worse, the reality of it, brings to the American economic system a chance, an opportunity, a probability of real job loss, fantastic economic degradation, and it must be resolved.

The leader has played a big role. Two Senators have been working on it on the majority side for years. Senator SPECTER is very close, with the help of our majority leader, to getting a package that can be bipartisan. That is next.

We know broad immigration reform is right up on the screen. That is very difficult. I say, and predict, since the majority leader says it is going to get done this coming year, I believe those who have been waiting are going to be able to say it will be done. I believe so.

Obviously, much more must be done. Other things we have passed are not very publicly known yet, and should be. I can't do much about it. But essentially, a bill on health technology passed last night without much ado. I say it is a giant step.

I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

Mr. DOMENICI. It is a giant step in the modernization of the delivery system, which will save money. I won't take much time, except to say the majority leader had a lot to do with that.

I failed to mention that while all of this was going on, that I mentioned the Senate passed an important bill, the free trade agreement, the Central American Free Trade Agreement. Who would have thought 6 months ago that this, too, would be in this litany of successes? But it is.

All in all, in spite of all the noise, in spite of all the bickering, in spite of everything that seems to be moving toward polarization and politicization in the Senate, we did get a lot done. I particularly think much of that is attributable to the distinguished majority leader, Senator BILL FRIST. I want to again indicate to him, from this Senator, my great appreciation for his work and my admiration for how he does that.

PROVIDING FOR ADJOURNMENT

Mr. DOMENICI. Madam President, I ask unanimous consent the Senate now proceed to the consideration of H. Con. Res. 307, the adjournment resolution, provided that the concurrent resolution be agreed to and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 307) was agreed to, as follows:

H. CON. RES. 307

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Friday, November 18, 2005, or Saturday, November 19, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, December 6, 2005, or until

the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, November 18, 2005, through Wednesday, November 23, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, December 12, 2005, or Tuesday, December 13, 2005, or until such other time on either of those days, as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

Mr. DOMENICI. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

PAKISTAN'S RECOVERY FROM EARTHQUAKES

Mr. HARKIN. Madam President, it has been nearly 6 weeks since Pakistan was devastated by one of the most powerful and deadly earthquakes in modern times. More than 140,000 people were killed or injured in the disaster. The earthquake left 3 million people homeless; hundreds of thousands of children were left without schools. More than a million jobs were wiped out.

I have come to the floor this afternoon to remind my colleagues that as we are prepared to leave town to spend the holidays with our families, to enjoy a wonderful Thanksgiving meal with turkey and all the trimmings, as we sit around our dining tables and warm houses with family and friends close by, and we give thanks for all our blessings, let's also pause and remember those halfway around the world who will not even have enough to eat that day, will not have a warm house, and who are facing a winter ahead of cold and deprivation. These are the people of Pakistan, one of our most important strategic allies in Asia, especially in the war against terrorism.

There are many difficult months and years ahead for the Pakistani people and the immediate danger is that the winter snows will now soon make relief efforts in Kashmir difficult and in some places all but impossible, even by helicopter. Americans can be very proud of the role our Armed Forces have played in relief operations in the earthquake zone. Immediately after the disaster struck, the United States offered Pakistan $156 million in aid. We deployed 950 soldiers as well as 24 helicopters. As I speak, a U.S. Army mobile surgical hospital is operating in Muzzafarabad, providing medical care to thousands of quake victims.

To give our colleagues and viewers watching on C–SPAN a better idea of the devastation in Pakistan, I share several photographs taken by a former member of my staff, Mr. Sam Afridi, who now works for the International Labor Organization in Geneva. Earlier this month he visited some of the most hard-hit areas, including Muzzafarabad, and Balakot. These pictures speak for themselves.

Here is Balakot police station with hardly a stone standing on top of another stone.

Here is another—devastation in the local neighborhood. As you can see, the resilience of the people—they are already setting up their fruit and vegetable stands to help out one another.

This is another indication of the devastation. Here you can see the U.S. Army Chinooks flying overhead in this picture.

Here is a picture of the Hizwan public high school. The earthquake killed 50 students, including the principal's son. You see all the clothes and the backpacks still left there.

Here is a project Mr. Afridi was involved in, the International Labor Organization Emergency Employment. They are hiring people to clean up the debris and move the debris out of the roads. They are working to clean up the devastation.

Here is a young child caught in the rubble in a full body cast. We hope he is going to be all right, but the child may be disabled for the rest of his life.

Here is a young boy, showing the crutches and the fact that, while we hope he can walk again, we don't know if he will ever walk again.

These are some of the images from a country that has been a great friend of ours and a great ally of ours for a long time. Even back during all of the years of the Cold War, Pakistan we could always reply on—always. They have fought beside us, side by side, in every war we have had, from the Korean war on.

We have done some things, as I mentioned, but we must do more. The Washington Post editorial pointed out this morning that, after the Indian Ocean tsunami that killed 200,000 people, the United States sent nearly $1 billion in government aid, 16,000 soldiers, 57 helicopters, 42 aircraft, and 25 ships—$1 billion. Thus far we have offered Pakistan $156 million.

We sent 16,000 soldiers after the tsunami. In Pakistan we deployed 950. After the tsunami, 57 helicopters, Pakistan 24.

While I am sure that aid is welcomed, what I am trying to point out is the devastation here was every bit as devastating; there were 140,000 Pakistanis killed in the earthquake.

Half that many are now homeless and facing a desperate winter without even as much as a tent.

The assistance we have offered Pakistan—one of our best friends and longtime allies, a crucial ally in our war on terror has been way too modest.

I ask unanimous consent to have the editorial from this morning's Washington Post printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 18, 2005]

WINTER IN KASHMIR

It takes advanced seismographs to anticipate earthquakes and computerized weather models to predict hurricanes. It doesn't take sophisticated technology to predict that leaving thousands without shelter in the freezing Himalayas will be disastrous. Unfortunately, however, predictability is not a predictor of action. With perhaps two weeks to go before snows close down the relief efforts that followed the Kashmir earthquake, it's not clear that enough has been done to avert a horrific secondary disaster.

Last month's earthquake caused an initial death toll of at least 74,000 and left perhaps 3 million people homeless. But so far only about 340,000 tents have been distributed. Doctors are trying to immunize 1.2 million children put at risk by bad shelter, diet and sanitation. But the immunization drive has only half the $8 million that it needs. Relief teams are trying to position stocks of food in remote villages before the snows come. But the food lift got underway belatedly, although donors led by the United States have provided helicopters.

As The Post's John Lancaster described it Sunday, the contrast with the Indian Ocean tsunami is distressing. After the tsunami, the United States sent nearly $1 billion in government aid, 16,000 soldiers, 57 helicopters, 42 other aircraft and 25 ships. After the Kashmir quake, the United States has offered Pakistan $156 million in aid, including military equipment; deployed 950 soldiers; and sent 24 helicopters. Aid that's available for immediate relief needs has been especially slow in coming. The United Nations has appealed for $550 million in emergency aid, but donors have pledged only $159 million.

The tsunami triggered a tsunami of generosity because it hit during the holiday season and because Western tourists were affected. But the logistics of getting relief into the Himalayas are more daunting; the weather is more punishing. While no deaths were linked to disease and hunger following the tsunami, the risk of an after-disaster in Kashmir is real. Add in Pakistan's two-headed role as an ally in the war on terrorism and an incubator of terrorists, and the case for scoring a combined humanitarian-foreign policy success by delivering more relief faster should be obvious. President Bush has sent Karen Hughes, his chief of public diplomacy, to Pakistan. But sending another fleet of helicopters would be even more helpful.

Mr. HARKIN. Madam President, as the editorial points out, we have a big stake in delivering much more generous relief to Pakistan. Largely because of the war in Iraq, America's standing in the Muslim world has fallen dramatically in recent years.

According to a recent Pew Center poll, only 22 percent of Pakistanis expressed a favorable view of the American people.

So clearly the aftermath of the earthquake is a chance for us to put our best foot forward, demonstrating our compassion, generosity, our friendship for the Pakistani people.

By reaching out to them in their hour of need, we can show the people of Pakistan that we see their country as more than a base for operations against terrorists.

To that end, I urge President Bush, Secretary of State Rice, and the Government to take a more assertive leadership role in rallying the international community to assist Pakistan. We can begin tomorrow at the International Donors' Conference in Islamabad. To date, the international community has only provided a quarter of the emergency relief that the United Nations requested for earthquake assistance in Pakistan.

Let me repeat that. The United Nations has appealed for $550 million in assistance for Pakistan, but donor nations have pledged only one-fourth of that amount.

In contrast, 1 month after the Indian Ocean tsunami, the U.N.'s emergency appeal was 99 percent filled. Now it is only a quarter filled.

Some good things are happening. For example, as I pointed out, the International Labor Organization has set up an emergency cash-for-work program in the earthquake region. People are being put to work making infrastructure repairs, removing debris, improving sanitation.

This is a picture of the International Labor Organization and their emergency employment and what they are doing.

The aim of this program is to inject cash back into the local economy, while helping people get back to work to support themselves.

According to my former staff member, Mr. Afribi, one of the participants in this program said to him, ''For every rupee we get for this work, it feels like 10 because we have earned it.''

So clearly these are people of pride and dignity and they are willing to work hard. They are looking for a handup, not a handout. It behooves us to be more generous and forthcoming than we have been to date. We need to continue to provide immediate emergency humanitarian relief. But we also need to tend to the longer term needs of the survivors.

Many children, as I have shown, have had amputations. They need to be cared for. Safeguards need to be put in place to ensure that their disabilities do not get in the way of their education. Past experience tells us that such children are vulnerable to being exploited in the workplace. In closing, we have an important mission here—to come to the aid of the Pakistani people in their moment of maximum need.

I have many good friends in the Pakistani-American communities. I have many good friends in Pakistan. I was privileged to visit there this September, the third time I have been to Pakistan. I traveled quite extensively in the country. The Pakistani people are wonderful. They are highly educated and skilled. The Pakistanis in America, who have come to make a better life for themselves, are doctors, surgeons, engineers, and so on. Many of them have called me, eager to get involved in the relief in Pakistan.

We ought to be looking for ways for the USAID to provide a way for these people to go to Pakistan, under the American flag, for a period of weeks or months so they can put their talents to use in assisting the earthquake victims.

This would send a powerful message of friendship and good will of the American people to the Pakistani people.

I urge my colleagues to remember the pictures I have shown and to remember, this Thanksgiving week coming up, the millions of poor people in Pakistan whose lives were shattered in only a few minutes, one of the most devastating earthquakes to ever hit our planet. They are struggling to put their lives back together. We need to do more—again, both in terms of short-term relief and long-term reconstruction. Time and again, Pakistan has been there for us. Time and time again, from the beginning of the Cold War, when they allowed our U–2 flights to fly from Peshawar over the Soviet Union, all through the Cold War, the Korean war, the Vietnam war, Haiti, everywhere we have been, the Pakistanis have been by our side. Now it is our turn to be there for the people of Pakistan in their hour of need. During this Thanksgiving week, let us resolve to do better than we have done in the past.

I urge the President and the Secretary of State at the Donors' Conference tomorrow in Islamabad to step forward to lead the international community to do better than they have done in the past.

I yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

IRAQ

Mr. BYRD. Mr. President, as we look out the window in most of our great country, we can witness the season change, the change in the season, and we can feel it. The air has become crisp with autumnal chill. The leaves on the trees change their color; from the exuberant, green lushness of the summer months to the tired, brown, yellow, and red of the autumn, much like the graying hair of a man advancing in age.

Nature can sometimes mimic human events with a subtlety that no words can quite convey. As our country heads into the season that is celebrated with the love of family and the love of home, Americans should also look across the landscape of America and reflect upon the loss of so many young Americans in the 12 months since autumn last fell upon us.

Think about it. In the past year, more than 820 servicemembers have lost their lives in Iraq.

The evening news features pictures of American troops who have perished in service to our flag, in service to our country. I am struck by these colorful mosaics of these troops, amen; the green and blue of their uniforms set against the background of the bold colors of our flag, Old Glory, Old Glory. Each of these proud troops holds an expression of pride and courage, even though many of them appear to be so young. Note their ages—18, 19, 20, 21—just starting out in life, having one full glance of what is around them.

I can only imagine the grief of their loving families during this time of the year, as the somber tones of fall contrast with the joy of being with family during the upcoming holidays. I pray that God, Almighty God, will comfort those who have suffered losses, that He will bless the fallen in their everlasting life, and that His hand will protect those who still serve in harm's way.

That so many have sacrificed during this war in Iraq is reason enough to ask questions about our Government and about our Government's policy in that faraway land. Our troops continue to shed their blood, and our Nation continues to devote enormous sums of our national wealth to continue that war.

The Constitution protects the American people from unjust laws that seek to stifle the patriotic duty to question those who are in power. But it is the courage of the American people that compels them to actually speak out when those in power call for silence. If anything, attacks on patriotism of freedom-loving Americans may result in even more Americans fighting against attempts to squelch the constitutional protections of freedom.

Since our country was sent to war on March 19, 2003, 2,073 American men and women have been killed. Yes, 2,073 Americans have died. Nearly 16,000 troops have been wounded.

Our military is straining under the repeated deployment of our troops, including the members of the National Guard. They come from all walks of life. They are lawyers. They are teachers. They are preachers. They are coal miners. They are farmers. More than $214 billion has been spent in Iraq and the end is not in sight. More than $214 billion spent in Iraq and the end is not in sight. Urban combat takes place each day, every day, in Baghdad, all day long. Every day and night.

Veterans hospitals in our own country are threatened by budget shortfalls, and yet Americans are still left to wonder, when will our brave troops be coming home? When?

I opposed this war in Iraq from the outset. From the beginning I spoke out against our entry into this war. I pleaded with my colleagues. I pleaded with the White House. I asked questions that have not been answered. I spoke out against the invasion of a country which did not pose an imminent threat to our national security. I said so then—and I was right. I opposed the war in Iraq from the outset. From the word go, I opposed it. But our troops were ordered to go to Iraq and they went.

The question is, now, when will they come home? The administration has so far laid out only a vague policy, saying our troops will come home when the Iraqi Government is ready to take responsibility for its country. When our troops are no longer needed, when the job is done, they will come home. We will not stay a day longer than we are needed.

That sort of political doublespeak is small comfort to the mothers and the fathers of our fighting men and women, the mothers and fathers who turn and toss upon their pillows, whose tears wet the pillows, whose prayers break the silence of night. Oh, when will they come home? Bring my boy home. Oh, God, this awful war.

Wednesday evening the Vice President of the United States, even claimed that criticism of the administration's war in Iraq was dishonest and reprehensible. Did you hear that? Hear me, now; let me say that again: On Wednesday evening the Vice President of the United States, the man who is within a heartbeat of being the President of the United States, the Vice President of the United States even claimed that criticism of the administration's war in Iraq was ''dishonest and reprehensible.''

Since when are we not to lift our voices? Are the American people not to lift their voices in criticism of the administration's war in Iraq? Is it dishonest on the part of the American people to do that? Is it reprehensible on the part of mothers and fathers of sons and daughters who were sent to that most dangerous country in the world? Is it reprehensible? Did the Vice President measure his words? The Vice President's comments come on the heels of comments from President Bush, who said:

> What bothers me is when people are irresponsibly using their positions and playing politics. That's exactly what is taking place in America.

Listen to that. The President and the Vice President need to reread the Constitution, take another look at that inimitable document. Asking questions, seeking honesty and truth, and pressing for accountability is exactly what the Framers had in mind. What would George Washington say? What would Alexander Hamilton say? What would James Madison say? What would Gouverneur Morris say? What would James Wilson say?

Questioning policies and practices, especially ones that have cost this Nation more than 2,000 of her bravest sons and daughters, is the responsibility of every American and is also a central role of Congress as our duty as the elected representatives of a free people. We—you, you, you and I—we are the elected representatives of the American people, the people all over this vast land, its plains, its prairies, its mountains, it valleys, its lakes, its rivers, its seas. Yes, we are the men and women who are tasked with seeking the truth. Is that irresponsible to seek the truth?

But instead of working with the Congress, instead of clearing the air, the White House falls back to the irksome practice of attack, attack, attack; obscure, obscure, obscure; attack. The American people are tired of these reprehensible tactics. If anything is reprehensible, it is these tactics.

Circling the wagons will not serve this administration well. What the people demand are the facts. They want the truth. They want their elected leaders to level with them. And when it comes to the war in Iraq, this administration seems willing to do anything it can do to avoid the truth, a truth I believe will reveal that the Bush administration did, indeed, manipulate the facts in order to lead this Nation down the road to war. War. War.

The administration claims that the Congress had the same intelligence as the President before the war and that independent commissions have determined there was no misrepresentation of the intelligence. But neither claim is true. The intelligence agencies are under the control of the White House. All information given to the Congress was cleared through the White House. And the President had access to an enormous amount of data never shared with the Congress. There was a filter over the intelligence information the Congress received. That filter was the administration, which is actively engaged in hyping the danger and lusting after this war, this terrible war in Iraq.

Remember the talk of weapons of mass destruction? Remember the talk of mushroom clouds? Remember? Remember the talk of unmanned drones? The so-called proof for war was massaged before it was sent to Congress, to scare Members, and leaked to reporters to scare people.

No independent commission has stated that the case for war was indisputable. Commissions have looked at how the intelligence fell short, but none have yet examined possible political manipulation.

Even the Senate Select Committee on Intelligence slowed its examination, stalled its examination of possible White House manipulation. My colleague from West Virginia, the ranking member of the Intelligence Committee, Senator Jay Rockefeller, is rightly pressing for answers.

Right now we are engaged in a mission with no definition. That is troubling because without a clearly defined mission, it is impossible to determine when our effort is truly accomplished.

This week, the Senate had the opportunity to establish some very basic benchmarks for progress in Iraq, benchmarks that would have clearly outlined goals and provided accountability in meeting those goals. The proposal, offered by the senior Senator from Michigan, Senator Carl Levin, was a modest, flexible approach that would have given our troops, their families, the American people, and the Iraqi people some basic guidepost. Unfortunately, the Senate turned its back. It could not see the wisdom of this approach. It could not bring itself to see the wisdom of the approach.

So, my fellow Senators, it is vital that we have benchmarks against which to gauge our progress. That is how we can measure effectiveness and, most importantly, how we know when the job is done. The administration's strategy of keeping our troops in Iraq for as long as it takes—have you heard that before? Keeping our troops in Iraq for as long as it takes?—that is the wrong strategy. Who knows how long it will take for the Iraqi Government to institute order in that fractured, unhappy, miserable country?

Unfortunately, the questions that the American people are asking about the missteps and the mistakes in the war in Iraq are not being answered by this White House, not being answered by the administration. Vice President CHENEY has dismissed these important questions as ''making a play for political advantage in the middle of a war.''

Now, listen to that. The Vice President of the United States has dismissed these important questions as ''making a play for political advantage in the middle of a war.'' How about that?

Perhaps the Vice President should question White House aides about using war for political advantage. For example, on January 19, 2002, the Washington Post reported that Karl Rove—get this—advised Republicans to ''make the president's handling of the war on terrorism the centerpiece of their strategy to win back the Senate and keep control of the House in this year's midterm elections.'' Does the Vice President have anything to say about that?

Let me say that again. On January 19, 2002—I read about it at the time; I did not miss it—the Washington Post reported that Karl Rove advised Republicans to ''make the president's handling of the war on terrorism the centerpiece of their strategy to win back the Senate and keep control of the House in this year's midterm elections.'' That was said on January 19, 2002. That was quoted in the Post on that date. Yes, does the Vice President have anything to say about that?

The Vice President also lashed out at those who might deceive our troops:

> The saddest part is that our people in uniform have been subjected to these cynical and pernicious falsehoods day in and day out.

Now, listen to that. Was the Vice President trying to clarify some of his past statements on Iraq? Was he?

On March 24, 2002, the Vice President said that Iraq ''is actively pursuing nuclear weapons at this time.'' There was no doubt about it, to listen to the Vice President—no doubt.

On August 26, 2002, the Vice President said:

> Simply stated, there is no doubt that Saddam Hussein now has weapons of mass destruction. There is no doubt that he is amassing them to use against our friends, against our allies, and against us.

Let me go back and read the quote. Let me repeat it.

On August 26, 2002, here is what the Vice President said:

> Simply stated, there is no doubt—

Get that—

> Simply stated, there is no doubt that Saddam Hussein now has weapons of mass destruction. There is no doubt that he is amassing them to use against our friends, against our allies, and against us.

That is the end of the quotation.

On March 16, 2003, the Vice President said:

> We will, in fact, be greeted as liberators.

Do you remember that?

On March 16, 2003, there it is, the Vice President said:

> We will, in fact, be greeted as liberators.

Are these the ''pernicious falsehoods'' that the Vice President believes our troops have been subjected to? That is, of course, a rhetorical question. Far from questioning his own statements about the war in Iraq, the Vice President's comments are a hamhanded attempt to squelch the questions that the American people out there are asking about the administration's policies in Iraq. The American people should not be cowed. They should not be intimidated. And Senators should not be intimidated by these attempts to intimidate. The American people should not allow the subject to be changed from the war in Iraq to partisan sniping in Washington.

Instead, the American people must raise their voices—hear us—the American people should raise their voices—hear us, listen to us—the American people must raise their voices even louder to ask the administration the same simple questions: What is your policy for Iraq? Answer that. What is your policy? Is it stay the course? When will the war be over? How many more lives will this war cost? When will our troops return home?

Mr. President, the holiday season is almost upon us. Americans will soon sit down at their Thanksgiving tables. They will gather together to give thanks to Almighty God, give thanks to Him for the blessings that have been bestowed upon America's families. As we gather, there will be an empty seat at many tables. Some chairs will be empty because a service member is serving his or her country in a faraway land. Other seats will be empty as a silent tribute to those who will never, never return.

Each of these troops has fought to protect our freedoms, including the freedom of Americans to ask questions—yes, the freedom to ask questions. Our troops have fought for that freedom—people back home, their families, might ask questions, their friends might ask questions—the freedom to ask questions of their Government, the people's Government.

The whole picture, the truth is that the continued occupation of Iraq only serves to drive that country closer to civil war. They do not want us there. They do not want us there.

How would you feel, Senators, how would you feel if our country were invaded by another country? You would want them out. You would do anything you could to get them out. American troops are now perceived as occupiers, not as liberators. The longer we stay, the more dangerous Iraq becomes, and the more likely it is we will drive the future government further from a democratic republic and closer to religious fundamentalism and, not insignificantly, the more American and Iraqi lives will be lost—forever.

I, for one, believe that it is time to say ''well done''—''well done''—to our brave fighting men and women. May God bless them one and all. Let us say, job well done, and start to bring the troops home.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURNS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO LILY STEVENS

Mr. BYRD. Mr. President, last night, as the Senate was working into the late hours of the night and tensions were running high, our esteemed and beloved colleague, the former chairman of the Senate Appropriations Committee, took me by the arm and pulled me aside. There was something he wanted to show me. There was something that my esteemed and beloved colleague, TED STEVENS, wanted to say to me and wanted to show me. There was something he wanted to show me. It was an article that his daughter Lily Stevens had written about the U.S. Capitol, and he wanted to share it with me.

I was touched by this. I know Lily. What a prodigious memory she has. Ah, what a rose in full bloom, what a lovely woman, Lily. She adores her father. He adores her.

With everything that was going on in the Senate at the time, Senator STEVENS was showing a father's pride in his daughter's accomplishment.

I have literally watched Lily grow up. In her article, she points out that her father was already a Senator when she was born, and while she was a baby, her father would bring her to the Capitol—I have seen him many times—and carry her around in a basket. I remember that, just as I remember how she attended a number of my parties, and I attended a number of hers.

I watched her grow into the remarkably—talented person she is today. She is a graduate of Stanford University and is currently a law student at the University of California at Berkeley. Lily is not only prodigious and intelligent, but she also is a polite, courteous, gracious, and charming young lady. Senator STEVENS is so proud of her, and he has a right to be.

The article his daughter wrote is an outgrowth of her senior thesis at Stanford University, and as I read it, I understood why Senator STEVENS was so excited about it and why he wanted to share it with me. Titled, ''The Message of the Dome: The United States Capitol in the Popular Media,'' the article explores the ways in which the Capitol has served and communicated with the general American public over the years. It discusses the Capitol as a symbol to the American people and how the meaning of that symbol has changed over time.

This beautifully written article skillfully conveys the sense of wonder that awaits every first-time visitor to Capitol Hill. With a trip to the Capitol, Lily points out, a visit to Washington goes well beyond ''a vacation in the leisure sense.'' It becomes ''an education journey, one in which the visitor can learn more about the government and the history of the United States.''

And Lily's article makes fascinating and intriguing points about this building in which her father, Senator TED STEVENS, and I work. Visitors to the Capitol, Lily Stevens writes, while sharing certain common experiences, still find their own individual interests. As she quotes one author: ''The Capitol means many things to many people.''

Lily Stevens makes the point about how the Capitol functions as a ''national shrine,'' a place for appreciating our democratic form of government and for praising our Nation, our history, and our national leaders. And she explains how, over the years, the Capitol has functioned as a church. Indeed, religious services were once held in this building. And the Capitol still performs many functions that are religious in nature, like funeral services for certain national leaders. Statuary Hall, she points out, can be seen and interpreted as ''an American Westminster Abbey.'' How about that?

There is so much fascinating reading in this article, I could speak long about it. I am asking that it be printed in the CONGRESSIONAL RECORD, and I urge all my colleagues to read it. I promise you, you will enjoy it.

Senator TED STEVENS is also entitled today to his own personal congratulations. Why? Today, November 18, is Senator STEVENS' birthday. How about that? Senator STEVENS' birthday, today. A wonderful man, a great legislator. Today Senator STEVENS is 82 years young. Oh, to be 82 again. Just to be 82 again, oh, my. I said to Ted: ''The next 5 years are going to be the heaviest, Ted.'' I know. Five years ago I didn't need those canes, no. My feet and legs were still good.

Senator STEVENS and I have worked together in the Senate since 1968, and we have been on the Senate Appropriations Committee together since 1972. In all this time together, I have always known Senator TED STEVENS to be an

outstanding Senator, a great colleague, and a trusted friend. Oh, I realize he may grumble every now and then. He is getting a little bit grumbly. But you can forgive him for that.

You never have to be concerned about turning your back on him. He is honest. He is straightforward. And his word is his bond. Over the years we have had our spats, but never once did I doubt our friendship, our admiration for this country, its flag, each other, and our ability to work together.

So today, TED, I say in the words of the poet:

Count your garden by the flowers,
Never by the leaves that fall.
Count your days by the sunny hours,
And not remembering clouds at all.
Count your nights by stars, not shadows,
Count your life by smiles, not tears.
And on this beautiful November afternoon,
Senator STEVENS, count your age by friends,
not years.

I conclude my remarks by again congratulating Senator STEVENS on his 82nd birthday and on his beautiful daughter's marvelous work. I thank TED STEVENS for being a superb colleague and a great friend, a great servant of his people in Alaska, and for sharing Lily's article with me.

I ask unanimous consent to print the article in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

''THE MESSAGE OF THE DOME:'' THE UNITED STATES CAPITOL IN THE POPULAR MEDIA, 1865–1946

(By Lily Stevens)

Anyone who has spent a considerable amount of time in the nation's capital has a particular experience with the white building on the Hill. Growing up in Washington D.C., I never lost the wonder and excitement of visiting the Capitol. I cannot remember the first time I entered the building, as it was in a small basket carried by my father. He was elected to represent the state of Alaska in the Senate before I was born. As a little girl, I loved walking up the marble stairs within the building, feeling the grooves worn into the center of each step. I would run my hand up the shiny round banisters attached to the wall and shuffle my feet along step after step. The Capitol was a wondrous place that always seemed to be changing. I could have run for hours around the big tile circles on the floor, following one pattern until it made me so dizzy that I lay on the ground laughing, staring at the tall ceiling, until I got up to start my game again.

There were just so many things to look at: the marble heads on stands that towered above me, the paintings on the walls and ceilings, the many people who crowded the halls. Every time I walked into the Rotunda, I would lay my head down on the white circle that represents the center of Washington so that I could see all of the figures on the ceiling. My next stop in the Rotunda would be my favorite painting so that I could count the eleven toes on one barefooted man. In Statuary Hall, I would look for King Kamehameha, with his brilliant gold clothes. When I left the room, my neck would hurt from looking up at his enormous face, looming over six feet above mine. As I grew older, I knew every ghost story, and loved to tell the tales of Lincoln being spotted in his tall hat before stepping through walls, of the large cat that would appear in the Rotunda and continually grow larger until it would finally disappear. I knew where alcohol was hidden during Prohibition, where the bomb had gone off in the early 1980s, and where to stand to hear the whispering secrets of Statuary Hall.

My fascination with the Capitol led me to this project for my undergraduate honors thesis at Stanford University. I wanted to explore the ways in which the Capitol has served and communicated with the general American public. I wondered why so many visitors had entered the Capitol, and what they were looking to find. In my thesis, I explored what the Capitol had symbolized to Americans and whether its meaning had changed over time. I thought of the many images and references to the Capitol that I had seen in the popular media and wondered how the building had been shown and described since its construction. In this excerpt, which include the first chapter, ''All Roads Lead to Washington,'' we will look at Washington as a figurative center of the country, as the destination for anyone interested in learning more about the government and the nation.

Authors throughout the early part of the twentieth century described Washington as a natural destination for any traveler. In 1940, Marion Burt Sanford offered advice for a trip to the nation's capital to readers of Woman's Home Companion. She declared the city to be the country's focal point: ''In front of the White House is the zero milestone from which all distances in the country are measured, so all roads lead to Washington.'' Her article rested on a puzzling premise. She claimed that Washington was a ''zero milestone,'' and yet the nations's capital was certainly not at the geographical center of the country. Some capitals sit at a central location, convenient to every part of the country: Paris, France and Madrid, Spain for example. Washington, D.C., however, is on the eastern seaboard, and certainly not accessible for the western portion of the country. Yet taken in a figurative sense, Washington D.C. is a location that draws many visitors. As the federal capital, it is a destination for politicians, lobbyists, tourists, school groups, and others. Every person in the United States has a tie to the city, as the place where the laws are made and enforced and where the country is governed. Therefore, though Sanford's claim that ''all roads lead to Washington'' is, in the literal sense, a misstatement, it does offer an interesting way of looking a the nation's capital as a magnet for many types of people.

While the White House was the ''zero milestone,'' Sanford suggested that the first stop for any traveler must be the Capitol. Even before any organized visits, the Capitol was a starting point for a memorable walk in the city: ''If you arrive at night and are not too weary take the taxi to the Grant Statue below the Capitol and walk a mile down the wide silent Mall to the illuminated Washington Monument and the Lincoln Memorial. You will never forget it.'' Making a memory of visiting the monuments at night was the first on her list for a woman to do when coming to the city. The reader she addressed was a casual visitor, one who would be interested in seeing the major monuments as well as in experiencing the social side of the city. Sanford advised her readers: ''The first day in Washington should be given to the Capitol and the surrounding buildings.'' She warned that in order to have a successful trip to the nation's capital, the visit must not be too hasty: ''You can't see the House and Senate in action, or the rare private collections in the vast Library of Congress, or saunter past the embassies on Massachusetts Avenue on a hurried bus tour.'' Her proposed tour was a casual one in which women, their husbands, and perphaps their families could enjoy as much time as possible at different points of interest.

Sanford's article reflected a common practice of any Americans, that of a short journey to Washington to visit and experience the monuments and nation's government. Central to this journey was a trip to the U.S. Capitol, for the visitor to wander the halls, see the building, and watch Congress in action. Many articles such as Sanford's described in detail the functions of the Capitol, the sculptures of Statutory Hall and the paintings of the Rotunda. All offered a virtual paper tour of the pubic monuments. These articles suggested that the Capitol and Washington D.C. were a major point of interest to Americans. Authors like Sanford encouraged a trip Washington. But what did the travelers hope to learn or find in the Capitol, and what types of visitors came? Why, in particular, was the Capitol such a popular destination for the traveler?

A trip to Washington was not usually a vacation in the leisure sense; rather, it was an educational journey, one in which the visitor could learn more about the government and the history of the United States. Some articles focusing on the Capitol or Washington referred to travelers as ''pilgrims.'' This term for visitors to the Capitol evoked both a religious tone and a reminder of the country's history. In one definition of the word, pilgrims are religious devotees, often covering large distances to reach a particular sacred spot. In his essay on ''Geography and Pilgrimage,'' Surinder Bhardwaj defined the religious pilgrim in terms of three characteristics: ''. . . the religiously motivated individual, the intended sacred goal or place, and the act of making the spatial effort to bring about their conjunction.'' Pilgrims can also be travelers in search of a spiritual revelation or enlightenment, wanderers without a concrete destination. One dictionary entry for ''pilgrim'' declares that the word is applicable to any traveler, whether on a religious mission or not. A pilgrim can be anyone who leaves home behind to make a journey. In another definition, the term ''pilgrim'' labels the early European settlers of the United States who fled their countries, suffering hardships on their trip across the ocean to be able to practice religious freedom and develop their own communities. This definition is perhaps not as relevant to the idea of visitors to the Capitol, but the reference to the founding of the United States is poignant and instructive—and would not have been lost on American readers.

What constituted a ''pilgrimage'' to the Capitol, and who were these ''pilgrims''? They all came to the nation's capital to see the workings of the government and the history of the buildings, but pilgrims were may different types of people. They were schoolchildren brought to the building by their teachers to learn a civics lesson. They were historians on a pilgrimage to see the sites where certain senators sat and certain documents were signed. They were mourners who came to pay last respects to assassinated presidents and unknown soldiers. They were also women like Clara Bird Kopp, who wrote an article for the National Republic describing her daylong journey around the Capitol. Entitle ''A Pilgrimage to the Capitol,'' her article showed ways in which an everyday person could make a casual pilgrimage to the Capitol, see their senator or congressman and make a connection with the building. Pilgrims, therefore, could come with a specific interest, could be on a trip to learn something new about the government, or could just come to experience the Capitol.

What did these pilgrims hope to find? Certainly not on a religious mission, they went to Washington in search of knowledge about

the government. The idea behind many of these trips was that the complex structure of the United States Government and its three branches could somehow be slightly decoded, slightly more understood if one traveled to Washington. Seeing parts of the government in action, whether Justices presiding in the Supreme Court or Senators arguing on the floor, would lead to a deeper understanding of the functions of the government. Along with the live experience of viewing the Congress within the Capitol came the opportunity to peruse the architectural, artistic, and historic elements of the building. Not only did the Capitol present highlights of the country's history through artwork, it also held memories of great events that took place within its walls, whether joyful or sorrowful. While some who entered the Capitol and wrote about their experience saw themselves as pilgrims of democracy, others were casual visitors. Still others were professionals in search of a certain statute or room. Some were visitors on a mission, at the Capitol to lobby, protest, or otherwise participate in the process of democracy.

One of the most visible and common groups of ''pilgrims'' in the Capitol was schoolchildren. Every American education included an exploration of the federal government, and often a trip to Washington accompanied this lesson. In an article for National Geographic Magazine, Gilbert Grosvenor included a picture of group of young Americans, with a caption that read: ''A group of proud pilgrims on the steps of the Capitol.'' The paragraph of explanation below the image spoke of the phenomenon of pilgrims, of visitors to the Capitol:

Tens of thousands of Americans take a short course in patriotism and government annually by making a pilgrimage to Washington; but none of them get more of happiness and inspiration out of it than the members of the boys' and girls' clubs of the rural high schools. The boys and girls in this picture hail from the parishes of Louisiana and won a national poultry judging contest. They are seeing Washington under the guidance of one of their Senators and the Secretary of Agriculture.''

For the students and their companions, presumably their teachers or guardians, the trip to Washington was a special honor. Grosvenor used them as models for his idea of the pilgrimage, which he described as ''a short course in patriotism and government.'' These pilgrims were becoming better, more faithful citizens through their trip to the Capitol and Washington. Grosvenor equated enhanced patriotism with a first-hand experience in Washington, as though visiting national buildings like the Capitol would naturally inspire feelings of pride in the government and in the country. While most visitors did, in effect, take ''a short course in . . . government,'' not all necessarily left the Capitol with patriotic feelings, as we will later discuss.

Several articles in education periodicals complemented Grosvenor's positive view of the school-age child's reaction to a pilgrimage to Washington by suggesting knowledge of the Capitol should be basic like reading, writing, and arithmetic. In the National Education Association Journal as well as in School Life, articles highlighted the Capitol and suggested reasons why a visitor might be interested in the building. One unidentified author of such an article spoke of the general visitor to Washington: ''Next to himself and his home town or city, the average citizen is interested in his country, its laws and lawmakers, its seat of government. In April and May . . . Washington's parks and drives reflect the lavish mood of nature and countless visitors climb the steps leading to the Capitol.'' The author boldly stated that any ''average citizen'' has a natural interest in the government and that the trip to Washington, DC was a trend of ''countless visitors.'' Most of the articles in education magazines took this interest of the ''average citizen'' as a given, and described aspects of the Capitol or Washington for the pilgrim. Behind all of these articles was the idea that children and adults alike would become better, more knowledgeable citizens by being pilgrims, thus partaking in a common experience with many other Americans.

Although many shared in the common experience of visiting the Capitol, each individual might have found a different interest. Writing in the National Education Association Journal, Mildred Sandison Fenner suggested: ''The Capitol means many things to many people.'' Her article appeared during World War II, at a time when Washington had become a center of focus for the world. She used the Capitol, as a house of government and a national monument, to reach out to many types of Americans and world citizens. She divided people into seven categories and addressed a section to each, explaining what aspects of the U.S. Capitol would be of interest to those people. Her categories: travelers, architects, artists, historians, teachers, ''all American citizens,'' and ''all Citizens of the world who believe in the four freedoms.'' By commenting on all of these specific interests, she was able to describe almost every intrigue about the Capitol, as well as explain her ideas about what it meant to all people. Travelers, she said, would remember the Capitol as their first sight if they arrived at Union Station. Speaking of the architects' interests, she was able to describe the basic appearance and dimensions of the Capitol, as well as speak of the architects who contributed to the building. Artists, she said, would be interested in the ''paintings and sculptures of great historic and patriotic interest.'' Her passage ''to Historians'' was the longest, mentioning several moments in the Capitol's history. She wrote of the laying of the cornerstone, the move of the national capital to Washington, the burning of the Capitol in 1814 by the British, the completion of the dome during the Civil War, and more.

According to Fenner, the Capitol embodied a variety of meanings for the various visitors. For those who led the school trips to Washington, the Capitol could be seen as a key to a broad history. ''To teachers,'' she wrote, ''the story of the capitol is an even broader one, embracing the history of the country itself.'' Of course, she also admitted that ''[t]o all American citizens,'' the Capitol represented the basic actions of government, the legislative body and the basic process of democracy. She expanded this idea in her last section, addressing ''all citizens of the world who believe in the four freedoms.'' To these people, Fenner claimed, ''the Capitol of the United States is the 'arsenal of democracy.' To these millions it is a symbol of hope and a prophecy of the future.''

As a symbol of hope and prophecy, the Capitol became a ''national shrine,'' a term that appeared in a 1947 article in the Saturday Evening Post. Author Beverly Smith remarked upon the ways in which the building served as a center for praising the government, for remembering the past: ''The Capitol is part shrine, part hangout. It has been called 'the Caaba (holy of holies) of Liberty,' . . . Rufus Choate said, 'We have built no temple but the Capitol.'" The Capitol served as a national shrine, or civic temple, in a variety of ways. As a mostly secular shrine, the Capitol assumed a role of a place for worshipping democracy, for praising the nation, its history, and its leaders. In addition to the artistic remembrances of great moments past, it embodied a certain history of its own, from the burning of the Capitol during the War of 1812, to the memories of documents signed, deals arranged, and people who visited. It was a shrine that celebrated the past, present, and future of the country.

Like the idea of a ''pilgrim,'' the use of the word ''shrine'' to describe the Capitol conveyed religious connotations. Though it did not function as a religious shrine, and though the United States on principle supported a separation of church and state, the Capitol did have some involvement with religion. Gilbert Grosvenor described one way in which the Capitol functioned almost like a church: ''For some years religious services were held in the old Hall of Representatives on Sunday afternoons; Lincoln attended them during the war period, when the hall was crowded because many churches had been converted into barracks.'' The national shrine also held funeral services for leaders, in addition to the national tradition of leaders laying in state within the rotunda. Grosvenor also commented that the placing of statues in that ''old Hall of Representatives,'' transformed the room into more than just Statuary Hall: ''The floor of this room was raised to its present level when the hall was converted into an American Westminster Abbey.'' Relating the room to an American Westminster Abbey certainly had religious overtones, but he was most likely referring to the memorializing of leaders and notables that took place in the room through sculpture.

Aside from memorializing American history through art, the history of events within the Capitol itself reflected important moments in the development of the United States. As the National Education Association Journal declared, ''The history of the Capitol is the history of our country.'' Memories of the great and disappointing moments of the past that occurred in the building illustrated various times in the country's history. ''If you study this building long enough,'' Beverly Smith wrote for the *Saturday Evening Post,*

''. . . you can learn America's history since Washington's day. In the very first Congress which sat here, Jefferson was elected over the devious Burr on the thirty-sixth ballot, saving the young republic from who knows what oblique destiny. Here Andrew Jackson escaped assassination when two pistols missed fire. Here Representative—formerly President—John Quincy Adams died, on that couch now in South Trimble's office. In this building were voted all our wars since 1800. Lincoln worked here as a congressman. Here Woodrow Wilson pleaded, and Franklin Roosevelt spoke, tired and tense in his chair, after his return from Yalta.''

Her readers received a crash course in some highlights and low points of American history and pride. Notable events include the deaths of officials within the building, the actions of the Congress, and the presence of great leaders. These events were not readily apparent to the tourist. In order for a visitor to appreciate what history the building held, they had to have a tour guide, or a literary tour guide such as Smith, explain these moments.

Many of these articles gave an insider's account of the past, including both popular and little-known stories of the Capitol's history, for it was not through the casual pilgrimage that a person could notice these spots and instinctively know what happened in the past. Gilbert Grosvenor also included some stories of moments past in ''The Wonder Building of the World.'' He wrote of Statuary Hall, the former chamber of the House of Representatives: ''Here Lincoln, John Quincy Adams, Horace Greeley and Andrew Johnson served in the same Congress. Here Henry

Clay welcomed Lafayette, who replied in a speech said to have been written by Clay. Here John Marshall administered the oath of office to Madison and Monroe.'' The preservation of the country's history through memories such as those Smith, Grosvenor, and Fenner described was an essential element to the appreciation of the shrine.

In addition to holding stories, the national shrine preserved key moments in American history through art. For the artistic ''pilgrim,'' the halls of the Capitol were filled with visual history. Visitors could peruse the art within the Capitol and learn something about the past entirely on their own. Fenner mentioned her own preference for some of the works: ''Among the better oil paintings are those of Stuart, Peale, and Trumbull.'' Congress had commissioned Trumbull's paintings in the early nineteenth century to commemorate scenes of the American Revolution. Throughout the Capitol, frescoes offered allegories of great leaders or of basic principles of the republic. Works of art hung on walls in offices and hallways, all portraying different moments in America's past. However, the paintings that hung in the Rotunda were not of particular interest to authors, perhaps because any visitor to the Capitol could observe them. More important to these literary pilgrimages were little known stories and facts about the national ''shrine.''

Both preserving a memory of the past and praising great leaders through sculpture, Statuary Hall was the center of much debate on the early twentieth century, and a common destination for the ''pilgrim'' especially interested in the arts. Dedicated by the House and Senate to be a place where each State could send sculptures of two people of accomplishment, the Hall became a source of many extreme opinions. While some people enjoyed the sculptures and admired the idea of placing leaders from each State within the Capitol, many others described it as a '' chamber of horrors,'' due to the poor quality of the sculptures and the bad arrangement of figures. Gilbert Grosvenor was of the former opinion, and gave a positive view of Statuary Hall. ''An unwarranted phrase,'' he wrote, ''has made it popular to call Statuary Hall a chamber of artistic horrors. Such designation does injustice to the art and the history of the room where the House of Representatives met for 40 years and which now exemplifies a really fine memorial idea. Setting clear his feelings about the hall in the beginning, he continued on to explain how it came to be. A law was passed in 1864 to create Statuary Hall, which he said was so that: ''the States could use it as a place to do national honor to the memory of their sons and daughters renowned for civil and military service, each State being entitled to place two statues here.'' At the time that most of these articles were being written, there was but one woman among the collection of statues, Frances E. Willard. Statuary Hall attracted many visitors who came to gaze at the statues as well as to experience the ''whispering'' phenomenon of the elliptical room; a person standing at one focus of the room could hear a person whispering at the other.

Many authors, artists, and other citizens did not view Statuary Hall in so pleasing a light as Gorsvenor. Lambert St. Clair wrote an article for Collier's, ''The Nation's Mirth-Provoking Pantheon,'' in which he described the Hall in detail, attacking it artistically. Not only were the sculptures themselves terrible, but their placement around the room also left much desired: ''The arrangement obviously is bad. Forty-one statues are crowded into a space which might accommodate ten artistically . . . Guides expect to grow wealthy rescuing lost tourists when the entire ninety-six are placed.'' He did not merely dislike the positioning of the statues, but also the statues themselves. He explained that they had no artistic continuity, as a wide variety of artists had completed them, and that State Legislatures had often favored cheaper statues over ones that were more aesthetically pleasing:

''Zachariah Chandler, the latest addition to the hall, wears neatly creased trousers and a new white topcoat with fashionable roll lapels. Lewis Cass, who stands beside him, is clothed in a suit so badly wrinkled that one look will make a tailor's hands twitch. General Lew Wallace's right coat sleeve is laid open halfway to his elbow and rolled back while his left sleeve is drawn tightly about the wrist. Daniel Webster's coat is woefully in need of pressing. The dress worn by Miss Frances E. Willard, the only woman in the group, appears to have been slept in.''

St. Clair maintained that he was not alone in his opinion, and related the story of a ''merry war'' that was ensuing at the time. The conflict arose between the lieutenant governor of Kansas, Sheffield Ingalls, and an artist who had completed one of the statues. St. Clair explained that Ingalls was attempting to have the statue of his late father, Senator John J. Ingalls, removed from Statuary Hall. Ingalls' motivations reflected his worry about the sensation surrounding the room: ''Reverence for his parent made such action imperative, the son said, inasmuch as the entire collection of statues had, due to their poor arrangement and, in many cases, inartistic execution, become ridiculous and mirth-provoking curiosities to tourists.'' Ingalls' concern that his father would become the source of ridicule and mocking shows the impact that the phrase ''chamber of artistic horrors'' had on how Americans thought about Statuary Hall. Though it originally was intended to honor great leaders, the artistic failings made it a controversial room.

Former leaders were also honored in the ''national shrine'' through the tradition of laying-in-state. On these occasions, the Rotunda was turned almost into a funeral home or church as Americans came to pay last respects to the deceased. Many presidents have lain in the center of the Rotunda, mostly those who died in office. The ceremony had a strong impact on the participants, as Catherine Cavanagh described in an article for Bookman:

''The solemn Rotunda of the Capitol has been made almost unbearably solemn by funeral services which have been held there—notably those of the three presidents who died by the hands of assassins—Lincoln, Garfield and McKinley. And one who has looked upon the silent form of one of our rulers lying under the lofty canopy of the dome can never forget the awe of the occasion. The long black line in front, and the long black line behind, in the procession of reviewers are forgotten—one seemed alone with the august dead in the vast grandeur of the chamber typifying the core of the Nation.''

To Cavanagh, visiting a leader lying in state not only was a solemn occasion, but also was an opportunity to have solitary time within what she sees as the Nation's figurative heart. As one waited in line to visit the coffin, it was an occasion to ponder all of those who have passed. Authors strongly associated the Rotunda with these services: to the National Education Association Journal, mentioning the tradition of laying in state was a natural part of a description of the rotunda. A general explanation of the size and shape of the Rotunda was accompanied by a reminder of several services that had taken place within the room: ''Here Lincoln's body lay in state; here multitudes passed before the flower-laden catafalque of the unknown soldier prior to interment at Arlington.'' The ritual of paying respects to the unknown soldier began after World War I, and has continued to be a part of the post-war tradition for all major conflicts. By placing the coffin of the Unknown Soldier in the Rotunda before it is interred at Arlington Cemetery, the country has been able to symbolically mourn for all those who died in war. At the same time, this tradition makes the statement that deceased presidents as well as those who die fighting for the United States deserve the same respect and honors.

The national shrine did not only praise those leaders and notables of the past. As a way of honoring the nation and democracy, some revered the leaders who worked within the Capitol at the time. Grosvenor concluded his long article on the Capitol by saying that the present deserved as much attention and commendation as the past. He included members of the House, Senate, and Supreme Court in his praise. He began by stating a common practice of people to overlook the present: ''Amid the glamour of history, some are prone to discount the achievement of the present and the abilities of those to whom have been entrusted the duties of lawmaking and law-administering. But the student of the past knows that the wail of the 'decadence of the times' is one which has gone forth in every age.'' Grosvenor concluded his article by reminding the reader that those current leaders could some day be given great honor: ''The men of to-day who are making the history of America will, in turn, have their meed [sic] of recognition, and in some future time their effigies in bronze and marble will be placed in Statuary Hall as comrades in glory with the Founders and Preservers of the Republic.'' In some ways, Americans paid tribute to the actions of their leaders every day by listening to debates on the floor of the House and Senate and by visiting their delegations' offices.

However, not all who came to the ''national shrine'' found people, or actions, worth praising. In one book, *Historic Buildings of America*, ''famous authors'' took a critical look at American institutions and traditions that were generally accepted and praised. A chapter by Charles Dickens, ''Within the Capitol,'' attacked the motivations of all politicians within the chambers. Though Dickens' excerpt was likely written during the early 19th century, its inclusion in this early 20th century book suggests its message resounded with readers years later. Dickens wrote:

''I saw in them the wheels that move the meanest perversion of virtuous Political Machinery that the worst tools ever wrought. Despicable trickery at elections; underhanded tamperings with public officers; cowardly attacks upon opponents, with scurrilous newspapers for shields, and hired pens for daggers; shameful trucklings to mercenary knaves whose claim to be considered, is, that every day and week they sow new crops of ruin with their venal types, which are the dragon's teeth of yore, in everything but sharpness; aidings and abettings of every bad inclination in the popular mind, and artful suppressions of all its good influences: such things as these, and in a word, Dishonest Faction in its most depraved and most unblushing form, stare out from every corner of the crowded hall.''

Dickens would have been one of the critics who Grosvenor attacked in the conclusion to this article. Writing an impassioned account of the characters of leaders within the building, Dickens was far from praising those who made or enforced the laws. Though Dickens was not praising the actions of those politicians within the shrine, he was exercising the right of free speech, a basic principle on

which the democracy was founded. As a British citizen, he brought a slightly different perspective to his view of the Congress, but his attack reflects the basic right to offer criticism. Therefore, though he did not admire the actions of these particular leaders, he was valuing an ideal that the ''national shrine'' was intended to represent.

Just as Dickens criticized the government openly and thereby enjoyed one of the privileges of democracy, so have millions of Americans come to the Capitol in order to express their grievances. Their roads led to Washington for a different purpose: for a pilgrimage of protest. These protests could easily be the subject of an entire paper, and so I will just take a look at one of the protests as an example of the many that have occurred. In an article for *New Republic* in 1931, John Dos Passos described a ''hunger march'' that took place at the Capitol. The situation was tense as a group of men proceeded up Constitution Avenue to the expanse between the Capitol and the Library of Congress. Dos Passos gave a picture of the scene to the reader:

''The marchers fill the broad semicircle in front of the Capitol, each group taking up its position in perfect order, as if the show had been rehearsed . . . Above the heads of the marchers are banners with slogans printed out: 'in the last war we fought for the bosses: in the next war we'll fight for the workers . . . $150 cash . . . full pay for unemployed insurance.''

These men had come to the Capitol to seek government aid during the Great Depression, and though the banners may have changed for each different group that came to protest, the general process of a protest pilgrimage was familiar. This group had come to Washington, like many, to raise awareness about their plight and to get the attention of lawmakers within the Capitol. In his article, Dos Passos took a highly cynical tone, describing the dome of the Capitol that ''bulges smugly'' and the Senate Chamber as a ''termite nest under glass.'' He also suggested that the Capitol building itself played an active role in the protest, for as the men shouted their demands, Dos Passos claimed that ''a deep-throated echo comes back from the Capitol facade a few beats later than each shout. It's as if the status and the classical-revival republican ornaments in the pediment were shouting too.'' For Dos Passos, the Capitol took on a human quality, with the status seeming to participate in the march as well. The pilgrimage of protest such as this ''hunger march'' was but another way that the ideals embodied in the Capitol, the ''national shrine,'' could be expressed.

Underlying many of the articles that discussed the Capitol as a pilgrim's destination was the idea that the building belonged to the American public. These articles attempted to relate a more human side to the Capitol, one that could describe the formal white building as a familiar place. The American public should think of the building as theirs. Beverly Smith suggested throughout her article that though the Capitol was a shrine, it should also be thought of as accessible, even as ''a friend.'' She quoted a fellow journalist: '' 'I am not one of those who can sneer at the Capitol,' wrote Mary Clemmer Ames, a lady correspondent in Washington 70 years ago. 'Its faults, like the faults of a friend, are sacred.' '' Her entire article contrasted the Capitol as shrine with the Capitol as a hangout, which created a picture of the building as a national space that should be a comfortable place for pilgrims. She declared that the building was a friendlier place than its image suggested, an idea that appeared in other representations of Washington from the time. Similarly, in an article entitled ''Nerve Center of the World,'' Albert Parry wrote that Washington could still be thought of as a small town, even though its importance was growing on the national and international scene, ''If anything,'' he wrote, ''Washington is a charming Southern town which has grown large and cosmopolitan without losing its drawl.'' In these and other articles on the Capitol and Washington, journalists were demystifying the formal ideal of the Capitol, making it a more accessible place.

Smith in particular wanted Americans to see ways in which the Capitol belonged to them. In one story she related a physical way in which everyday Americans left their mark on the building:

By day in the sunshine or at night under its floodlights, the great dome looms white and pure. But, if you climb the long spiral stairs to the little galleries around the dome, you see that every inch of the surface within human reach is covered with writing, in pencil, ink, crayon and lipstick—all the small familiar chirography of the American people: Jimmy loves Marge . . . Kilroy was here . . . Mr. and Mrs. G. Wallace Shiffbaur, of Minesota . . . Hubba, hubba. Hearts and arrows. Periodically the writing is painted out, but a new swarm of tourists and honeymooners covers it up again, quick as magic. ''What can you do?'' says a guard. ''It's their Capitol, ain't it?'

Though the dome appeared to be completely ''white and pure,'' she informed her readers that upon closer look, it was filled with graffiti, the kind that normally covered bathrooms and college hangouts. It was quite an image that she presented; as a whole, the Capitol seemed formal, pure, and stately, and yet on close inspection, it was partially made up of the marks of everyday Americans. The guard who watched people daily write upon the dome merely shrugged his shoulders at the practice. he saw no problem with the signatures, as he believed the building upon which they were writing was their property as citizens of the country.

The Capitol as a destination and a place for pilgrimage drew countless number of Americans to its step. The roads and paths of many different types of pilgrims led to Washington and to the United States Capitol. Pilgrims to the Capitol were sometimes eager, sometimes critical. They came to see their leaders in action, to wander the halls, to view the places where certain events occurred, and to participate in the democratic process. They encountered or red about a space that could become as familiar to them as an ''old comfortable home.'' By appealing to different interest, these journalists made the building understandable and intriguing to all types of readers and visitors. The Woman's Home Companion offered advice on how to organize a trip to Washington and the best times to visit the Capitol; the Saturday Evening Post wrote stores full of human interest, including both formal descriptions and little-known facts. Besides the stories of contemporary life, articles focused on the Capitol's interior: paintings and sculptures that celebrated great moments in the history of the United States and great leaders past. Mentor published articles specific to its readers, focusing on the art within the Capitol. Through these articles, authors reached out to readers to make the Capitol more accessible to all. The civic space, the ''shrine,'' offered visitors and readers alike a glimpse of the past, the present, and the future. Authors invited readers to consider the building as belonging to all Americans, and not as an untouchable place. While Americans no longer participate in the ritual of signing their name on the dome, they still come to experience the Capitol as countless have done before them. The Capitol remains a central destination for all who find themselves on a road that leads to Washington.

IN THANKSGIVING

Mr. BYRD. Mr. President, as the City of New Orleans and countless other communities along the U.S. gulf coast continue to clean up from the twin disasters that were Hurricanes Katrina and Rita, as Florida reels from yet another major hurricane there, as U.S. casualties in the Iraq and Afghanistan conflicts soar above 2,000, and as scandal engulfs the White House itself, it might seem difficult to find anything to be thankful for on this Thanksgiving.

For many families in the United States this holiday season, the tables, if tables they can find to set, will be set with fewer plates than usual, and the fare might be somewhat skimpier than in years past. Their homes are in ruins, their jobs lost, their friends and family members scattered, and their prospects for rebuilding the lives they once knew are uncertain. It can be difficult to take the long view in the face of such circumstances, or to reflect on history with any equanimity, even though history is replete with examples of recoveries from terrible disasters. One has only to think of Hurricane Camille, or the Great Depression, or World War II, or the San Francisco earthquake, the great Chicago fire, to find evidence that out of the ashes of war and devastation can come the rebirth of cities, communities, and economies. There is hope.

There is also much worth celebrating as families sit down to their Thanksgiving tables. We may be grateful that the loss of life to the hurricanes was not greater. We can all celebrate the tremendous outpouring of support that spontaneously erupted from the hearts, hands, and wallets of Americans outside the gulf coast disaster zone and from friends around the world who were glad to come in their turn to our assistance as the United States has in the past come to theirs. Communities all along the periphery opened their doors to welcome refugees from the storms, and volunteers flooded into the area in such force that relief organizations were overwhelmed. The public response to the gulf coast disasters was truly inspiring and heartwarming. It proved that a core value of this Nation, its sense of community, remains strong and vital.

We can also celebrate the ability of our Nation's first responders to learn from their mistakes. While the planning and response to Hurricane Katrina was in most people's estimates pretty abysmal, the preparation for and response to Hurricane Rita was a little better. And, unfortunately for the people of Florida, they have gotten a lot of practice in the last couple of years, and their preparations for and response to hurricanes is well rehearsed. There is much we can learn from these terrible

events, and hope that we take those lessons to heart.

The brightest spot in the war in Iraq is the performance of our troops. Day after dangerous day, they do their duty. They patrol, they seek out insurgents, they struggle to provide a secure environment for the rebuilding of that nation. Day after day, they face down their own fears and travel those lethal roads to take the battle to the enemy. However one may feel about the path that led us to Iraq, we can feel nothing but love, pride, and respect for our men and women in uniform. Whatever the circumstances under which we sent them there, through misread intelligence or misleading rhetoric, the U.S. military has gone, and gone again and again, and performed their duties with courage and dedication.

Even the scandal that now haunts the White House, and which is beginning to wash over the President's closest advisors, may give us cause for celebration, and not for any partisan reasons. As Americans, we may be thankful for living in a nation in which no man is king, to rule at his own whim and to undermine his detractors at will and without consequence. We may be thankful for our system of government, with its checks and balances between the three branches of government firmly established in our Constitution. And we may celebrate the wisdom of guaranteeing freedom of expression and the existence of a free press.

Though the wheels of government may sometimes grind exceedingly slowly, we can be grateful that they still can be pushed and cajoled into conducting their oversight functions and asserting those checks and balances. That is what keeps this country strong. President Abraham Lincoln said ''Let the people know the truth and the country is safe.'' Whatever may be the final outcome of the investigation into possible retribution by the White House against Ambassador Wilson and his wife for Wilson's role in unmasking a fraud in the government's case for going to war in Iraq, the Nation is safer and better off for having the means for citizens, acting through their elected officials and their legal system, to challenge possible abuses of power.

So even in these dark days, there is cause for thanksgiving. I hope that the recent dip in gasoline prices will allow families to come together, pull out the good china and set a beautiful table overflowing with all the dishes that make this feast so memorable and so mouthwatering: turkey, roasted, grilled, smoked, barbequed or deep fried; stuffing in all its regional variations with herbs or oysters or sausage or cornbread; hams coated in pineapples and cloves or cured with smoke or sugar; cranberries served jellied or chopped, with oranges or not; green bean casserole with a crown of fried onions; yeast rolls or biscuits dripping with butter or gravy; sweet potatoes in casseroles or with marshmallows and brown sugar; and pies—glorious pies with spicy pumpkin topped with whipped cream, and fruit pies in flaky shells, topped with cheese or ice cream. Americans know how to cook, and all the variations on our traditional Thanksgiving meal surely mean that this feast will never settle into routine.

Thanksgiving. Can there be a better day? It starts with parades to watch for the youngsters. Then the action in the kitchen heats up, competing with football games and the happy arrival of guests for our attention with a whole array of enticing aromas and clattering noises. The meal itself is wonderful, with family and friends around the table giving thanks and meaning it. And after the meal, in the warm glow of a full stomach, there is time for companionship as the leftovers are put away and the dishes are washed. The evenings are primed for walks in the cool weather, or short naps, or other sports, before the leftovers make their first reappearance. There are few days like this, devoted entirely to family without the distraction of, say presents at Christmas or Easter egg hunts. Thanksgiving is the one time we can really focus on all that we have to be thankful for just by looking around that table. My wife Erma and I have so much to be thankful for, and I know that she joins me in wishing a very happy thanksgiving to all Americans. May each of you, no matter how desperate your present circumstances may be, be blessed and see all that you have to be thankful for.

Mr. President, I wish you a happy Thanksgiving. I would like to close with a poem by Charles Frederick White, written in November 1895. His words serve to remind us that Thanksgivings past were not very different than today.

THOUGHTS OF THANKSGIVING

Thanksgiving Day is coming soon,
That long remembered day
When nature gives her blessed boon
To all America.

On that glad day, in all our land,
The people, in their wake,
Give thanks to God, whose mighty hand
Deals blessings good and great.

The roast goose, steaming on the plate,
The sweet potato cobbler,
The cranberry sauce, the pudding baked,
The seasoned turkey gobbler,

All these delights and many more,
From north, south, west and east,
Do all the nation keep in store
For this Thanksgiving feast.

Alas, for those who are denied
This blessed boon of God!
May all the needy be supplied
Like Israel by the rod.

The PRESIDING OFFICER. The Senator from Kentucky.

TRIBUTE TO SENATOR SUSAN COLLINS

Mr. MCCONNELL. Mr. President, I rise this afternoon to pay tribute to one of the most effective and outstanding Members of the Senate, Senator SUSAN COLLINS of Maine. Today, Senator COLLINS cast her 2,942nd consecutive vote as a Senator, breaking the record of the former Senator from Maine, Margaret Chase Smith. In doing this, Senator COLLINS has maintained a perfect voting record since she was sworn in to the Senate in January 1997.

Senator COLLINS recently honored Margaret Chase Smith just a few weeks ago during a ceremony to unveil an official portrait of Senator Smith, a portrait entitled ''The Great Lady From Maine'' which now hangs proudly in the U.S. Capitol. As Senator COLLINS said in a tribute to Senator Smith at that unveiling:

> For every woman serving in the Senate, Margaret Chase Smith blazed the path, but she was a special inspiration to me.

Senator COLLINS met Margaret Chase Smith as a senior in high school, participating in a Senate youth conference here in Washington. She remembers Senator Smith telling her to ''stand tall for what I believed.'' Senator COLLINS continues to use this advice today as she chairs the Homeland Security and Government Affairs Committee and working for the people of Maine.

I know I speak for all of my colleagues in the Senate when I congratulate her on this truly remarkable accomplishment.

AFGHANISTAN

Mr. MCCONNELL. Mr. President, freedom continues to advance in Afghanistan. Of course, they are a great ally in the war on terror. In fact, I recall visiting Afghanistan just a little over 2 years ago with the current occupant of the Chair, and we had an opportunity to see firsthand the progress they had made at that time, not to mention how far they have come since.

A few days ago the results of that country's historic parliamentary elections, held in mid-September, were officially certified. At the time that Senator BURNS and I were there, they had not yet had the election of the President, not officially. They have since had that election. Now they have had a parliamentary election. Those results are now certified. A joint Afghan and United Nations election commission has declared the winners in races for 249 seats in the lower parliamentary house, as well as members of 34 provincial councils around the country.

Afghanistan's continued progress toward democracy is obviously a victory in the war on terror. Four years ago, the ruthless Taliban regime ruled Afghanistan with an unyielding, murderous intolerance, and they laid down that country's welcome mat to all the terrorists to ''come on in.'' I would like to remind my colleagues that 4 short years ago Afghanistan was ruled by a regime so intolerant that as part of an effort to erase any trace of Afghanistan's history before the rise of Islam in the seventh century, the Taliban destroyed two priceless Buddhist statues. These statues had been carved into the

face of a cliff outside the Afghan city of Bamiyan. These ancient wonders that had endured for centuries were instantly turned into dust. The Taliban was literally trying to erase history. But now the Taliban itself is history.

America's quick defeat of the Taliban, the rescue of the Afghan people out from under their wicked thumb and the quick transformation of Afghanistan into a burgeoning democracy in just 4 years is nothing short of amazing.

Today, a democratically elected parliament and a democratically elected, President Hamid Karzai, are charting a new course for their country. I am proud to say that a new day has dawned in Afghanistan. Where there was repression, now there is liberty.

For instance, reports indicate that 68 of the new legislators are women. Four years ago little girls weren't allowed to go to school, and women had no rights whatsoever. Four years ago women were second-class citizens, blocked from jobs and educational opportunities by the Taliban. These 68 women legislators make up over a quarter of their chamber. That is significantly higher than the proportion of women in our Congress in the United States.

Afghanistan will continue to make progress toward freedom and democracy. The provincial councils are now in the process of selecting 68 members of the House of Elders, which is the upper parliamentary house. Those selections will be completed soon. Then with President Karzai's selection of an additional 34 members to the upper house, the full Afghan Parliament is scheduled to convene for the first time in the third week of December.

I ask my colleagues to join me in saluting the people of Afghanistan as they move forward toward freedom and democracy. I ask all of us to join in pledging the full support of the United States as the people of Afghanistan continue to fight the last vestiges of an extreme terrorist element, and as they continue to stand with the grand coalition of free nations who are waging the war on terror.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, THE DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006—CONFERENCE REPORT

Mr. BOND. Mr. President, I ask unanimous consent that the Senate proceed to 1 hour of debate in relation to the conference report to accompany H.R. 3058, the Transportation-Treasury-HUD bill; provided further that Senator COBURN be in control of up to 30 minutes of debate; I further ask consent that the two managers have up to 15 minutes each and that following the use or yielding back of the time, and when the Senate has received the conference report, it then be agreed to, with the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The conference report is printed in the House proceedings of the RECORD of today, November 18, 2005.)

Mr. BOND. Mr. President, I thank all or our colleagues. This has been a long and interesting path that we have trod.

Today I stand in support of the Transportation, Treasury, HUD, Judiciary, and Independent Agencies fiscal year 2006 appropriations bill. This bill also includes the District of Columbia fiscal year 2006 appropriations act. Before getting into the details of the bill, I thank Chairman KNOLLENBERG and his ranking member, Mr. OLVER, on the House side. Particularly, I express my sincere appreciation to my ranking member, Senator MURRAY, for her hard work, thoughtful and bipartisan approach to crafting a good bill, and her unwavering commitment to getting the bill done on an expedited schedule as mandated by the leadership. As all who follow this place know, we have had some bumps on the road over the last several days which forced both House and Senate staff to work throughout a number of nights this week while completing a blitzkrieg schedule in order for us to be able to vote on this measure today. Despite these bumps, we have completed our work, and I compliment Congressman KNOLLENBERG on his commitment and perseverance to work with me to overcome these problems.

I do express my sincerest gratitude and thanks to our excellent staffs; on the Senate side, on the subcommittee, on my side, Jon Kamarck, Paul Doerrer, Cheh Kim, Lula Edwards, Josh Manley, and Matt McCardle; on Senator MURRAY's side, Peter Rogoff, Kate Hallahan, William Simpson, Diana Hamilton, and Meaghan McCarthy.

Obviously, we extend our thanks as well to the House side staffers.

Now, Mr. President, the staff had to work extremely hard, in a bipartisan manner, to make our recommendations and instructions a reality. This is not a simple bill. Yet it is likely a Rube Goldberg machine with many complex moving parts.

This bill is the first real appropriations product of a new subcommittee that grew out of the reorganization of the Senate Appropriations Committee earlier this year. It is a substantial and complex bill that will have a significant and positive impact on every State and community in the Nation as it covers, among other things, every mode of transportation, financial services, and IRS requirements as guided by the Department of Treasury; it funds the Federal Government's role in housing and economic role under HUD; it funds the Executive Office of the President, Federal judicial system, and funds other related agencies such as the General Services Administration, Office of Personnel Management, and the Postal Service.

I believe that given the circumstances and our budget allocation, this is a good bill. We started with a budget that was severely underfunded in many of the important programs in the bill. These are programs which historically have been strongly supported by Members of this body. Thankfully, in most cases we have been able to restore many of the cuts and shortfalls, perhaps not as much as some Members would want and certainly some areas not as much as I want. But I think all Members will understand and appreciate our efforts to fund the programs and activities that enjoy the greatest support.

I wish to express a very special thanks to our chairman, Senator COCHRAN, who demonstrated his understanding and sensitivity to the needs of the Transportation-Treasury Appropriations Subcommittee.

While we received significantly less budget authority for the conference, without Chairman COCHRAN's help the House would have demanded a much harsher and unrealistic reduction in our allocation, with the results we saw that happened in regard to the Labor-HHS fiscal year 2006 funding bill yesterday in the House.

In particular, despite our fiscal limitations, we have worked diligently to ensure the transportation programs in this bill are adequately funded. One of my highest priorities in fashioning this bill was to provide the needed funding for the safety, construction, and maintenance of our highways, transit systems, and airports. Funding for our Nation's transportation infrastructure, and especially for our highways and road network, creates jobs and promotes economic growth. More importantly, it continues the continued maintenance and growth of our economic infrastructure by which we serve markets throughout the Nation and ultimately the world. The transportation system is the heart and arteries by which we pump our goods and products which guarantee our current and future prosperity in the national and international marketplace, and we cannot afford to shortchange this system.

We also removed the designation on the Alaskan bridges. The funds remain with Alaska to meet their priority needs. These bridges were grabbing unreasonable and unwarranted attention which was beginning, in many ways, to undermine the very good work and the very necessary projects in this highway bill.

In addition, this bill provides $14.4 billion for the Federal Aviation Administration, which is approximately $400 million more than the request. This recommendation includes $14.3 million to hire safety inspectors and restore inspector staffing levels on an accelerated basis. It also adds $4 million to restore engineering and inspector staffing at the Office of Certification so that new equipment and technologies

can be approved for use in aviation and our Nation can retain its leadership in aviation. I am pleased also to announce that the bill does not cut the Airport Improvement Program, as proposed in the budget request.

I am also happy to report we have been able to fund Amtrak at $1.315 billion, while making some incremental steps to reforming how Amtrak conducts its business. These reforms are critical, and it is my hope that these improvements will move to jump-start the efforts of Senator LOTT, Senator STEVENS, and others to pass a truly comprehensive reform package.

Mr. President, I was troubled by the administration's demand of Amtrak reform with a budget request of $360 million. A $360 million-a-year appropriation would likely jolt Amtrak directly into bankruptcy, a costly financial and emotional blow to the Nation and send Amtrak into chaos. Many Members, including the occupant of the chair, our distinguished Senator from West Virginia, and Members throughout the Senate asked us to take strong action to avoid that problem. Thankfully, we were able to scrape enough funds together to ensure the continued existence of Amtrak, although it meant a number of other programs were underfunded, and when we received finally the recommended reforms at Amtrak from the administration, we were able to include them.

Mr. President, I also should touch on another issue in the conference report, and that is the ongoing efforts to improve protection consumers have from being preyed upon by rogue household movers. I think we all know they are a small group of fly-by-night companies that purport to pack and transport family household possessions and then stealing them and holding them hostage for exorbitant fees or make unreasonable demands. This could be a devastating blow.

In this past year's highway bill, additional requirements on movers were included, along with new provisions granting State officials, particularly attorneys general, new authority to help police the Federal law. Part of the problem has been the lack of the Federal enforcement. The Federal agency, the Federal Motor Carrier Safety Administration, has not had sufficient resources, and the U.S. attorneys, with the notable exceptions of the Miami and New York-New Jersey agencies, have also not made these crimes a priority; thus, the ideas of expanding cops on the beat by giving authority to State agencies and, thus, my work to make sure that while we expanded responsibilities, we did so in a reasonable and consistent way.

First, we provided additional resources to the Federal Motor Carrier Safety Administration to help them do their job better. We restored $1 million to the Education and Outreach Program in order to help them train State officials as to how to look and find the risky carriers. We also reiterated our support for the strong State-Federal partnership which had been included in the highway bill to ensure effective Federal-State cooperation.

Where we and some of our colleagues part company is on the scope and the venue. I strongly believe that Federal law should be enforced in Federal court, and thus the key provisions in the conference report will ensure that that will occur. There will be Federal enforcement on the major interstate activities. State law violations will continue to be enforced in State court. Federal law violations will continue to be enforced in Federal court.

In order to ensure that the States target those typical rogue movers who seem to be too small for U.S. attorneys and thus are slipping through the cracks, the language makes clear that the responsibilities of the State agencies are focused on what carriers they have jurisdiction over. Namely, these are the highest risk, fly-by-night carriers or carriers who meet one or more of the following: The carrier is unregistered; or the license of the carrier or broker has been revoked for safety or lack of insurance; three, the carrier is unrated or received a conditional or unsatisfactory safety rating by DOT; or the carrier has been licensed for less than 5 years.

This then accomplishes all the goals we have been discussing—tougher Federal law, additional consumer protections, State attorneys general and other State agencies have been granted the authority to be a cop on the beat to help enforce the Federal law. Their targets are the fly-by-night rogues and their venue is the Federal court and they are being asked to help enforce Federal law.

Now, Mr. President, moving on to some of the other areas in the bill, for the Department of the Treasury, this bill provides $11.7 billion for 2006. This amount is about $50 million above the budget request and some $475 million above the fiscal year 2005 enacted level. We think it is very important to provide resources for Treasury's efforts to fight the war on terrorism, and we provided full funding for the Treasury's Office of Terrorism and Financial intelligence. I know how important the Treasury's Antiterrorism efforts are, and I strongly believe they play a vital and unique role in cutting off financial assistance to terrorist organizations.

Next, to help close the so-called tax gap, where those people who pay taxes as they should voluntarily have to carry a heavy burden for the small percentage who do not, we have provided $10.7 billion for the IRS, including $6.9 billion for tax enforcement. This amount is $443 million above the fiscal year 2005 enacted level. These additional funds will help ensure there will be less fraud and that honest taxpayers will have a greater level of confidence in our tax system.

We also have provided full funding for IRS's modernization efforts through their Business Systems Modernization Program. This program is correctly IRS's highest management and administrative priority.

For the Federal judiciary, the bill includes a total appropriation of $5.7 billion, a 6-percent increase over the previous year, and this represents the funding necessary to meet the judiciary fiscal year 2006 funding needs.

For HUD, the bill provides some $38.2 billion for fiscal year 2006, an increase of $2.1 billion over the request. These additional funds include almost $4.22 billion for the Community Development Fund and CDBG, which was slated for elimination through a reduction of over 30 percent of its funding and a consolidation of its activities along with other programs into a new grant program within the Department of Commerce.

The bill also increased the Senate-proposed rescission of ''excess'' section 8 funds from $1.5 billion to $2.05 billion. After further review of the account, we firmly believe we have identified a one-time savings from section 8 that allowed us to increase the rescission to $2.05 billion.

In addition, I am happy to report we have adequately funded HUD programs at a minimum of last year's level which is generally higher than the request.

The bill basically funds the Executive Office of the President at the requested level. We have fully funded the High Intensity Drug Program at $127 million; whereas, the budget would have funded it at 100 million in the Department of Justice. This is a critically important program that has been successful throughout the Nation at helping to root out and eradicate methamphetamine production, marijuana, and ecstasy use, as well as heroin and cocaine importation. This program has been especially important in Missouri, where methamphetamine production and use have reached almost epidemic proportions.

Mr. President, as I prepare to close, I wish to express my sincerest thanks to the ranking member of the full committee who has been a great friend and mentor of mine and who has helped Senator MURRAY and me as we have worked through this by gaining the necessary funds.

I also thank—I feel his presence immediately behind me—the chairman emeritus of the Appropriations Committee whose birthday we celebrate, with very best wishes and, fortunately, no songs on the Senate floor. He has been of great assistance to us.

I must say, one of my last thank yous is to my chief of staff, Julie Dammann, who has served me since I arrived in this body. I was going to say in 1897 but it was 1987. She has been with me for these years and has become very well known and respected. This will be her last bill and, as on all the other bills, not only was the appropriations staff working day and night, but we were communicating by BlackBerry in the middle of the night. She

was working on the details with the appropriations staff and others. She was communicating with Senators' offices. We only came to the floor today because she had worked with other Senate offices, as Senator MURRAY and her staff had, to clear away objections which might be raised.

So it is with great thanks that I note the contributions to this, her last appropriations bill, of Julie Dammann and wish her all the best.

I also note that my partner, the Senator from Washington, Mrs. MURRAY, has been working extremely hard on this. She helped clear the way of the remaining problems. I cannot think of how she could have been more helpful or more productive in this effort.

The PRESIDING OFFICER. The Senator has used 15 minutes.

Mr. BOND. I thank the Chair. I yield the floor.

Mrs. MURRAY. Mr. President, I am pleased to join my colleague, Senator BOND, in supporting the conference report on the Transportation, Treasury, Housing and Urban Development, the Judiciary and Independent Agencies Appropriations for fiscal year 2006.

This bill is the product of many hours of hard work since the Senate passed the bill on October 20. First, I want to express my sincere gratitude for the cooperative spirit that my colleague, Chairman BOND, along with our House colleagues, Chairman KNOLLENBERG and Congressman OLVER, brought to bear during our conference negotiations.

I am pleased to say that the conference agreement, like the Senate-passed bill, restores many of the more punitive cuts that were included in the President's budget for transportation, housing and drug law enforcement.

We have funded airport grants at $3.55 billion rather than accept the President's proposal to cut this program by half a billion dollars.

While the President sought to move the Community Development Block Grant program to another department and cut it by more than a third, this bill restores most, but not all of the annual funding for CDBG.

While the President's budget effectively zeroed out Amtrak and proposed to eliminate rail service in our country, this conference agreement provides Amtrak with a $100 million increase and includes many of the reforms that were agreed to and included the bill reported by the Senate committee.

This is a good bill that addresses many of the urgent needs facing our country. It includes critical investments in our Nation's transportation infrastructure and provides much needed housing assistance to our most vulnerable.

Mr. THUNE. Mr. President, I recently announced a major railroad initiative in three different cities in my home State of South Dakota—Sioux Falls, Huron, and Rapid City. This particular project is the result of legislation I authored as part of the recently enacted Transportation reauthorization bill. My amendment was improved and incorporated in large part through work with Senator LOTT, who chairs the Senate Commerce Committee's Surface Transportation and Merchant Marine Subcommittee. I believe the changes that Senator LOTT and I made, both during Senate consideration as well as conference deliberations, will have a major positive impact on my State's rail infrastructure needs and I think significantly alleviate some of our Nation's rail infrastructure problems.

Much of the language that ended up in the final Railroad Rehabilitation Improvement Financing—or RRIF—program originated from past legislation that Representative DON YOUNG introduced. Building on Representative YOUNG's bill language, Senator LOTT and I made a number of changes to that legislation, but it provided a very solid foundation upon which to build.

The South Dakota project itself actually involves a major national initiative to build a second rail line into the capacity-strapped Powder River Basin, PRB, of Wyoming. The Dakota, Minnesota & Eastern Railroad DM&E, announced this project in 1997 and filed an application with the Surface Transportation Board, STB, in February 1998 to obtain regulatory approval. That process will be concluded in the near future, which I hope will allow the DM&E railroad to apply for a RRIF loan to finance construction of the project.

This project is strongly supported by virtually all of South Dakota's existing rail shippers and by the agriculture and economic development organizations throughout the State. It is also supported by the vast majority of communities served. And at the press events I participated in earlier this month—as noted in the *Rapid City Journal* article that I will later ask to be made part of the RECORD—even many of the landowners directly affected by the construction support it. I have supported this project since it was first announced in 1997, when I was serving in the House of Representatives, and have supported the project ever since in both the public and private sectors. It is incredibly important to the future of my State.

But on a national scale, it is also extremely important to our country's entire capacity-constrained rail system and to our national energy policy in particular.

Our national energy policy specifically states that:

> [d]emand for clean coal from Wyoming's Powder River Basin is expected to increase because of its environmental benefits. However, rail capacity problems in the Powder River Basin have created a bottleneck in the coal transportation system . . . There is a need to eliminate bottlenecks in the coal transportation system.

The new RRIF legislation requires the Secretary to prioritize projects that:

> (8) would materially alleviate rail capacity problems which degrade provision of service to shippers and fulfill a need in the national rail system.

The national ''need'' criteria of the legislation was written specifically with this nationally articulated energy policy ''need'' in mind.

The new RRIF legislation also requires the Secretary to prioritize projects that:

> (7) enhance service and capacity in the national rail system.

Mr. President, as the National Energy Policy clearly notes, there is an overwhelming rail capacity problem in Wyoming's PRB. The Powder River Basin corridor is one of the most heavily traveled rail corridors in the world. Over 400 million tons of coal per year are shipped out, virtually all of it by rail. That number is expected to exceed 500 million tons soon, and to grow beyond that if capacity allows. It is therefore clear that, if completed, this 1,300–mile project in the West and Midwest would have a material impact on rail capacity in this region and throughout the country.

We also have a critical rail capacity problem throughout the entire United States. What happens in the PRB profoundly affects capacity elsewhere. It also affects the movement of grain and industrial commodities and general merchandise intermodal traffic. When this incredible flow of coal traffic increasingly merges with all this other rail traffic as it continues its flow eastward, it has a big impact. First and foremost, immediate and obvious traffic congestion occurs the further ''downstream'' into the traffic flow you go. The train of merchandise goods making its way from the west coast to Chicago has to pull off to the siding to allow another train to pass. Or less obvious, perhaps because of a crew or locomotive power shortage, the railroad will have to dedicate limited and locally available resources to one train over the other. This has a cascading effect because it makes it hard to recover when too many of your sidings are being used to park trains instead of being used for a quick meeting point so they can pass in the opposite direction.

A less obvious problem is the drain on resources from other regions to accommodate spot problems. Right now, for example, we are seeing a rail capacity shortage across the board. In addition to the long haul traffic that is mixed into these heavy haul coal lines, areas of the country that never come into direct physical contact with these lines are affected by their congestion problems. When those lines ''bottle up'' as they are doing now, it takes more locomotive power and more people to move trains. So resources are shifted. For example, we have dozens of loaded grain trains standing today with no power to move them. Grain orders are a month or more behind in my State and throughout the Midwest today. Locomotive power and other resources are being diverted to the PRB and elsewhere to address problems there, and

our farmers are suffering as a result. The same can be said for virtually every traffic commodity out there today—including coal and general merchandise traffic.

With the completion of this new rail line to serve a heavy traffic area, it will relieve pressure on one of the biggest problem spots, which in turn relieves pressure on the system throughout the country. This project will not only add more physical track to our system and greatly improve existing track, it will also result in more locomotives and equipment and people. Across the board, this project will relieve pressure on the rail system from northeast corridor to the southwest reaches of the United States.

In a very basic sense, the national railroad system is well beyond its capacity today. There is not a railroad in this country that is not backed up on its orders. We have more traffic to move than the system can handle. And, adding to that, the U.S. Department of Transportation projects that railroad freight traffic demand generally will rise 55 percent by the year 2020. We need to add capacity. That requires major investments of the kind envisioned in our new RRIF legislation.

The changes made to that program did more than authorize the amount that can be loaned. The improvements were specifically tailored to encourage large-scale investment of the type envisioned by the DM&E project. After all, a large-scale investment is needed if we want to have a material impact on the national capacity problem. For that reason, I think this project is critically important to the country. I hope others will follow suit and develop projects that are national in scope. Nothing is more important to our national rail system in my view than this basic need for capacity.

On a related issue, the rail industry has gone through a massive consolidation on a national scale. Thousands of miles have been torn up in recent decades and are never to be recovered. This has certainly increased efficiency on single line segments up to this point. But in the process, at least from a national rail system perspective, we have lost important redundancy in the system. If we have a problem in one area, it quickly ripples through the rest of the country because of traffic backups that have nowhere else to go. We need more pressure relief valves, and more alternatives that allow the national system a little more flexibility to recover from spot problems. We have seen melt down after melt down in the national rail system. That problem is never going to get better unless we have some alternative emergency routings developed. The DM&E project will also be of great help in providing a fairly dramatic pressure relief valve for this critical part of the national rail system. So on many levels, from a national rail system perspective, this project reaches well beyond its immediate track geography.

Going on to other aspects of the new RRIF program, perhaps the most significant change we made was in regard to the valuation and treatment of collateral. This legislation requires the Secretary to use the more realistic ''going concern'' valuation instead of ''net liquidation'' value the Secretary has used in the past in relation to collateral. This is important because collateral value is a critical component of the credit risk premium calculation. This language is intended to ensure that the Secretary applies a ''going concern,'' or market value, to the collateral when determining whether and to what extent a credit risk premium is required. In short, the question becomes, what could the government reasonably expect to get for the value of the collateral if it were sold as a 'going concern' business? In the past, the Secretary has used a ''net liquidation'' or ''scrap'' valuation approach. But in the real world if we are facing a default situation under the RRIF Program, the Secretary is not going to ''scrap'' the collateral. He is going to sell it for its highest and best use value. So that is the way it should be valued when considering collateral during the application process. This is consistent with private sector lending practices. It provides protection for the Government, and also encourages greater rail infrastructure investment by avoiding artificial credit risk premium payments when they are not necessary. It also requires the Secretary to take into consideration what the value will be after giving effect to the improvements that will be made with the loan. That of course will be discounted based on the overall cost of capital for the project.

Along those same lines, another feature that was added to the original Young RRIF language was to provide for the loan repayment schedule ''to commence not later than the sixth anniversary date of the original loan disbursement.'' The intent was that this discretion should be used for those large-scale projects that require several years of construction before revenues are generated and where the revenue ''ramp up'' may be gradual. This is a pretty standard feature in large private sector loans, but under the former law the Secretary did not have any flexibility to do that. Under the new law, interest would accrue and compound during this period. It was primarily my intent to provide a reasonable breathing period so that a solid revenue flow would be established before payments would be required.

Senator LOTT and I also added a provision to the RRIF improvements to allow the Secretary to charge, and for the FRA to collect and retain, a fee to evaluate loans. This provision was included because we want the process to be efficient, and not be a drain on the government. The best solution was to allow the Secretary to hire help and charge the cost to the applicant. It is hoped that this will make it easier to expedite these loans, and the expectation is that FRA will undertake best efforts to keep these fees to a minimum. The point here is to help expedite the process and give FRA a little more flexibility to get the job done quicker. The former RRIF Program was notorious for the amount of time it took to process. There was a particularly bad history there, which I think the FRA has already improved substantially. This, hopefully, will give them the tools they need to take the next step.

The $35 billion authorization level was in Representative YOUNG's original legislation, as was the provision that prohibited the Secretary from limiting the size of a single loan, and the 90-day review period. Those were important provisions that we wanted to retain because they all go to this concept of encouraging major new rail infrastructure investment in this country, and I appreciate the efforts by the Senator from Mississippi and his staff to retain them and add my language to them.

In closing, the original RRIF Program got off to a very slow start, owing in large part I think to a certain degree of resistance from OMB. I am very hopeful that everyone recognizes this effort as a good faith attempt by Congress to send a clear message that we are trying to encourage major rail infrastructure investment in the United States rather than think up reasons to not do it. This is a program that is very much in the national interest. As former director of the South Dakota Rail Division, I believe strongly in the importance of and urgent need for major rail infrastructure investment in this country. I think most Members of Congress feel the same way, and I hope our colleagues in the administration receive this message and will support our recent action to strengthen the RRIF Program. I hope they will now join in the effort to make RRIF a strong engine for rail infrastructure investment as was originally intended and as we directed in the recently enacted legislation.

Mr. President, I ask unanimous consent that articles describing the proposed rail project—which appeared in the November 6, 2005 editions of the Sioux Falls Argus Leader, and the Huron Daily Plainsman, and the Rapid City Journal—be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Argus Leader, Nov. 6, 2005]

IN DM&E, BACKERS SEE JOBS, PROSPERITY

(By Peter Harriman)

Rail boss Kevin Schieffer and Sen. John Thune toured South Dakota on Saturday announcing a plan to seek a $2.5 billion federal loan to reconstruct 1,300 miles of line in three states and reach Wyoming's Powder River Basin coal fields.

The reaction in their wake ranged from the dogged determination of opponents to continue fighting the scheme to the ecstatic embrace of shippers and communities that foresee an economic development bonanza.

''This is huge for us, huge for us,'' said Lisa Richardson, executive director of the South Dakota Corn Utilization Council and South Dakota Corn Growers Association.

Having clearance to seek the loan is a quantum leap for the Dakota, Minnesota and Eastern Railroad and Schieffer, its chief executive officer. Yet it's seen as a smaller piece of a bigger puzzle. At a Sioux Falls news conference Saturday, Schieffer developed that theme.

''The end game is not building a railroad,'' he said. ''The railroad is the means to an end.''

The project would create 3,000 construction jobs over three years and permanently employ 2,000 new DM&E workers and create as many new jobs for contractors working for the railroad.

But Schieffer said: ''The direct jobs here are the tip of the iceberg. The real action is in the economic development.''

Schieffer said the railroad's presence already has attracted new businesses. The DM&E's presence in Brookings brought Rainbow Play Stations and 500 jobs to that community. If the railroad can transform itself into the nation's newest, most technologically advanced Class I carrier, ''I see dozens and dozens if not hundreds of Rainbow Play Stations springing up along the line,'' he said.

$286.4M PROJECTED IN REVENUE FIRST YEAR

With a $2.5 billion capital investment, the DM&E will create for itself a railroad with metaphors at both ends of the line. In recounting the railroad's history, Schieffer said the DM&E's acquisition of a sister line several years ago gave it an eastern terminus at railroading's Rome. ''For railroads, Chicago is Rome. All roads lead there,'' he said.

He also called the Powder River Basin coal fields ''the Holy Grail'' of railroading.

Pursuit of the Holy Grail has kept the DM&E project wrapped in controversy. The goal of expanding to Wyoming is to let the DM&E grow beyond its status as the country's largest Class II regional carrier and join the Union Pacific and BNSF railroads in hauling vast quantities of low sulfur coal to power plants in the Midwest and East. North America has seven Class I railroads, based on annual revenue of $200 million. When the project is complete ''absolutely and immediately we will become the first Class I that has built itself into a Class I since the classes were established,'' Schieffer said. In asking the federal Surface Transportation Board for a permit to become the third carrier into the Wyoming fields, the DM&E projects coal hauling revenue of $286.4 million in the first year alone.

CRITICS OBSERVE ABSENCE OF PRIVATE INVESTMENT

But spirited opposition has formed in places such as Brookings and Pierre, along with Rochester in southeastern Minnesota. Critics there don't want to see mile-long coal trains traveling through their towns. Some landowners in West River South Dakota and in Wyoming don't want 280 miles of new rail bisecting their ranches. Other criticism rises from the Oglala Sioux Tribe that worries rail construction will threaten culturally sensitive sites.

Environmentalists fear noise and air pollution from the coal trains and additional air pollution in the East from the increased use of coal to generate electricity.

The announcement that the DM&E is seeking the huge federal loan that it thinks it is uniquely qualified to get didn't weaken the resolve of prominent longtime opponents nor prompt them to view the project more kindly.

''It doesn't change the fact that's not a viable coal line,'' said Nancy Darnell of Newcastle, Wyo. She is a member of the Mid States Coalition for Progress that sued the Surface Transportation Board over its decision to allow the DM&E expansion. The DM&E applied for the permit in 1998.

''Schieffer had seven years to get financing in a vibrant economy from an industry with a lot of money floating around, and basically nobody was willing to invest in it,'' Darnell said.

''Private industry was not willing to put any money into it. Nothing but stupid money would put money into the DM&E, and the federal government tends to be incredibly stupid. That's why it's the financing of last resort,'' she said. ''Rebuilding the railroad in South Dakota for hauling grain, that might have been something different. But to build the PRB project and expect to haul coal is totally stupid.''

On Saturday, Thune and Schieffer said the Powder River Basin project would address a transportation bottleneck identified in the 2001 U.S. energy plan. The plan states there is not enough rail capacity to move Wyoming coal to power plants farther east at the rate it is needed. Because it deals with that need, the DM&E's $2.5 billion loan request to the Federal Railroad Administration's Railroad Rehabilitation and Improvement Financing Program would be given high priority, Thune and Schieffer said.

This will not stop the Mid State's Coalition from trying to block the loan, Darnell promised.

''We'll certainly look into it. That will be a stone that will not be left unturned,'' she said.

LAWSUITS, OTHER BARRIERS COULD DELAY START

The news the DM&E might have broken the longstanding logjam on project funding left some opponents scrambling. Raymond Schmitz is the attorney for Minnesota's Olmstead County. The county, city of Rochester and the Mayo Clinic there all have opposed the DM&E's effort to haul coal through Rochester.

''It is my understanding the city and Mayo Clinic will be taking whatever steps they can to continue their opposition,'' Schmitz said Saturday. ''Whether the county board elects to do anything actively at this point is a decision they have to make. The county's position to this all along has been the impact of this on the county was way out of proportion to any benefit the county might realize.''

Schieffer praised Thune for including in the 2005 federal transportation bill provisions that make it possible for the DM&E to get a federal loan for its reconstruction and expansion.

''Obviously, at this point, we don't know what that legislation says,'' Schmitz acknowledged. ''It was carefully buried in the transportation bill. Whether there is a vehicle to raise the issue is something that is going to have to be explored.''

When the Surface Transportation Board approved the DM&E project in 2002, the Mid States Coalition sued the STB, claiming its decision was flawed. The U.S. 8th Circuit Court ruled the STB decision was essentially sound. The court did, however, require the board to further analyze the environmental effects of rail vibration and horn noise, and of potential increased coal consumption, before drafting a final environmental impact statement and issuing a final decision of approval. That review is ongoing. It might allow opponents to at least slow the railroad's progress toward securing a loan, since regulatory issues must be resolved before the Federal Railroad Administration can consider a DM&E loan application.

''I don't see where they can do anything until they finish that EIS process,'' said Sam Clauson, a South Dakota Sierra Club delegate in Rapid City. ''The final EIS is due out this fall. There's an appeal period on that We're going to probably appeal it.''

Schieffer said he hoped to complete the loan application this year or early next and have a decision from the rail administration on the loan by next spring. That would let construction begin next year.

Even as they laid out a future for South Dakota as an El Dorado of economic development spinning off the DM&E's ambitious project, Thune and Schieffer acknowledged the ongoing controversies and promised to resolve them.

''Those are legitimate concerns. This is a small state. We're neighbors,'' Schieffer said. 'We need to work these things out, and we will.''

Thune said of the project: ''Yes, it's great for South Dakota. But it is not unanimously supported. There is some work to do, there are some issues to address.''

Issues indeed. Fred Seymour lives on Derdall Drive near the DM&E tracks in Brookings.

''Nobody has a keener idea of the situation than me. I expect if the railroad comes through town you will see property values drop by 40 percent,'' he said. Seymour was one of the earliest to call for the railroad to bypass Brookings with its coal trains. But as the project has dragged on, the momentum of opposition has slowed, he said.

''In my view, the people who opposed the railroad have gotten older and gotten crankier and have perhaps not promoted their own interests too well,'' he said. He anticipates within a month Brookings will resolve its differences with the DM&E, and from his vantage near the tracks he predicts with what sounds like cynical satisfaction ''I would expect the DM&E is coming right through here.''

Opponents did not rule the day as Schieffer and Thune made their way to news conferences in Sioux Falls, Huron and Rapid City.

POTENTIAL WINDFALL FOR ETHANOL AND FARMERS

News that the DM&E project has taken a long step toward becoming real also was widely praised Saturday. Schieffer said the railroad will build an operations center in Huron, which has struggled to attract new business. Huron lawyer Ron Volesky said Friday he is seeking the Democratic nomination for governor, and he hailed the DM&E announcement that it has potential financing for the Powder River Basin project.

''That is terrific news for Huron,'' he said. ''I have always been a big supporter of the expansion project, and I am very pleased to see these positive developments come about.''

At the same time, Volesky said, as governor he would try to broker compromise between the DM&E and its opponents. ''The governor has responsibility as the political leader of the state to help where he can to bring about as much consensus as possible,'' he said.

Gov. Mike Rounds could not be reached for comment Saturday. But he endorsed the DM&E project Friday and said: ''I will continue to work with the DM&E to help make this proposal a reality and address outstanding concerns at the state level.''

The state's burgeoning ethanol industry has almost swamped its existing rail facilities, which lends urgency to a DM&E expansion, according to Ron Lamberty, vice president for market development for the American Coalition for Ethanol.

''What we had was not built for this,'' he said. A project such as the DM&E's ''is probably something that's a necessity in the long term,'' he said.

Richardson of the corn growers association peers toward the horizon Lamberty identified and sees an even brighter future. A rebuilt DM&E will aggressively compete with the state's dominant commodity carrier, the Burlington Northern Santa Fe, and will result in lower shipping rates for farmers, she said.

And there is this: ''I was visiting with some people in the ethanol industry who said we will see coal-fired plants in the next 18 months,'' Richardson said. At some point, Wyoming coal hauled by the DM&E could provide the energy to distill ethanol from South Dakota corn at new ethanol plants built here, she suggested.

''It's huge. Huge,'' Richardson said of the DM&E's improved prospects for securing money for its Powder River Basin project. ''We really hope it happens.''

[From the Rapid City Journal, Nov. 6, 2005]

DM&E LOAN COULD HELP S.D. ECONOMY

(By Jan Kaus)

RAPID CITY.—If a $2.5 billion federal loan request by the Dakota, Minnesota & Eastern Railroad is approved, construction on South Dakota's largest railroad project could begin as early as next year, according to DM&E president Kevin Schieffer.

That announcement came in a news conference Saturday at Rushmore Plaza Holiday Inn, where Schieffer and Sen. John Thune, R–S.D., spoke to a group of several dozen people about the financing that only recently became an option—in a transportation bill that expands railroad rehabilitation funding.

The plan would allow DM&E to build or rehabilitate more than 1,300 miles of rail, the majority of which would be in South Dakota.

''The impact it could have on the whole state is huge,'' Thune said Saturday, calling the railroad infrastructure ''an economic development magnet.''

''Who even knows the kinds of industry we could bring in? Literally, the sky is the limit in terms of what this could mean,'' Thune said.

He said that it would not only provide thousands of jobs in South Dakota, but would also address a pressing national need—affordable and abundant energy.

''Forty percent of the country's electricity is fueled by coal,'' Thune said.

Schieffer added: ''And it's not just about coal. This is about wheat, cement, clay out of Belle Fourche, timber and a lot of other things.''

Although most who spoke Saturday were in support of the railroad, property owner Veronica Edoff said she doesn't see where the proposal is going to be fair to people who, she said, are giving up everything to put money in DM&E pockets.

Other landowners, including Leonard Benson and Richard Papousek said the company has been more than willing to negotiate and work with the ranchers.

Wall Mayor Dave Hahn thanked Thune and Schieffer for what the railroad could do for the state and its people, drawing the only applause of the evening.

Thune said it would enable South Dakota to diversify and grow the economy in a way no single industry can. After the recent battle to save Ellsworth Air Force Base, he said, that need is more obvious than ever.

''There's a lot of work ahead of us yet, but I can tell you, it's a lot further along that it was yesterday,'' Schieffer said.

Schieffer emphasized that the funding is a loan—not a grant or taxpayer-funded program.

''We would have to pay it back, but the key thing is that it would be stretched over a longer period of time.''

Thune called the project ''hands-down the biggest single investment ever made in South Dakota. ''

The Federal Railroad Administration has 90 days to decide whether to approve the loan after the application is filed. The project would likely take about three years to build, Schieffer said.

[From the Huron Daily Plainsman, Nov. 6, 2005]

COMMITTED TO HURON

(By Roger Larsen)

They came to hear when seven long years of waiting for the start of a project unprecedented in state history in terms of scope and jobcreating significance would be over.

Dakota, Minnesota & Eastern Railroad President Kevin Schieffer couldn't specifically say when the first spike in the $2.5 billion expansion and reconstruction project will be driven into the ground.

But he could tell them something nearly as promising.

''We feel very good about where things are right now,'' Schieffer told a Huron crowd estimated at 250 on Saturday.

And for the first time since the project to access the Powder River Basin coal fields in eastern Wyoming was proposed in 1998 there is also this:

Thanks to a change in the law that now allows the DM&E to seek the $2.5 billion in federal loans, Schieffer is in a position to say that if the application is approved some construction would start in 2006.

Until now, there has been no specific timetable. As each year has passed, there has been hope the next one would bring construction crews to the region. But the largest hurdle has been a lack of private financing, and that is no longer the problem.

Sen. John Thune, R–S.D., authored a provision in the recently passed highway bill that expands the Railroad Rehabilitation Infrastructure Financing program from $3.5 billion to $35 billion.

Of that, $7 billion is set aside for Class II and Class III railroads.

Based on the traffic load, DM&E is one of 50 Class II railroads in the country.

Project completion would make it the sixth Class I railroad.

While financing can now be sought in terms of a loan, ''it doesn't mean it's going to get done, doesn't mean it's approved, doesn't mean it's a done deal,'' Thune cautioned.

''But it does provide a financing option that was not available prior to the passage of that legislation which works for this project,'' he said. A federal funding source means the project has expanded from a $1.4 billion pricetag to $2.5 billion, with new west and east branches, Schieffer said.

Huron would be home to an operations center, where cars and locomotives are fueled and serviced. The area would see 300 to 500 new railroad jobs, based on traffic loads, and there would be 3,000 to 5,000 construction jobs over three years in three states.

Other servicing facilities would likely be near Wall, the Wyoming border and New Ulm, Minn.

''There's a lot of moving parts to this thing,'' Schieffer said.

''Facilities will change and move as time goes forward so its hard to pin anything down with any certainty but one thing isn't going to change.

''Huron, South Dakota is going to be the operational heartbeat of this enterprise when it's done and that is something that's not going to change.''

He said that decision is based on personal and political commitments.

An enthusiastic crowd of 250 at Saturday's presentation one of three Thune and Schieffer hosted in the state will keep the project on track.

''There's a lot of incentive to keep this thing going, but just remembering pictures like this provides more incentive than I can ever convey to you,'' Schieffer said.

Throughout seven years of ups and downs, ''Huron has been a steady rock of support,'' he said.

Thune's background and knowledge of railroad issues put him in a unique position to understand DM&E's needs. He served as South Dakota Railroad Authority director and worked on railroad issues while on former Sen. Jim Abdnor's staff.

Thune has also been on board since the early days, Schieffer said. ''It's easy for him and it's easy for me to stand in front of this crowd today because there's such enthusiastic support for it,'' he said. ''Seven years ago, that man stood in front of a crowd about this big, but most of them were angry landowners who were opposed to the project,'' Schieffer said.

He said Thune listened to them, empathized with them and pledged to make sure the DM&E acted responsibly. But he also told them they must understand the project is too important to the state not to be built.

''That took courage and some leadership. That's the kind of thing that's always been there, just like Huron,'' Schieffer said.

There are still hurdles to overcome. Opposition still exists west of the Missouri River, as well as in Pierre and Brookings.

''We've got issues still to address up and down the line,'' Schieffer said. ''I think some of them will be successful and we'll still be able to do things and some we won't.''

The regulatory issues are pretty much over and don't have to be revisited with the new application for funding.

Schieffer said he doesn't want to raise false expectations, ''but this legislation is very potent stuff.''

Railroads like the Union Pacific and Burlington Northern had made use of federal funds in the past, but the law had expired and when it was renewed the rules were changed so DM&041E didn't qualify.

Not only does the Thune provision set the clock back so the railroad qualifies, if it meets the criteria the secretary of transportation must give it priority and preference to make the project happen.

Instead of an open-ended time frame, the government must make a decision on the loan application within 90 days of its filing, which is expected in a couple months. Sometime in the second quarter of next year, the fate of the project should be known.

Schieffer said he thinks the DM&E project is the only one in the country that fits the criteria. Applicants must be able to prove their projects will have a material impact on rail capacity in the country and will serve a compelling national need.

''This is the only rail project I know about out there that will have a material impact on the rail capacity in this country and there is a very clear national need in the federal energy policy.

''We have a very strong case to make,'' Schieffer said. ''We still have to make it, we still have to get it through.'' But the legislation gives the railroad a great advantage.

''It is absolutely everything we have hoped for,'' he said.

Debate in the country has been raging about not having enough energy, generation and transmission, Thune said.

''We would be prime positioned to benefit from some utility plants and additional power generation that could result if this railroad project is built,'' he said.

The project would create a synergy between transportation and energy, he said.

Low sulfur coal is in great demand because of the environmental benefits.

''We get 40 percent of our electricity from coal,'' Thune said. ''The Powder River Basin has literally unlimited reserves of coal resources.'' Competition in the basin would also relieve bottlenecks, he said. By 2020, it's estimated there will be a 55 percent increase in rail traffic in the country.

In answer to a question, Schieffer said without the need for private investors ''this gives us control of our destiny much more.''

He said greater independence would mean the DM&E could become a publicly traded company.

There has also been concern that the DM&E will forget its ag producers and shippers. But the project has strong support from commodity groups, and service will not only improve, but will expand.

''They know what it means to them,'' Schieffer said. ''It's going to be a huge benefit.''

Mr. COBURN. Mr. President, Congress has a moral obligation to make difficult decisions about spending priorities as we fight the war on terror, recover from natural disasters, and struggle to shore up Medicare and Social Security. Last year in fiscal year 2005 our national debt increased by $538 billion, or $1,738 per man, woman and child in this country.

The American people, therefore, are justifiably outraged when Congress engages in an earmark spending free-for-all. Pork projects tend to be allocated outside of the regular priority-setting debate that governs the rest of the budget process. This is wrong. Members of this body should not be asking what right one Senator might have to question another Senator's projects. Instead, we should be listening to the American people who are asking what right we have to force them to finance questionable projects in all 50 States. Every pork project should be balanced against other national priorities. Pork is not a civil right for politicians.

This bill contains more than 1,100 earmarks. Some of those earmarks include: $150,000 for the Alaska Botanical Garden in Anchorage, Alaska for expansion and renovation of its infrastructure; $750,000 for the construction of the Tongass Coast Aquarium; $100,000 to the city of Guntersville, for renovations to the Whole Backstage Theater; $250,000 for the Greenville Family YMCA for child care facility acquisition, renovation, and construction in Greenville, Alabama; $200,000 for the Hayneville Lowndes County Library Foundation for construction of a new library in Hayneville, Alabama; $250,000 for the Cleveland Avenue YMCA for facility expansion in Montgomery, Alabama; $150,000 to the El Dorado Public Schools in El Dorado, Arkansas for the expansion of a recreational field; $200,000 for Audubon Arkansas for the development of the Audubon Nature Center at Gillam Park in Little Rock, Arkansas; $350,000 to the City of Douglas, Arizona for facilities renovation of the Grand Theater; $350,000 to Valley of the Sun YMCA in Phoenix, Arizona for facilities construction of a YMCA; $250,000 to the City of Banning, CA for city pool improvements; $350,000 to the City of Beaumont, CA for the construction of the Beaumont Sports Park; $350,000 to the City of E1 Monte, California for construction of a community gymnasium; $250,000 to the City of Lancaster, California for installations related to the baseball complex; $150,000 to the City of Long Beach, California to develop an exhibit to educate the public on the importance of ports; $200,000 to the City of Placerville, California for Gold Bug Park renovations; $100,000 to the City of San Bernardino, California for Renovations to National Orange Show stadium; $125,000 to the City of Tehachapi, California for design and construction of a performing arts center; $350,000 to the City of Yucaipa, California for development of the Yucaipa Valley Regional Sports Complex; $250,000 to the Lake County Arts Council in Lakeport, California for renovation of the Lakeport Cinema to a Performing Arts Center; $175,000 for the San Francisco Fine Arts Museums, CAY for M.H. de Young Memorial Museum construction; $350,000 to the City of Bridgeport, Connecticut for relocation of the Music and Arts Center for the Humanities to a now-vacant department store; $300,000 to the University of Hartford in Hartford, Connecticut for facilities construction and renovation of the Hartt Performing Arts Center; $250,000 for the Town of Southbury, CT, for renovations to the Bent of the River Audubon Center; $200,000 to Lake County, FL for construction of a library; $96,300 to the City of Coral Gables, Florida for the renovation of historic Biltmore Hotel; $200,000 to the City of Ft. Myers, Florida for the redevelopment of Edson & Ford Estates; $200,000 to the City of Hollywood, Florida for the construction and development of the Young Circle Arts Park project; $100,000 to the City of Pensacola, Florida for construction of the YMCA of Greater Pensacola; $125,000 to the City of Treasure Island, Florida for construction of beach walkovers; $250,000 for Miami Dade County, Florida for the Miami Performing Arts Center; $75,000 to the City of Tybee Island, Georgia for a new facility for the Georgia 4–H Foundation; $300,000 for the Kauai YMCA to construct facilities; $150,000 to Seguin Services in Cicero, Illinois for construction of a garden center; $80,000 to the City of Beardstown, Illinois for construction of the Grand Opera House Beardstown Historical Society; $250,000 to the City of Joliet, Illinois for repairs to Rialto Square Theater; $250,000 to the City of Peoria, Illinois for design and construction of Africa exhibit at Glen Oak Zoo; $500,000 for the City of Muncie, Indiana to revitalize the downtown urban park; $250,000 for the Learning Collaborative to implement the Web Portal Technology Development Initiative in Daviess County, IN; $150,000 to Hardin County, Kentucky for renovation of an historic state theater; $150,000 to Powell County Fiscal Court in Powell County, Kentucky for the construction and development of a park; $100,000 to the City of Louisville, Kentucky for construction of a playground in Shawnee Park; $600,000 for the Kentucky Commerce Cabinet to develop a visitor center at the Big Bone Lick State Park; $500,000 for the Audubon Nature Institute for the Audubon Living Science Museum and Wetlands Center in New Orleans, Louisiana; $100,000 to Greenfield Community College in Greenfield, Massachusetts for a feasibility study; $280,000 for the City of North Adams, MA for the renovation of the historic Mohawk Theater; $260,000 for the City of Lawrence, MA for the redevelopment of the Lawrence In-Town Mall site; $200,000 for the American Visionary Arts Museum, Maryland $350,000 to the City of Saginaw, Michigan for renovation of the YMCA of Saginaw; $250,000 to Walsh College in the City of Troy, Michigan for a library expansion; $500,000 to the City of Cape Girardeau, Missouri for the construction of a new school for visual and performing arts at Southeast Missouri State University; $200,000 to the City of Meridian, Mississippi for the construction of the Mississippi Arts and Entertainment Center; and $750,000 to the City of Pontotoc, Mississippi for construction of the Pontotoc County Sportsplex.

Mr. SARBANES. Mr. President, I want to congratulate subcommittee Chairman BOND and Ranking Member MURRAY for successfully concluding this conference report. I would like to note that this is the first time this subcommittee, as currently constituted, has brought a conference report to the Senate and, in my view, this report is a worthy achievement and I intend to support it.

I note, in particular, the strong title on Transportation funding in the report. We all worked very hard to pass a Transportation authorization bill earlier this year that maintains a balanced transportation program, ensuring adequate funding for both our Nation's highways and transit programs. In my view, both of these components are extremely important to the future economic growth of our country, and I am happy to note that the conference report being brought to us this afternoon is largely faithful to the provisions included in SAFETEA–LU.

The report's provisions regarding Federal employees are also to be commended. The report includes language that will help Federal employees to compete on a more level playing field with contractors in cases where Federal agencies decide to consider contracting out jobs. The report ensures pay parity for all Federal employees—military and civilian alike. It also provides over $125 million to consolidate the FDA at White Oak, and ensures that 68 Taxpayer Assistance Centers, including 4 in Maryland, will remain open until after the inspector general completes a report to determine the impact proposed closures would have

on both employees and clients. I thank the managers of the bill for their hard work on these important issues.

I also want to talk about the appropriation for the Department of Housing and Urban Development, HUD. At the outset, I want to express my appreciation to Senator BOND for his commitment over many years to maintaining strong and effective housing programs. Senator MURRAY, who has not served as Ranking Member on the Subcommittee dealing with HUD issues until this year, has proven to be a very valuable addition to this effort and has shown a deep understanding of, and commitment to, these important programs.

The key problem that the Conferees faced in putting together this report is that they were not given enough money to fund the housing programs at a fully adequate level. For example, the HOME and CDBG program, both very flexible programs, used to build and rehabilitate housing, create new homeowners, and create new jobs, suffer modest cuts in the report.

Public Housing, the Nation's basic housing program for the poor, is inadequately funded as to both its day-to-day operations, and its long-term capital needs. The funding figures are very close to last year's appropriations—and I recognize that this was no easy task for the conferees—but we need more to maintain our basic investment in this fundamental program. HOPE VI is cut by nearly one-third, though I commend the managers for getting this much, given the administration's repeated efforts to kill the program altogether.

Finally, I want to express my deep disappointment that the conference report adopts the funding formula for renewal of section 8 vouchers put forward by the House instead of the far more effective formula adopted by the Senate in the bill we passed earlier this year.

Section 8 is the largest housing program funded the Federal Government, serving over 2 million low-income people. On the positive side, the conference report we are considering today does provide an increase in funds over last year that will help to restore at least some of the vouchers that were lost.

On the other hand, by adopting the House formula voucher renewals, we are likely to see the loss of thousands of valuable housing vouchers in fiscal year 2006. For several years, voucher funding for each housing authority has been allocated based on the prior year's cost and utilization of vouchers at each housing authority around the country. The Senate would have used as a base for this calculation the most recent 12-month period. By contrast, the House formula, which has been adopted by this report, uses only a 3-month snapshot. As you might expect, the Senate provision gives a much more accurate picture of both the housing authority's voucher utilization and costs by taking a broader picture of the data. In addition, the data that would be used under the Senate provision would be more up to date, ensuring a more accurate outcome.

Projections based on data from HUD confirm this view. Under the House formula, some housing authorities will get millions of dollars of voucher funds beyond what they can legally use, while others will not get enough to fund even vouchers that are currently in use. At a time of such tight resources, this kind of planned waste is simply inexcusable.

I want to emphasize that the Senate managers fought for the more sensible Senate language. It is unfortunate that the House, with the strong support of HUD, prevailed in this case. Earlier this week, a senior official at HUD said in the New York Times. ''Lack of Section 8 Vouchers for Storm Evacuees Highlights Rift Over Housing Program,'' November 8, 2005, ''The housing voucher program is something we believe in. But we have to make sure the money's well spent.''

I regret to say that HUD objected to the Senate provision which would have produced a demonstrably more effective and efficient allocation of section 8 funds. In the end, despite the efforts of the chairman and ranking member, HUD and the House prevailed. This concerns me greatly. I certainly hope that HUD does not come back next year and use the wasteful results of this ineffective system for which they advocated, as a rationale to provide less funding for fiscal year 2007.

Despite this significant disappointment, I want to, again, indicate my support for the overall package.

Mr. LOTT. Mr. President, we will hear plenty of self-congratulatory statements on this floor today about this conference report. And I am sure that there are probably many provisions that in fact have merit.

I cannot let the Senate consider this conference report, however, without highlighting some particularly egregious provisions which were literally inserted at midnight. These specific provisions were not included in either the House or Senate appropriations bills, they were never discussed during any of the meetings of the Conference Committee, nor were they subject to hearings by either the authorizing committees with jurisdiction, nor by appropriations committees.

I think we should call these provisions the ''Leave the Victims of Unscrupulous Moving Companies Behind Act.''

Consumers have fewer rights in trying to seek recourse when they are victims of fraud or outright theft than when they deal with a dishonest interstate moving company. The consumer has no ability to use State or local laws or consumer protection regulations. That is because Federal law preempts State and local action in this area. The only recourse a defrauded consumer has is to try to enforce the Federal regulations by going to Federal or State court. This is expensive and in most cases extremely impractical. Let me explain.

One of the most common forms of abuse is what is commonly called ''hostage goods.'' This abuse was described by the Department of Transportation's Inspector General at a hearing I held in the Commerce Committee to look at this problem. Let me quote from his testimony:

> . . . household goods moving fraud is a serious problem, with thousand of victims who have fallen prey to these scams across the county. Typically, an unscrupulous operator will offer a low-ball estimate and then refuse to deliver or release the household goods unless the consumer pays an exorbitant sum, often several times the original estimate. In one case, for example, a New York husband and wife in their seventies were quoted a price of $2,800 to move their household goods to Florida. Once the movers had loaded about half of the goods, the foreman advised the couple that unless they paid the new price of $9,800 they would never see their property again. Fearing that the moving crew might physically hurt them, the couple paid the vastly inflated fee.

In such a case, trying to find an attorney and then proceed to courts while all your worldly possessions are on a truck heading to Florida is not especially practical.

This is not an isolated incident. Since 2001, consumers have filed over 10,000 official complaints with the Department of Transportation. Since 2000, the Inspector General has investigated allegations of fraud associated with approximately 8,000 victims.

In the recently completed highway bill, Congress included provisions to try to tip the scale back a little bit to the side of the consumer. The provisions that were included in the highway bill conference report were almost identical to the provisions in the Senate passed bill and to the provisions that were included in the highway bill that passed the Senate in the last Congress. The basic point of these provisions was to allow State attorneys general and State consumer protection officials to intercede on behalf of consumers and enforce Federal law and regulations dealing with moving companies.

The appropriations conference report we are considering today basically puts these proconsumer provisions on a hold for a year, and allows State officials to intervene in only the most limited of circumstances.

Finally, let me be clear. Most of the companies and individuals engaged in the moving industry are hard-working and honest. It is a small minority of companies that engages in unscrupulous behavior and it is these companies that need to be reined in.

Unfortunately, this conference report allows unscrupulous movers to continue to defraud consumers with little practical recourse for our constituents that have been mistreated.

Mr. PRYOR. Mr. President, I rise today to voice my disappointment and frustration with provisions included in this conference report that severely weaken critical consumer protection law for those that ship household goods using commercial movers.

As the ranking member of the Commerce Committee's Consumer Affairs, Product Safety, and Insurance Subcommittee, as a former State attorney general, and as a leading member of the Committee's Surface Transportation Subcommittee for motor carrier issues, I must express my outrage that this conference report undermines the consumer protections for victims of unscrupulous movers that were part of the transportation bill, known as SAFETEA–LU, signed into law less than 4 months ago.

These provisions were inserted despite commitments I received to the contrary. We had an agreement that we would not seek to modify the household goods consumer protection language within the Commerce Committee's jurisdiction beyond an amendment that was offered as part of the floor consideration of this appropriations bill in the Senate.

Instead, over the objections of myself, Senator INOUYE, Senator STEVENS, Senator LOTT, and the leadership of the House Transportation and Infrastructure Committee, this new language was forced into the conference report in order to protect a few big moving companies from increased public accountability.

Adding insult to injury, provisions that were specifically rejected during the conference on the transportation bill this summer were included in addition to language that goes well beyond those items and further undercuts the work Congress did to aid consumers who face fraud, extortion, and abuse at the hands of unregulated moving companies.

As a former State attorney general, I know the public benefits from local and State officials who are dedicated to protecting consumers. Over the past year, picking up on work begun by Senator MCCAIN, and working with Senators LOTT, INOUYE, and STEVENS, I have tried to find ways to assist the many citizens from all across this country who have been victimized by moving companies and have nowhere to turn.

The most outrageous situation is when a moving company holds all of a consumer's possessions until they pay thousands of dollars in excess of the original estimate for the move. This practice, known as ''hostage goods,'' is extortion, plain and simple. And it leaves consumers helpless in a strange city, with none of their possessions and no recourse.

I say helpless because, although there are some Federal laws to protect consumers when shipping their goods in interstate commerce—protections we enhanced with the passage of SAFETEA–LU—the Department of Transportation, DOT, is simply not suited to police the 1.5 million interstate moves that occur each year.

In 1995, the predecessor of the Federal Motor Carrier Safety Administration, FMCSA, assumed the regulatory duties of the household goods moving industry previously carried out by the Interstate Commerce Commission. Until recently, FMCSA had a total of 3 personnel assigned to handle all of the consumer complaints for the entire Nation and could do little about them. I understand that FMCSA has received nearly 20,000 consumer complaints since January 2001. They have taken little action in this area because FMCSA contends that its limited resources must be focused on truck safety, the agency's primary mission.

States, which want to get involved and already oversee consumer protections for the intrastate movement of household goods with little controversy, have been told by the courts that they have no jurisdiction in this area, since it involves interstate commerce. The net result is that moving companies operating in interstate commerce face no regulation of their commercial behavior, and therefore, continue to take advantage of consumers.

To address this glaring problem, SAFETEA–LU created a partnership with the states by allowing them to enforce certain Federal consumer protections rules as determined by the Secretary of Transportation—a model that works well in other areas.

It is so disheartening that only a few months after these new authorities were put in place—before they could even take effect and be put to use to protect consumers—these provisions have been reopened and basically gutted on behalf of a few big moving companies that want to keep operating without real oversight.

The household goods provisions added to this conference report will: limit a State attorneys general's ability to initiate an action to enforce Federal household goods consumer protection law to only cases involving new moving companies or those who egregiously violate Federal motor carrier safety regulations. The effect of this provision is to totally insulate most movers, particularly larger and more-established moving companies, from even the threat of action by a State, regardless of how outrageous their violation of Federal consumer protection law may be.

Further, the provisions will: apply these same enforcement limitations to State authorities that already regulate intrastate movers and require that the State consumer agencies enforcing Federal household goods consumer laws bring their cases in Federal courts only, where they would languish on average for 3 more years. What are consumers supposed to do while everything they own is being held hostage by a mover during those 3 years?

I believe these provisions go well beyond anything the Commerce Committee would ever have agreed to, had we the opportunity to consider these directly. The only thing positive I can say about them is that they are set to end after Fiscal Year 2006.

This language is an affront to all authorizing committees that—after years of discussion—agreed upon these provisions. It is wrong that those who did not get what they wanted—were rejected both in the Senate and in conference—can then hijack the consumer protection provisions that this Congress approved in July.

The passage of the SAFETEA–LU household goods language signaled Congress's willingness to stand up for the consumer and correct an injustice that occurs far too often. It is sad that this conference report seeks to undo this achievement and make it significantly more difficult for our citizens to get the recourse they deserve.

State attorneys general and State consumer protection agencies are much more likely than the Federal Government to doggedly pursue justice for their citizens in these cases. A letter from the National Association of Attorneys General on January 21, 2004, proves this point, by indicating the association's full support for State enforcement of Federal household goods consumer protections. The letter, signed 48 State attorneys general, specifically rejects complaints from the moving industry against this new authority.

In conclusion, let me say that I appreciate the work of the other House and Senate appropriations conferees and my colleagues on the Senate Commerce Committee for trying to keep these provisions out of their bill. It is unfortunate that they ended up being included, and I plan to work to see that they are overturned.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask that I be recognized for a few minutes and that the time not come out of the time that is currently allotted on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

THANKING THE SENATOR FROM WEST VIRGINIA

Mr. STEVENS. Mr. President, I regret seriously that I was not here at the beginning of the statement made by the distinguished Senator from West Virginia, Senator BYRD. I was in an interview, as a matter of fact. My staff came to tell me the Senator was speaking about the article I gave to him that my daughter Lily wrote. I have come to the floor to thank him for his courtesy and generosity in speaking about that article.

Lily is one of my six children, the last of my children. As the Senator from West Virginia indicated, she is in law school at Boalt Hall. She wrote her thesis at Stanford about the history of this Capitol. I gave a copy of that thesis to the Librarian of Congress, James Billington, and he passed it on to the National Capitol Historical Society. They determined they would print part of it in their current bulletin, which pleased me very much.

I shared that with the Senator from West Virginia, as any proud father would, particularly with the Senator from West Virginia because of our

great friendship and the time we have been here together. He is the senior Senator on his side of the aisle, and I am now the senior Senator on this side of the aisle. I will forever be his junior in terms of not only age but service and the admiration I have for him.

I knew Senator BYRD would be interested in the way Lily described this Capitol, its history, and its importance to this country. It is a beautiful article, I think, and I am doubly proud of her and extremely pleased that he would take the time and do us both the honor of putting that article in the RECORD.

I invite my friends and colleagues to read that article. Lily had a different life than most of my other five children. She literally grew up here from the time she was a very small baby, and came to the Senate quite often and sat on my shoulder when we were in conference meetings.

Senator BYRD has always been very gracious about coming to her birthday parties which we held here during the 8 years I was the whip on this side of the aisle. All of our family has such a great admiration for the Senator and for his great history.

I think many people do not realize that he is not only the most senior Senator, but he is the only Senator who went through both the university level and law school level while serving in the Congress. He has a prodigious memory. I think of times when, for instance, we were at the U.S.-British Parliamentary Conference when I encouraged the Senator to tell us some of his memories of serving in the Capitol when we were with our fellow legislators from the Parliament of Britain. We have great memories of that.

I also have a memory of the time when we were in West Virginia when one member of the Parliament made the mistake of saying that Americans didn't know much about the history of our mother country and those who have served Britain and their monarchy. Senator BYRD proceeded to tell us in detail about every single person who ever served in that position, including the husbands and wives of the monarchs of Britain.

I have so many great memories of service with Senator BYRD. I have already ordered a copy of the transcript and the tape of this presentation to send to Lily. I can think of no nicer birthday present to me than that the Senator from West Virginia would honor my daughter and the article she has written about the place we both love, the Capitol of the United States.

I thank the Senator very much for his courtesy.

Mr. BYRD. Mr. President, if the distinguished Senator will yield briefly—and I am not going to keep my friend from Texas waiting. He has been standing and waiting to be recognized.

It was a pleasure, may I say to my friend, to call to the attention of Senators this beautiful article written by Senator STEVENS' daughter Lily. She is a really precocious child. I have watched her from almost day one. I admire her. She is a well-bred woman. She is the flower of womanhood. She is seeking always to enlarge her mind and doing a great job of it.

I am pleased the Senator feels that he rejoices that her article has been mentioned by me. I want to assure him that he is entitled to every plaudit I can bring to bear on this subject. I hope he conveys my love and my admiration to his daughter Lily.

And may I say to the Senator, ''Thou art my guide, philosopher, and friend,'' as the Pope once said. I mean every word of that. I treasure our friendship, I say to Senator STEVENS, and may his beautiful daughter continue to do her work and complete her studies and go on to higher things. She is a fine model, and many of us can learn from her efforts to improve herself. I will certainly do that myself. I thank the Senator. I thank him very much.

Mr. STEVENS. Mr. President, the Senator twice honors me. I do thank the Senator very much. Those of us who have had the privilege of serving here more than a short time develop relationships that I think the rest of the body and perhaps the country don't understand. Very clearly my commitment in terms of friendship and devotion to my friend from West Virginia is equal to his for me. I am very pleased and proud to have that relationship with him.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I also ask unanimous consent that after I am recognized, Senator COBURN and Senator DEWINE be recognized for up to 30 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. I thank the Chair.

CHILD SUPPORT ENFORCEMENT

Mr. CORNYN. Mr. President, I talk about two subjects that are very near and dear to my heart. The first is the matter of child support enforcement. My colleagues might wonder how does that issue arise. The fact is, last night, the House of Representatives passed their version of the Deficit Reduction Act of 2005. As each of us knows, the purpose of that Deficit Reduction Act of 2005 is to actually bring down the Federal deficit by finding cuts in the Federal budget, the Federal budget that currently comprises something in excess of $2.5 trillion a year.

This is a very important exercise. This represents the first time, I believe, since 1997 when we have seen real and meaningful cuts in Federal spending. The challenge, of course, is that about a third of the money the Congress spends is discretionary spending. Half of that third is defense spending, and the rest of it is homeland security and other discretionary programs. But some of that you can tell by the mere description is hardly discretionary because it is important to our national security.

My point is that two-thirds of the Federal budget is not, even under any conception or definition, discretionary spending. It is Medicaid, Medicare, and Social Security, and we simply have to come to grips with that so-called entitlement or nondiscretionary spending in order to draw the reins in on a Federal Government that continues to grow day by day in its scope and size and expense.

I am here to say I think there are some cuts that make more sense than others and some cuts make no sense whatsoever. I consider child support money that goes to assist the States in collecting child support to fall into that last category—cuts that make no sense whatsoever. Let me explain.

The House bill will cut $5 billion in Federal funds from the child support program over 5 years—$5 billion over 5 years. It will cut $15.8 billion, almost $16 billion, over 10 years. This translates into a 40-percent reduction in Federal spending for the child support program. My State of Texas would lose $258 million over 5 years and $824 million over 10 years.

I ask unanimous consent that a chart prepared by the Center for Law and Social Policy which lays out the proposed cut to Federal child support funding State by State be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 2.—PROPOSED CUTS TO FEDERAL CHILD SUPPORT FUNDING

[$ millions]

State	5-year Cut 2006–2010	10-Year Cut, 2006–2015
Alabama	−187	−59
Arizona	−188	−59
California	−1,006	−3,211
Connecticut	−71	−228
Dist. Columbia	−15	−49
Georgia	−105	−334
Idaho	−19	−61
Illinois	−161	−514
Indiana	−61	−194
Iowa	−49	−157
Kansas	−47	−151
Louisiana	−55	−176

TABLE 2.—PROPOSED CUTS TO FEDERAL CHILD SUPPORT FUNDING—Continued

[$ millions]

State	5-year Cut 2006–2010	10-Year Cut, 2006–2015
Maine	−22	−72
Maryland	−94	−299
Massachusetts	−88	−282
Michigan	−249	−795
Minnesota	−133	−425
Mississippi	−23	−72
Missouri	−82	−261
Montana	−12	−40
Nebraska	−42	−134
Nevada	−38	−121
N. Hampshire	−15	−48
New Jersey	−173	−554
New Mexico	−37	−119
New York	−303	−967
North Carolina	−106	−339
North Dakota	−11	−35
Ohio	−288	−918
Oklahoma	−44	−139
Oregon	−49	−156
Pennsylvania	−188	−602
Rhode Island	−11	−35
South Carolina	−33	−105
South Dakota	−8	−25
Tennessee	−75	−238
Texas	−258	−824
Utah	−34	−110
Vermont	−11	−36
Virginia	−80	−256
Washington	−130	−415
West Virginia	−36	−114
Wisconsin	−96	−308
Wyoming	−10	−31
Nationwide	−$4,962	−$15,846

CLASP calculations based on preliminary estimates by the Congressional Budget Office of the total cut in federal child support funding under the House Ways and Means Committee budget reconciliation chairman's ''mark,'' The total cut was distributed by state based on each state's share of total child support administrative expenditures in 2004, as reported by the federal Office of Child Support Enforcement Preliminary Report FY 2004, table 7.

Mr. CORNYN. Mr. President, those are the cuts, $5 billion over 5 years, $16 billion roughly over 10 years.

What is the impact of these cuts on child support collected? This will reduce child support collections by $7.9 billion over 5 years and $24.1 billion over 10 years.

That is right, for a $5 billion cut, it eliminates $7.9 billion in child support collections. For a $16 billion cut, it eliminates $24.1 billion in collections over 10 years. In my State of Texas these cuts will reduce child support collections by $411 million over 5 years and $1.25 billion over 10 years.

At this point, I ask unanimous consent that a chart also prepared by the Center for Law and Social Policy, which states the projected impact on child support collections State by State, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 3.—PROJECTED IMPACT ON CHILD SUPPORT COLLECTIONS

[$ millions]

State	5-year Cut 2006–2010	10-Year Cut, 2006–2015
Alabama	−93	−285
Alaska	−31	−95
Arizona	−94	−286
Arkansas	−61	−185
California	−1,601	−4,884
Colorado	−104	−316
Connecticut	−113	−346
Delaware	−35	−108
Dist. Columbia	−24	−74
Florida	−366	−1,115
Georgia	−166	−508
Hawaii	−15	−45
Idaho	−30	−92

TABLE 3.—PROJECTED IMPACT ON CHILD SUPPORT COLLECTIONS—Continued

[$ millions]

State	5-year Cut 2006–2010	10-Year Cut, 2006–2015
Illinois	−256	−782
Indiana	−97	−295
Iowa	−78	−239
Kansas	−75	−230
Kentucky	−85	−258
Louisiana	−88	−268
Maine	−36	−109
Maryland	−149	−454
Massachusetts	−140	−428
Michigan	−397	−1,210
Minnesota	−212	−647
Mississippi	−36	−110
Missouri	−130	−397
Montana	−20	−61
Nebraska	−67	−204
Nevada	−60	−183
N. Hampshire	−24	−74
New Jersey	−276	−842
New Mexico	−59	−181
New York	−482	−1,470
North Carolina	−169	−516
North Dakota	−18	−54
Ohio	−458	−1,396
Oklahoma	−69	−211
Oregon	−78	−237
Pennsylvania	−300	−915
Rhode Island	−18	−54
South Carolina	−53	−160
South Dakota	−12	−37
Tennessee	−119	−363
Texas	−411	−1,253
Utah	−55	−167
Vermont	−18	−55
Virginia	−128	−390
Washington	−207	−631
West Virginia	−57	−173
Wisconsin	−153	−468
Wyoming	−15	−47
Nationwide	−$7,900	−$24,100

CLASP calculations based on preliminary estimates by the Congressional Budget Office of the projected effect of funding cuts on collections under the House Ways and Means Committee budget reconciliation chairman's ''mark.'' The total cut was distributed by state based on each state's share of total child support distributed collections in 2004, as reported by the federal Office of Child Support Enforcement Preliminary Report FY 2004, table 7.

Mr. CORNYN. Mr. President, in the year 2004, the child support program collected $ 21.9 billion, while the program costs were $5.3 billion. Let me make this clear for my colleagues. In other words, for every $1 spent by the Federal taxpayer $4.38 in child support was collected for the children who need it. This is not the typical Federal program. This is not money that once spent we see no real benefit from. Rather, this is one that for every dollar that is invested $4.38 in child support is collected for the children who need it and who are legally entitled to it.

The President's 2006 budget cites the child support program as ''one of the highest rated block formula grants of all reviewed programs Government-wide.'' This high rating is due to its strong mission, effective management, and demonstration of measurable progress toward meeting annual and long-term performance measures.

Even there, the numbers and these sort of accolades about this program do not tell the whole story. The story is completed by the fact that many children who receive child support are thereby prevented from drawing down other Government programs. For example, child support enforcement reduces reliance on Medicaid, temporary assistance to needy families, and other social service programs. It is estimated that more than 1 million Americans were lifted out of poverty through child support programs in the year 2002 alone.

So in addition to money that is a good return on investment, $4.38 for every dollar, this money actually avoids additional expenditures of tax dollars by creating individuals who are qualified for other Government programs at a lot more expense to the Federal taxpayer.

The problem with these cuts is that they are likely to reverse dramatic improvements in the child support program's performance over the past decade, and they may well force many families back on the welfare caseload. This means former welfare families and working families of modest income will lose an important source of income that now enables them to maintain financial self-sufficiency and thereby having to draw on Government resources through public assistance programs.

The reason I feel so passionately about these particular cuts and the effectiveness of the child support enforcement program is that for 4 years before I came to the Senate I served as attorney general of Texas. It was my job, on behalf of approximately 1.2 million children, to see that they got the child support that they deserved, that they needed, and that they were legally entitled to.

I am proud to say that my State ranks second in the Nation in terms of total collections, collections of about $1.8 billion in fiscal year 2005, and an increase of 83 percent of collections since fiscal year 2000.

Now, that did not happen by accident. The reason it did happen is because of the great work being done by the men and women in the child support enforcement division of the State of Texas. It also happened because of the money that is provided by the Federal Government to help fund this necessary function. Due to the good work of these hard working men and women in the child support division, obligations, that is court orders, establishing support have risen from 55 to 82 percent of the qualifying population, and the cost-effectiveness in Texas has gone from $4.96 to $6.81.

I mentioned the national average of $4.38 for every dollar spent. In Texas, we now collect $6.81 for every dollar spent.

If the financial benefits, if the cost-effectiveness of this program, and if the avoidance of other costs to the Federal taxpayer were not enough, there are other intangible benefits to a strong and effective child support enforcement program. I have seen with my own eyes that too many families, when they divorce, reach a tacit agreement with regard to their children. Moms who frequently are the ones who have custody of the children sometimes

reach a tacit agreement with their ex-spouse, typically the father, that if they do not exercise their visitation rights that the mother will not press the father for the financial support to which their children are legally entitled.

What happens is that these children become two-time losers. Not only are they denied the financial benefits that the law says they are entitled to, they are denied contact with both parents that every child needs in order to have the best chance of success.

Indeed, one of the intangible benefits of an effective child support program is not just the money collected, it is not just lifting children who would otherwise be in poverty out of poverty, it is not just avoiding the additional expenses of Government programs that would otherwise be invoked if that support was not there, it is literally the benefit of having a mother and a father both engaged, involved, and committed to the welfare of their children.

I can think of no more important purpose that our efforts could serve than to reunite mothers, fathers, and children in a collective effort to improve the status of our children and their prospects for a bright future.

So I hope in the conference on the Deficit Reduction Act of 2005 our colleagues in the House will reconsider, and I hope our colleagues in the Senate will persuade them that of all the cuts they might have chosen these were the least deserving and that the money should be reinstated. I am confident throughout the $2.5 trillion Federal budget that there are other programs, other waste, other fat, other ineffective programs that could be more effectively cut and with far less damage to the most vulnerable among us.

PATRIOT ACT

Finally, just for a couple of minutes, maybe 5, I want to speak about another subject, and that is the USA PATRIOT Act. It has been more than 4 years since our country was hit on September 11 by terrorists who care nothing for our way of life and nothing for the laws of war. They have attacked, because they could, innocent civilians in their jihad against those who have different ways of life and different views.

We know the PATRIOT Act has been largely responsible for making America safer by bringing down the wall that prevented the sharing of information between law enforcement and intelligence agencies, by making available to our FBI and other intelligence-gathering bodies the same sort of techniques that are currently used against organized crime members and other criminals. Simply, what this body did in the PATRIOT Act was make sure that we used every legal and reasonable means to root out terrorism, to investigate it, and to stop it before it killed other innocent Americans.

The PATRIOT Act was passed shortly after September 11 by a strong bipartisan vote of 98 to 1 in the Senate and 357 to 66 in the House. As I said, the PATRIOT Act enhanced law enforcement and intelligence agencies' ability to gather and analyze intelligence information and to use the most modern communications technologies, such as e-mail, cellular telephones, and the Internet, and it strengthened criminal laws and penalties against terrorists.

As always, we must be concerned with the right balance between the need to protect innocent American lives and the need to preserve our civil liberties. Despite the dire predictions of some groups, the PATRIOT Act has not eroded any of our rights that we hold near and dear as Americans. To the contrary, the PATRIOT Act has enabled the Justice Department, the FBI, and the CIA and other Federal, State, and local law enforcement agencies to cooperate and to share information and thereby save American lives and protect what is perhaps the most important civil liberty of all, and that is freedom from future terrorist attacks.

I serve on the Judiciary Committee, and we have held 25 oversight hearings to date within the Judiciary Committee to ensure that we have both the tools we need and that we struck the right balance between civil liberties and our need to be secure. As all of our colleagues know, several sections of the PATRIOT Act are set to expire, sections 203 and 218, on December 31, 2005. These are the very provisions that have been instrumental in bringing down this wall that has previously separated different agencies of the Federal Government in getting information that is needed in order to save American lives and to stop terrorist attacks.

I would just read briefly from recent testimony before the Senate Judiciary Committee by Peter Fitzgerald, the U.S. attorney for the Northern District of Illinois, who has recently been in the news. He has recounted from personal experience how this wall between law enforcement and intelligence personnel have operated in practice. He said:

> I was on a prosecution team in New York that began a criminal investigation of Usama Bin Laden in early 1996. The team—prosecutors and FBI agents assigned to the criminal case—had access to a number of sources. We could talk to citizens. We could talk to local police officers. We could talk to other U.S. Government agencies. We could talk to foreign police officers. Even foreign intelligence personnel. And foreign citizens. And we did all those things as often as we could. We could even talk to al Qaeda members—and we did. We actually called several members and associates of al Qaeda to testify before a grand jury in New York. And we even debriefed al Qaeda members overseas who agreed to become cooperating witnesses. But there was one group of people we were not permitted to talk to. Who? The FBI agents across the street from us in lower Manhattan assigned to a parallel intelligence investigation of Usama Bin Laden and al Qaeda. We could not learn what information they had gathered. That was ''the wall.''

Well, people who remember the hearings before the 9/11 Commission will remember that there were a number of high-profile witnesses from Janet Reno, the former Attorney General of the United States, to former Attorney General John Ashcroft, who served during the first term of the Bush administration, and FBI Director Mueller. Witness after witness testified that that wall between criminal investigators and our intelligence-gathering communication prevented the sharing of information that has been absolutely critical in protecting innocent American lives and preventing future terrorist attacks.

It is that same wall that will be resurrected on December 31, 2005, unless the U.S. Congress acts. It is absolutely critical that we look at this with cold-eyed clarity and not be swayed by scare tactics or emotional appeals.

I am astonished, when I look at the reality of how the PATRIOT Act has made our Nation safer, that there are those who would use scare tactics to try to convince them that America's civil liberties are somehow imperiled. In fact, the American Civil Liberties Union, time and time again, through fundraising appeals and elsewhere, has misrepresented the PATRIOT Act in a way that I believe has frightened the American people. They happen to use it to raise money in their direct mail campaign, but it has had the disservice of breaking American resolve and confusing the American people about exactly what is at stake and what the benefits of the PATRIOT Act are.

Perhaps the most telling manifestation of the effectiveness of their scare tactics and their misinformation campaign is that approximately 300 different municipalities across America have passed resolutions calling for the repeal of the PATRIOT Act. I think we have to mark that off to a lack of good information, or perhaps the gullibility on the part of some of these city councils and others. Because, as the Senate Judiciary Committee has found out, when you ask the American Civil Liberties Union to detail a single violation of American civil liberties as a result of the passage and implementation of the PATRIOT Act, they have been able to come up with none, zero, zilch, nada.

Senator DIANNE FEINSTEIN, with whom I am honored to serve on the Senate Judiciary Committee, who always does a very diligent job on behalf of her constituents and on behalf of the Senate, asked the ACLU to search the records and come up with a single instance that they believe demonstrated or proved that the PATRIOT Act imperiled the civil liberties of the American people, and they did not come up with a single example.

I hope, as we continue to work on a conference report to reauthorize the PATRIOT Act, that the Members of the Senate will do our jobs with a clarity of mind based upon evidence and not yield to the scare tactics by those who want to create a disinformation campaign and perhaps confuse the American people about the importance of the PATRIOT Act. It is absolutely critical that we reauthorize this act, that

we not allow that wall to be resurrected because the truth is, we owe it to the American people and we owe it to those whose lives will literally be lost unless we do our job and reauthorize the PATRIOT Act before provisions of that act expire on December 31, 2005.

Mr. President, I yield the floor.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER (Mr. DEMINT). Under the previous order, the Senate having received a conference report on H.R. 2528, that report is considered agreed to and the motion to reconsider that act is laid on the table.

Mr. ROBERTS. Mr. President, at this time, under the regular order and a unanimous consent request, the distinguished Senator from Ohio was to be recognized. He has acquiesced in my behalf that I may be recognized for 15 minutes. I ask unanimous consent that I may speak as in morning business for 15 minutes, to be followed by the Senator from Ohio, and that the Senator from Colorado will be recognized after the Senator from Ohio.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. ROBERTS pertaining to the introduction of S. Res. 329 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. I thank the Chair.

(The remarks of Mr. DEWINE pertaining to the submission of S. Res. 321 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

HONORING OUR ARMED FORCES

ARMY PRIVATE FIRST CLASS HARRISON J. MEYER

Mr. DeWINE. Mr. President, I rise this evening on the floor of the U.S. Senate to pay tribute to a brave, young Ohioan, who lost his life while serving in Operation Iraqi Freedom. Army Private First Class Harrison J. Meyer, a combat medic from Worthington, OH, was killed on November 26, 2004, while attempting to rescue a wounded comrade during a firefight. Born on Veterans Day—November 11, 1984—he was barely 20 years old at the time of his death.

When I think about the sacrifices of our men and women in uniform, I am reminded of something President Ronald Reagan said about the strength of the American people. He said this:

> Putting people first has always been America's secret weapon. It's the way we've kept the spirit of our revolutions alive—a spirit that drives us to dream and dare, and take risks for the greater good.

Harrison Meyer was always taking risks for the greater good—always putting others first and selflessly giving of himself for his fellow man. According to Medical Platoon Sergeant Randolph L. Nutt:

> [Private First Class Meyer] fully knew what the dangers were and willingly accepted them as a risk to save others' lives. He made the ultimate sacrifice so that others may live. Six other soldiers are still alive directly due to his actions.

Indeed, Mr. President, Harrison Meyer—Harry to his friends and family—embodied the true American spirit that President Reagan described.

> Harry grew up in Worthington and attended Thomas Worthington High School. He graduated in 2003. While in high school, Harry belonged to the track team for 3 years. He competed as a pole-vaulter. Andy Cox, a U.S. history teacher and track coach at Thomas Worthington, remembers Harry as a ''teddy bear who made everybody laugh. He was a real team player—always wanting to help people.'' Coach Cox went on to say that ''Harry was the kid who was trying to make all the other kids relax, feel good about competing.''

Harry often brought homemade treats to the track meets for the entire team. Coach Cox emphasized the popularity of his cheesecake. As he affectionately recalls, ''[Harry] was a great cook!''

Hary did not join the track team during his senior year because he wanted to focus his attention on his upcoming military career. Still, however, he attended all of the school's track meets, and, according to Coach Cox ''he'd always bring something homemade for the team.''

Harry was also a member of the school's choir, and for four summers, Harry worked at the Worthington municipal pool doing various jobs, including serving as a lifeguard.

According to his mother, Harry was deeply affected by the September 11th terrorist attacks. He enlisted in the Army's pre-graduation program, and shortly after his high school graduation, he was inducted. He was stationed in Korea and assigned to Headquarters and Headquarters Company, 1st Battalion, 503rd Infantry Regiment, 2nd Infantry Division, Camp Howze, before leaving in August 2004, for Iraq. His mom said that Harry's selflessness was one of the reasons he decided to become a medic after joining the Army.

In fact, according to Chris Begin, a good friend of Harry's, Harry wanted to go on to medical school after returning from Iraq.

While in Iraq, Harry and his comrades faced danger daily. Harry's mom recalls that before he was killed, Harry had treated a dozen seriously wounded soldiers. She said that ''he knew (insurgents) were targeting medics. He indicated it was a very dangerous place. ''But, he always told me—'Don't worry, Mom.' ''

The dangers became too grave on November 26, 2004 near Ar Ramadi. Harry was killed the day after Thanksgiving, while trying to pull a wounded comrade to safety during an insurgent attack on his unit.

At the services held in Harry's honor after his death, friends and family recalled Harry's heroism and generosity, saying that the cause of his death reflected how he had lived. According to his mom, ''Harry had always wanted to help people. He didn't think about his own welfare. He'd give you anything he had.''

I recently came across a touching reminder of Harry's lasting impact on others. It is a posting on an Internet tribute for service members who have been killed in either Operation Iraqi Freedom or Operation Enduring Freedom. A friend of Harry's—Pamela Moorehead from Worthington—posted the following email message:

> Harry, I was thinking about you today. I'm not sure what made me think of you. I think I was just reminded by something someone said. It's September 26, 2005, so in one month you will have been gone for a year. Everyone still misses you. The memories from pole vaulting with you and hanging out with you and Brandon make me both happy and sad. To your family—Harry is one of my heroes, and we all still think about him. We miss him and continue to keep him and all of you in our thoughts and prayers.

Harrison Meyer was a kind soul, with a warmth that touched many people. My wife Fran and I keep Harry's family—his parents Deborah and William; and his three sisters—Lynn, Bronwyn, and Kelley, in our prayers.

I would like to conclude my remarks with an excerpt from a poem titled ''American Hero, written by Harry's cousin Jordan Michael Meyer. The poem is in remembrance of Harry:

He is out there on the front lines.
He knows the risk.
He knows the sacrifice.
He is going to put it all on the line and role the dice.
The man is fighting for a better life.
The American soldier found his home after this brutal fight.
Now looking down upon us he sets flight.
Always keeping us in sight.
He won't stop protecting us, day and night.
He is an American soldier, brought up on love, alone, feeling so far from home.
He hides his fear, doing anything to protect those who are dear, knowing death is near.
He is a young man taking upon the sacrifice of a nation he holds dear.

Harrison Meyer held his Nation dear, and we hold dear his memory. We will never forget him.

MARINE CORPORAL NATHAN R. ANDERSON

Mr. DeWINE. Mr. President, while deployed in Iraq, Marine Corporal Nathan ''Nate'' Anderson made sure to write his family back home in Howard, OH, as often as he could. After witnessing the death of a good friend, Nate wrote that ''the service of freedom demands sacrifice.'' He tried to calm his family's fears as he continued, ''No worries. I will be fine wherever I end up. I have the Lord on my side and guardian angels on both shoulders. I am good to go.''

I rise today on the floor of the United States Senate to pay tribute to this brave Marine. With the Lord on his side, Nate left this Earth on November

12, 2004, as he was killed while fighting insurgents in Al Anbar province in Iraq. He was 22 years-old.

Nate gave his life the day after Veterans Day, just over a year ago now. It is fitting in a sense, given his deep devotion to protection our Nation. When I think about Nate and the dedication of all our men and women in uniform, I am reminded of something President Ronald Reagan once said about freedom. He said that ''the task that has fallen to us as Americans is . . . to keep alive the hope and dream of freedom.''

Nate Anderson accepted this task wholeheartedly. He believed in freedom. And he believed that he had a mission to protect it and promote it around the world.

Nathan Anderson was born in Zanesville, OH on May 22, 1982. Growing up in Apple Valley, Nate enjoyed hunting, fishing, snowboarding, and bull riding. Older sister, Meg, remembers her brother as a ''happy and good spirited'' kid who liked swimming, making mud pies, and riding roller coasters at Cedar Point amusement park. She said that Nate was ''the life of the party.'' He had a real zest for life. He loved country music, rodeos, and the military. Even at the young age of 10, Nate dreamed of someday becoming a Marine.

Nate attended East Knox High School, where he was both a dedicated student and gifted athlete. Karen Smith, a guidance counselor and teacher, described him as ''a very likable, well-rounded young man'' who had a lot of friends. Nate's football coach, Chet Looney, said that Nate's ''contribution to the team was outstanding. He was one of those guys you need because he was a great team player. He was kind of fiery at times and then other times he was a jokester.'' Kathy Frere, an English teacher at East Knox High, fondly remembers Nate. ''He was just a special student,'' she said. ''He was so enduring. To know him is to love him—it's an old saying, but it's true.''

Following his high school graduation in June 2001, Nate's dream of joining the Marines became a reality. He was assigned to the 1st Battalion, 8th Marine Regiment, 2nd Marine Division, 2nd Marine Expeditionary Force, based in Camp Lejeune, NC. In 3 short years, Nate's service took him to over ten countries, including his final deployment in 2004 to Iraq in 2004.

Nate's family recalled the pride that Nate displayed as a result of serving his country and his desire to be the best Marine and the best son, brother, and friend he could be.

April Buckingham, Nate's close friend and former high school classmate, described his outgoing and compassionate personality as always uplifting others. She recalls gathering around the campfires that Nate often built, with the help of friends, in his parent's backyard. She said that ''Nate was an honest guy—the heart and soul of all our friends. He was the one who tried to keep us all together after graduation. He was an amazing person. We all loved him, and will miss him very much.''

Nate's sisters remember him with great love, affection, and respect. His sister Traci describes her brother as ''soaring on wings like eagles. I salute you, my brother. I salute the way you lived. I salute your sacrifice. I will always be in your debt.''

Nate's sister Meg said that he was her best friend. She last spoke to him on the phone 2 weeks before his death, when he told her that they would be on a special mission. Meg said that Nate told here ''it'd be two weeks and not to worry. He said he loves me. He said he'll be home soon.''

At Nate's funeral service, held at North Bend Church of the Brethren, 400 mourners gathered to say goodbye. As the Reverend Patrick Bailey said, ''They had come to honor a great son, an awesome brother, a great friend, a fellow [marine] and hero.''

Nate was all of those things and more. He loved his family. He loved his country. He fought for freedom. And, we will never forget him. His parents, Mary and Neil Shaw and Richard Anderson; sisters Meg, Traci, and Kelly; and his brother Adam all remain in our thoughts and in our prayers.

I would like to conclude my remarks by reciting an e-mail message that was posted on an Internet tribute to Nate. Someone who just signed her e-mail as ''Amy of Ohio'' wrote the following:

> Thank you Nate for your sacrifice—for protecting me and my children and for being our hero. We hope and pray that your reward will be great in Heaven. To Nate's family— we pray for you and will never forget your son's courage or the price he paid for our great country. May you find peace in God's love and know your son will always be with you, and you will one day be reunited. I hope and pray that all Americans are grateful of our men and women, sons, daughters, moms, dads, brothers, sisters, husbands, wives, and grandchildren who are fighting for our freedom while we enjoy our lives in the comfort of our own homes. Nate, you will never be forgotten and will be our hero forever and always. God bless you and your family and God bless America.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I rise to discuss the situation in Iraq.

Critics of the Bush administration have recently gone out of their way to try to convince the American people that the President misled our nation about Iraq. Some are arguing most vociferously that President Bush purposely withheld intelligence information from Congress. Others accuse the President of deliberately fashioning U.S. intelligence to fit his own agenda. A few even suggest that the President had some kind of personal vendetta against Saddam Hussein and was willing to do whatever it took to remove him from power.

I can accept criticism leveled at our intelligence agencies for providing inaccurate intelligence. I can accept criticism lodged against the Department of Defense for not sufficiently preparing for an Iraqi insurgency.

I can even accept criticism that the Bush administration did not appropriately prepare the American people for the cost of the war in Iraq.

What I cannot accept, what I feel is so irresponsible, and what is so damaging to our nation are accusations that suggest that President Bush deliberately lied to the American people about either the intelligence or about his reasons for going to war.

I was a member of the Senate Armed Services Committee when the President requested Congressional authorization for the use of force against Iraq in 2002. I participated in numerous open and classified, bipartisan hearings and briefings on our intelligence regarding Iraq's weapons of mass destruction. The conclusions that I reached, that President Bush reached, and that many Democrats reached, were the same.

We all agreed that Saddam Hussein had weapons of mass destruction. We all agreed that he had used such weapons in the past against Iran and Iraq's Kurdish populations. And, we all agreed that he would not hesitate to use them against the United States in the future.

The U.S. Congress and President Bush were not alone in this assessment. The intelligence agencies of Britain, Germany, Russia, China, and even France all believed Saddam Hussein had weapons of mass destruction. The entire international community watched as Saddam used these weapons to murder thousands of his own people. Even the Chief United Nations weapons inspector, Han Blix, thought the chemical weapons he discovered prior to the war in Iraq were the ''tip of a submerged iceberg''.

The fact is that the debate in Congress over whether to authorize the use of force was never about Iraq's weapons of mass destruction. Everyone thought Saddam Hussein had them. In fact, even those who voted against the use of force in Congress never questioned the veracity of our intelligence information.

That is not because the Bush administration manipulated the intelligence that was presented to Congress, as some have alleged. Indeed, a number of independent commissions since the war began have investigated this issue and found the Bush administration did not distort intelligence information. The best known investigation was the bipartisan Senate Select Committee on Intelligence, which stated unequivocally in its report that, ''the Committee did not find any evidence that Administration officials attempted to coerce, influence or pressure analysts

to change their judgments related to Iraqi weapons of mass destruction capabilities.''

Therefore, if we agree that the President did not lie about our intelligence on Iraq's WMD programs, then the critics can only argue that the President Bush's rationale for going to war at the time of the Congressional debate was somehow flawed and unjustifiable. Here I would again disagree.

During the debate, I joined with a large majority of the Members of Congress on both sides of the aisle who voted to authorize force. We did so because of two important facts—the same two facts offered by the President.

First, Saddam Hussein was in breach of more than a dozen United Nations Security Council resolutions. He continued to refuse to cooperate with U.N. weapons inspectors even after a decade of sanctions. He rejected proposal after proposal to conduct fair and transparent inspections.

When he finally allowed inspections, Saddam did everything he could to undermine, cajole, and otherwise manipulate the inspections process. He gave every appearance of hiding large stockpiles of weapons of mass destruction.

Second, a large bipartisan majority of Members of Congress, including nearly 30 Senate Democrats and 81 House Democrats, voted to authorize the use of force against Iraq because, after September 11, it was clear that America could no longer afford to allow imminent threats to our nation go unhindered and unopposed. In most minds, Iraq represented a highly dangerous nexus between terrorism and weapons of mass destruction. In the context of Saddam's decade-long defiance, it was a nexus that Members of both sides of the aisle in both the Senate and the House was no longer willing to ignore.

When critics try to cover up their vote in support of the use of force against Iraq, they damage the credibility of our government overseas and send a disheartening message to our soldiers, sailors, airmen, and marines who are bravely defending freedom in Iraq and Afghanistan.

When they falsely accuse the President of misleading the American people, they encourage the enemy who believes America will throw in the towel and give up when the fighting gets tough.

It is time for the President's critics in Congress to remember why they voted to authorize force against Iraq in 2002. It is time for them to acknowledge the progress our soldiers are making now in Iraq and Afghanistan. It is time for them to recognize the success we have had against global networks of terror.

And most of all, it is time for these critics to lay aside their own political ambitions and do what is right for America. It is time for them join our Commander-in-Chief in the fight against those who wish to destroy our Nation.

An agenda of disunity and surrender will never lead to victory. We need to unite behind our Commander-in-Chief if we are to defeat this enemy. It is my hope that the President's critics will see this imperative and finally do what is best for our Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. TALENT. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE BUDGET

Mr. TALENT. Mr. President, I decided to come to the Senate for a few minutes this evening to speak to the Senate because of growing concern over the defense budget and, in particular, the growing likelihood that we are going to see cuts in the defense budget so that next year's budget is lower than what the President had proposed for fiscal year 2007.

I am moved especially by a recent ''Inside Defense'' column which reports that because of pressure from the Office of Management and Budget, the Deputy Secretary of Defense may well require that the service chiefs take $7.5 billion out of next year's budget and $32 billion in cuts over the next 5 years—this at the end of the budget cycle, not as a result of an assessment of military need or necessity. As I will show in a minute, one could hardly in any dispassionate view of our military needs believe we could absorb $7.5 billion in cuts next year because of procedure that is budget driven. When I see that, it reminds me of other things I have been hearing lately. I felt it was deja vu all over again, as Yogi Berra might have said.

I remember the days in the 1990s when military needs were determined by the budget rather than the budget being determined by military needs. When the Berlin Wall fell and the Cold War ended, our country was justifiably pleased. We believed there was a peace dividend available. The Clinton Administration took a lot of money out of the defense budget. I will go into that in a minute. They took too much out of the defense budget, and left a force that by the end of the 1990s was hollowing out. Our military was not as prepared as it should have been. We have been doing the best we can in the last few years to reconstitute that force, but now we may be headed in the wrong direction.

I emphasize, this pressure is not from within the Department of Defense. It is not what the Department wants to do. It is what the Department may be forced into as a matter of false economy. There is no economy more false than depriving our military and our men and women of what they need to defend us.

Let me go over a little bit more of a history lesson in some depth. Defense spending actually decreased in real terms every year from 1990 through 1999. In fact, during 3 years in that period, it decreased in nominal terms by almost $50 billion.

Actual dollars, or nominal dollars, went down in the defense budget over 3 years during that period by $50 billion, and in every year during that period military spending decreased in real terms.

The reason was, some people thought with the fall of the Soviet Union we would need the military less. That was true for the nuclear arsenal, but not true for the people in the military. It turned out we needed conventional forces actually more than we needed them before the fall of the Soviet Union because deployments went up. We found, in the post-Cold War era, that regional conflicts around the world, the ethnic and religious and regional conflicts that had been suppressed by the bipolar nature of world competition, rose to the surface.

I remember reading what former CIA Director Gates said about it. He said: History had not ended with the fall of the Soviet Union. It had just been frozen before that. And he said: ''Now it is thawing out with a vengeance.''

Well, when you spend less and less overall, at least as against inflation, and you have to spend more and more on operations and maintenance, on readiness, because you are actually using the troops more and more, something has to give. You cannot take more and more of a percentage for operations and maintenance out of a budget which is less and less, at least as adjusted against inflation, without something giving. And what gave was procurement.

We took basically a decade-long ''procurement holiday.'' By the last few years of the 1990s most people realized what was happening and we were able to push more money back into the defense budget, but it was not enough to make up for what had happened before.

From 1975 through 1990, we purchased, on average every year, 78 scout and attack helicopters. From 1991 through the year 2000, we purchased 7 per year on average. For battle force ships from 1975 through 1990, it was 19 a year; 7 a year from 1991 to the year 2000. For fighter aircraft for the Navy, we purchased 111 per year from 1975 through 1990. We purchased 42 per year on average in the decade of the 1990s. I could go on and on.

For tankers, we purchased 5 per year on average during the 15-year period from the mid-1970s to 1990. In the mid 1990s, we purchased one per year. For tanks, artillery, and other armored vehicles listen to this, the basic platforms the Army uses; tanks, artillery and other armored vehicles—we purchased 2,083 on average every year from 1975 to 1990. But we purchased 145 on average every year from 1991 through the year 2000.

What happened is what you would have expected. The average age of the force and the equipment in the force

grew. Look at legacy aircraft, the A–10, the ''Warthog,'' 24 year old; the B–52 bomber, 44 years old; the C–130 transport, 33 years old; the KC–135 tanker, 43 years old. The procurement holiday left us with equipment that was too old.

Well, what happened? Beginning at the end of the 1990s, Congress and the President at the end of the Clinton administration, and especially with the beginning of the Bush administration—began to respond. The Chiefs complained to the point where people who didn't get it earlier finally saw what we were talking about. The decision was made to increase spending enough to sustain the volunteer force, to recapitalize the basic equipment that we had not bought in the 1990s, and to begin designing and producing the new generation of systems that the men and women in our military would use for decades to come.

The plan was to increase defense spending by a modest amount above inflation, beginning around the year 2001, so that these needs could be met. There were many of us who were concerned that was not enough money. The Department of Defense has traditionally been rather optimistic in its estimation of costs. The CBO traditionally has claimed we needed between $20 billion and $30 billion more than even was estimated at that time. But at least we had a plan. It was a beginning. It was based on an actual if perhaps optimistic estimate of need.

Unfortunately, the plan has not been as effective as we hoped in achieving its goals, and particularly in recapitalizing the force. There are a lot of reasons for that. One is that op tempo, operational tempo, has been even higher than we expected after what we experienced in the 1990s. It is what the military calls ''mission creep,'' a significantly expanded number and variety of missions that drive up defense costs because they stress the force. Operations and maintenance costs go up, readiness costs go up. Just staying in place, just keeping the force you have and the equipment you have maintained and ready becomes more difficult.

But what was the mission creep? The September 11th attacks had something to do with that, and then Afghanistan and Iraq. Our Armed Forces have become global first responders. We have homeland security missions now that we never anticipated. Contingency peace enforcement missions around the world, special ops, and ongoing training operations. Operational tempo is at a historic high. It is likely to remain so.

This means not only that we are sucking up more money in operations and maintenance, it means the equipment we have is being used up even faster. Even if you maintain it properly, if you are using it at a greater rate than you anticipated, it is not going to last as long. We face a situation where we are going to have to reset or reconstitute the basic equipment in the force.

In addition, personnel costs have been higher than we anticipated because we wanted to do right by the men and women in America's military. We voted for pay raises. And we should have. We have increased housing allotments. We have met the obligations we promised our retirees regarding health care. Those were good things. I supported them. But adjusted for inflation, personnel costs have increased from 1999 to 2006 from $92 billion to $109 billion annually. That alone would eat up any of the real increases we had planned and have been able to give the military in the last 5 years.

In addition, we are facing a threat, at least sooner, and certainly more seriously—or a potential threat—than we thought we would have to face; and that is, the rising military power of China. China is engaged in a comprehensive effort to profoundly improve its ability to project naval power and to develop a comprehensive anti-access capability in order to prevent the American military from having access into the western Pacific.

I am not saying that China is going to become, or need become, an enemy of the United States. I am saying that China is rising as a world power. It is very deliberately, according to plan, increasing in particular its naval strength. If we are to deter some kind of aggression or conflict, we need to be strong—not provocative, but we need to be strong in response. We did not anticipate, 5 or 6 years ago, that they would grow so strong so quickly.

Their most significant advances are in submarines. China will take delivery of 11 submarines in 2005. We are going to buy one. Its fleet includes an increasing number of the following vessels: the Type 93 nuclear-powered attack submarine; Type 94 nuclear-powered ballistic missile submarine, which carries an ICBM with a range of more than 5,000 miles; and Russian-built ''Kilo''-class diesel electric attack submarines.

By the year 2010, they may be able to deploy a fleet of up to 50 modern submarines to confront us, should they choose to do so. Remember, they can concentrate that power in the Western Pacific.

Among China's surface combat vessels, the most notable is the growing number of Russian-built missile destroyers which carry the SS–22 ''Sunburn'' anti-ship missile, and the Type 72 large amphibious assault ship. In addition, China is developing and producing its own advanced fighter aircraft. It is procuring hundreds of advanced Russian-built Sukhoi fighters. China has deployed over 700 land-attack ballistic missiles opposite Taiwan. It is adding over 100 new missiles each year.

I could go on for a considerable period of time. The upshot of that is, by the end of the decade, China may be able to field, as I said before, 50 submarines, all concentrated in the Western Pacific. They are closing the technology gap and working steadily to develop an area denial capability which is aimed directly at American strength.

I am not saying they are going to use it. I do believe strongly that the more they believe we are going to be prepared and ready, the more likely they will be to seek peaceful redress of whatever concerns they may have, the more likely it is we are going to be able to avoid developing a confrontational relationship with them.

For all these reasons, we have not completed the task of redressing procurement shortfalls from the 1990s. We need 160 aircraft per year to keep the average age in the inventory stable. Instead, we are purchasing 80 aircraft. The current plan is to purchase less than one-half the number of new F/A–22s the Air Force says it needs. This is the superior air-to-air fighter. The Navy is at 283 ships, and that number is going down. We purchased an average of 5.6 ships per year over the past 10 years. You assume a 30-year service life. At that rate, it is eventually going to give us a fleet of 170 ships.

The last time the Department of Defense estimated the number of ships we needed to be secure, it was 375. I expect that a reasonable Quadrennial Defense Review, looking at this, will produce a number no lower than 300. We are not purchasing ships at anywhere near the rate we have to in order to sustain the Navy at that level. At that rate, our submarine force will drop below 40 in the next decade. Every recent study identifies the need for 55 to 76 submarines at a minimum. We need to get the shipbuilding budget up, and estimates range from $14 billion to $18 billion a year to maintain a Navy at approximately 300 ships. We are not there yet.

Now, additional reductions are being proposed. Those reductions, if implemented, will mean the defense budget again will not grow, at least in real terms. Most of the Department's budget is basically committed. You cannot short operations and maintenance. You cannot short readiness. You must pay your people. You must provide the benefits you have committed to provide. That means any budget cuts must come almost entirely out of exactly the platforms, the ships and planes and tanks and vehicles that we have been designing and developing to provide the new generation of capabilities that our men and women need to be able to defend us.

So proposals are afoot and rumors are out that the Army is going to cancel the Future Combat System. That is the Army's system to replace the older tanks, the Bradley fighting vehicles, to make sure the technology is adequate, the information technology is networked together. FCS is the system designed to give us the most modern ground combat capabilities. All of this

is potentially on the chopping block. The next generation destroyer, the DD(X), may not get built. That is the ship that is going to provide naval surface fire to support troops going ashore. The Joint Strike Fighter, our stealthy air-to-ground strike fighter, which we have been developing for years, is on the chopping block. The new tanker is imperiled. The need for additional airlift is imperiled. This situation is serious.

What do we need to do? The Department is engaged right now in a Quadrennial Defense Review. Every 4 years the Department looks at its needs and is supposed to analyze what it needs to defend us and analyze that in terms of military needs, not fiscal constraints. In other words, the way the law reads, they look at what structure of forces, what package of capabilities they need to defend the United States, and then we try to come up with the money to pay for that.

Well, I am concerned that the analysis may be the other way around. They may be given a figure, a budget number, and told to come up with a force structure and a package of capabilities that meet that budget number. They must be allowed to assume reasonable inflation-adjusted increases in the defense budget for the future and then be allowed to build the package of capabilities and force structure needed to defend the United States.

That Quadrennial Defense Review needs to be military driven, not budget driven. Then, in the meantime, while we wait for that review, we should stick with the planned figure for fiscal 2007. Every year, the Department sends its budget here. And, of course, the key number is the number for the upcoming fiscal year, but it is always a 5-year defense plan. In the first few years of the Bush administration, to the credit of the Department and the administration, they have basically stuck to their projections year by year, with fairly minor deviations.

The figure for fiscal 2007 that we were given last year is $443 billion, and that is the figure that should come over. We should not sacrifice our defense requirements for deficit concerns. Whatever your feelings about the deficit and about how we ought to resolve the deficit, it is not caused by the defense budget.

The defense budget is 48 percent of discretionary spending. It was just about the same in the Carter era. The defense budget as a percentage of the total budget is 17 percent, which is 6 percent less than it was in the Carter era. As a percentage of gross domestic product, it is 3.6 percent which, again, is less than it was in the Carter era. The military budget has not caused the deficit that we are dealing with today. In fact, if we could just sustain defense spending at 4 percent of the gross domestic product, which would be an historic low, that would be more than adequate for us to build the kind of force structure that we need to defend our country. That is not too big a sacrifice to pay for this Nation's security.

I said at the beginning of my remarks that reducing the defense budget in the name of reducing the deficit is a false economy. I ask Senators to consider the world situation today. The stability of the international order in the world depends on the reality and the perception of American military power. The more stable the world is, the more hospitable it is to freedom and to our interests, the faster our economy will grow, and the more money we will have available, not just for defense spending but, indeed, for all other obligations of the Government. That is something President Reagan understood. When he became President in 1981, he began building up America's defenses. He had double-digit spending increases in the military budget. He knew that was a key aspect of winning the Cold War. He got the attention of the Soviets. After a few years, they decided it was not worth it to try to compete with the United States in that arena. That was one of the key factors that led to the fall of the Soviet Union. And the freedom that resulted from that, the end of the isolation of Eastern Europe, the opportunities that were unleashed on the world are one of the reasons that we had unparalleled economic growth all throughout the 1990s, which then enabled us to balance the budget and eventually get to a surplus.

If, as a result of budget-driven decisions, we reduce the defense budget beneath what is minimally adequate, we create a sense of instability in the world, a doubt about our resolution to maintain our obligations and to protect our freedom. If that even minimally increases the possibility of a confrontation somewhere in the world, it will affect our economic opportunities and our economic growth far more than anything we could possibly save by reducing the defense budget, to put it on just as low and cold a level as possible. A strong defense, the perception of American will and resolution is good for the economy. It is necessary if we are going to grow as a country, create jobs, and generate the kind of revenue that will allow us to address the deficit.

I offer a personal note on behalf of this issue. The men and women who defend us in our military are the finest people who have ever served in any military service at any time in the Nation's history. They know the obligation that they are undertaking. They undertake it willingly. Over Veterans Day, I attended a few rallies around Missouri. I like to do that in commemoration of the men and women who have served. I was in Lebanon, MO, and met a number of our service personnel who were there. One of them was a recent enlistee in the National Guard, a young man who was proud to wear his country's uniform, proud at the prospect that he might be actively involved, as I am sure he will be, in helping our Nation win the war against terror.

We had an opportunity to visit. He understood that in doing that, he was doing something very important, very large. He was sacrificing, and his sacrifice was a measure of the value he placed on the freedom of his country and the security of his family.

Those young men and women in America's military will keep faith with us. They are going to do what we ask and expect them to do to protect us. We owe it to them, particularly in the Congress. We owe it to them, to keep faith with them. They protect us. They count on us to protect them, to do what we know is necessary to provide them with what they need to do their jobs.

Let's live up to that. Let's have confidence that doing the right thing, meeting our obligations with regard to the national defense, is the best way to approach the future, both economically and as a matter of foreign policy and as a matter of the Nation's security.

I yield the floor.

FOREIGN OPERATIONS APPROPRIATIONS

Mr. FRIST. Mr. President, Thursday night, on the eve of Veterans Day, we passed the Foreign Operations appropriations bill with near unanimous, bipartisan support. I commend my colleagues for their cooperation on this bill which is so critical to America's security.

I especially recognize Senator MITCH MCCONNELL for his steady leadership.

Diplomacy and foreign policy are essential pillars of our national security. They reflect America's values, principles, and vital interests.

This $21 billion appropriations bill promises to promote democracy, stability, and prosperity, and strengthen America's security here at home and around the world.

It also promotes America's leadership in the arena of international aid. Targeted foreign assistance is an invaluable instrument for spreading democratic values, and improving the health and welfare of our neighbors close to home and around the world. It can promote economic growth and opportunity in even the poorest of nations.

The Foreign Operations appropriations bill includes several provisions that advance these efforts. I would like to take a moment to share some of them.

The defeat of Global HIV/AIDS is one of the world's greatest humanitarian challenges. In many countries, an entire generation of productive adults has been wiped out by this one, tiny, malicious virus. The funds set aside to battle the HIV/AIDS virus target relief where it can do the most good and make the biggest difference.

Under this legislation, America is committed to providing $2.82 billion for Global HIV/AIDS relief. That includes: $2 billion for the Global HIV/AIDS Initiative; $250 million for HIV/AIDS from the Child Survival and Health Programs Fund; and a $450 million contribution to the Global Fund to Fight AIDS, tuberculosis, and malaria.

By providing this desperately needed help, we save lies, strengthen alliances, and promote peace and stability.

I have often talked about humanitarian aid as a currency for peace. The Foreign Operations appropriations bill wisely sets aside targeted funding for global health programs to advance that cause.

Along with tackling the Global HIV/Aids crisis, the Foreign Operations appropriations bill supports the Child Survival and Health Programs Fund. These funds help reduce child mortality and morbidity, and combat other, serious public health problems.

One of the most important public health crises this bill addresses is the lack of clean, drinkable water in many regions of the world.

Every 15 seconds a child dies because of a disease contracted from unclean water. Fully, 90 percent of infant deaths can be attributed to this one, basic cause.

In total, water-related disease kills 14,000 people a day. That is over 5 million people a year, not counting the millions who are debilitated and prevented from leading healthy lives.

Cholera, typhoid, dysentery, dengue fever, trachoma, intestinal helminth infection, and schistosomiasis can all be prevented by simply providing clean, drinkable water and proper sanitation.

Funding for the Safe Water: Currency for Peace Act, which I cosponsored earlier this year, will go a long way to providing this simple, but profound necessity.

In addition to providing Foreign Operations needed and targeted humanitarian aid, the Foreign Operations appropriations bill advances the critical work of stopping the spread of WMD.

We are working closely with our friends and allies to secure stockpiles of WMD-related materials and technology and to make sure our allies have the ability to protect these sensitive materials.

The Foreign Operations appropriations bill provides over $410 million toward our nonproliferation, anti-terrorism, and demining efforts.

One of the gravest threats we face is the threat of WMD falling into our enemy's hands.

We cannot, we must not, let this happen.

Ultimately, the goal of each and every one of our foreign operations programs must be to promote America's security and America's values. And as the last century taught us, our security and our values must go hand in hand.

Whether for humanitarian, diplomatic or security purposes, effective foreign assistance advances our vital interests and protects the homeland.

The United States remains committed to eliminating poverty, expanding prosperity, and strengthening domestic institutions abroad.

And by doing so, we advance our security and prosperity right here at home.

TRIBUTE TO MR. BEN WORTHINGTON

Mr. McCONNELL. Mr. President, I rise today to pay tribute to a dedicated steward of our national forests, Mr. Ben Worthington. Last month, Ben retired from the National Forest Service after 32 years of service. For the last 10 of these years, my home State of Kentucky was fortunate to have him serve as forest supervisor of the Daniel Boone National Forest.

Ben began his forestry career at Washington State University, where he earned a degree in forest management. After graduating, he joined the Peace Corps and was relocated to Costa Rica for 2 years. Upon his return, he worked for the Forest Service in his home State of Oregon and eventually in Washington State and California. Before moving to Kentucky, he was the deputy forest supervisor at Bridger Teton National Forest in Wyoming.

As forest supervisor of the Daniel Boone National Forest, Ben oversaw the day-to-day operation and preservation of Kentucky's only national forest. The Daniel Boone National Forest covers over 700,000 acres of land from the northeastern part of the Commonwealth of Kentucky all the way to the Tennessee State line, and also includes some noncontiguous counties in eastern Kentucky. This Kentucky treasure has something for every outdoor enthusiast. With over 600 miles of trails, it can be hiked, biked, and explored on horseback. Visitors may also fish, hunt, and camp in the forest, making it a popular weekend getaway or vacation destination.

I had the privilege to team up with Ben by securing funds over the years to help with the marijuana eradication operations on or near the national forest land. Ben and his staff have worked in lockstep with the local sheriff's departments, the Kentucky State Police, and the Kentucky National Guard to identify and destroy marijuana plants. They have done a terrific job, and I know that Ben's success will be carried on by his successor.

After working for 32 years in the Forest Service, Ben plans to remain in Kentucky. His wife is active in their local community of Winchester, his mother now calls Kentucky home, and his two children attend Western Kentucky University. Ben's work ethic, dedication, and love of the land will be greatly missed, but it is time for him to start a new chapter, and I wish Ben the best in his retirement.

HONORING SGT. JOHN BASILONE, ''A PLAIN SOLDIER'' AND THREE OTHER MARINE LEGENDS

Mr. DURBIN. Mr. President, last week, on the 230th anniversary of the U.S. Marine corps, the U.S. Postal Service unveiled a long-awaited set of postage stamps honoring four of the corps' greatest heroes.

Today, a new generation of Americans are risking their lives to serve this Nation. Nearly 2,100 Americans have died in Iraq, and more than 15,000 others have been injured. It is important that we honor their sacrifices and the sacrifices of those who came before them. I would like to take a few moments to talk about the four legendary marines commemorated on the new stamps.

LTG John A. Lejeune is probably the best known of this fabled four. Regarded as ''the greatest of all leathernecks,'' Lieutenant General Lejeune made history in World War I as the first marine to lead what was predominantly an Army division. He was awarded the Distinguished Service Medal from both the Army and the Navy, as well as the French Legion of Honor and the Croix de Guerre with Palm for his service during World War I. He is best known, however, for his foresight and determination to enhance the Marine Corps by introducing specialized amphibious assault capabilities into Marine Corps training. Marines today annually read his 1921 Birthday Message Order that summarizes the history, mission, and traditions of the Marine Corps.

LTG Lewis B. ''Chesty'' Puller rose through the ranks from private to become one of the Marine Corps' most celebrated leathernecks. His distinguished service and leadership during critical battles in the '' Banana Wars,'' World War II, and the Korean War earned him five Navy Crosses and made him one of the most decorated marines ever. He led marines in two of the Corps' most daring assaults: at Guadalcanal in World War II; and at Inchon in the Korean Conflict. He died in 1971 and is still revered in the Corps today for his courage in combat and his ability to inspire confidence and loyalty and for the attention and respect he showed to those under his command.

SGM Daniel J. Daly is one of only two marines to be awarded two Medals of Honor for separate acts of heroism. According to the ''Historical Dictionary of the United States Marine Corps'', his ''record as a fighting man remains unequalled in the annals of Marine Corps history'' nearly 70 years after his death. In 1900, Sergeant Major Daly was sent to China, where he earned his first Medal of Honor during the Boxer Rebellion. In 1915, he was sent to Haiti, where he earned his second Medal of Honor fighting off nearly 400 bandits. He saw combat as a gunnery sergeant in France during World War I and was awarded the Distinguished Service Cross and the French Government's Croix de Guerre with Palm. He retired in 1929 and died in 1937, and remains a legend to all marines.

The fourth of the legendary marines honored on the new postage stamps is the only one the four killed in combat. One writer described him as a ''big, handsome Marine with jug ears and a smile like a neon sign.'' GEN Douglas MacArthur called him ''a one-man Army.''

Marine GySgt John Basilone was 1 of 10 children of an Italian-born tailor, Salvatore Basilone, and his wife Dora. He was born in Buffalo, NY and raised in Raritan, NJ.

He enlisted in the Army when he was 18 and served in the Philippines, where he picked up the nickname ''Manila John.'' He fought as a light heavyweight prizefighter in the Army, going undefeated in 19 fights. He received an honorable discharge after completing his 3-year enlistment, returned home, and worked briefly as a truckdriver.

In July 1940, sensing war clouds on the horizon, John Basilone enlisted in the Marine Corps. In October 1942, he was serving with the 1st Battalion, 7th Marines, 1st Marine Division, on Guadalcanal. For 6 months, the Army and Marines had fought a bloody battle to hold a critical airfield on that island. On October 24, GySgt John Basilone and 14 other marines were ordered to hold back many times that number of elite Japanese troops.

A private first class serving under him would later recall that, ''Basilone had a machine gun on the go for three days and three nights without sleep.'' He fired machine guns, fixed guns, and crawled repeatedly through Japanese lines to get more ammunition. When the sun rose the next morning, the marines still held the airfield, and John Basilone was credited by his men with giving them the will to fight on the most terrifying night of their lives.

For his heroism at Guadalcanal, John Basilone was awarded the Congressional Medal of Honor and ordered home to take part in a war bonds tour. The tour brought in $1.4 million in pledges. He crisscrossed the country, met Hollywood startlets, and even met his wife, another marine, at Camp Pendleton. He could have remained stateside for the remainder of the war but, he turned down the bars of a second lieutenant because, he said, he didn't want to become ''a museum piece.'' In his words, ''I'm a plain soldier, and I want to stay one.'' So just before Christmas 1944, he kissed his new wife goodbye and rejoined his ''boys'' in the Pacific.

On February 19, 1945, SGT John Basilone was serving with the 1st Battalion, 7th Marines, 5th Marine Division during the first day of the invasion of Iwo Jima. He was on the island less than 2 hours when an enemy artillery round exploded, killing Basilone and four members of his platoon. He had just destroyed an enemy blockhouse, enabling the marines to capture another critical airfield. On his left arm were tattooed the words ''Death before Dishonor.'' John Basilone was 27 years old.

He was awarded the Navy Cross and Purple Heart posthumously, making him the only enlisted marine in World War II to be awarded the Congressional Medal of Honor, the Navy Cross, and the Purple Heart. He was also awarded the American Defense Service Medal, American Campaign Medal, Asiatic-Pacific Campaign Medal, World War II Victory Medal, Presidential Unit Citation with Star, and Presidential Unit Citation with Bar.

After the war, John Basilone was reburied at Arlington National Cemetery. In 1949, the USS Basilone, a destroyer, was commissioned in his honor. Today, a life-sized bronze statue of him watches over his hometown of Raritan, NJ, and in 1981, Raritan began a parade in his honor. It remains the only parade in the Nation dedicated to the memory of one veteran.

The National Italian American Foundation, the Order of the Sons of Italy of America, the Sergeant John Basilone Foundation, and veterans and marines organizations worked long and hard to see this ''plain soldier,'' as John Basilone called himself, included among the marine heroes honored on the new stamps. We thank them for helping to make a new generation of Americans aware of the service and sacrifices of this son of an Italian immigrant, a true American hero.

When he died, The New York Times noted in an editorial that there always had been Americans like John Basilone, willing to fight for their country even when they knew their luck wouldn't last. ''The finest monument they could have,'' the newspaper said, ''would be an enduring resolve by all of us to this time fashion an enduring peace.''

Let us never forget how much we owe John Basilone and all those who have given so much, over so many generations, so that we can live free.

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HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS DUSTIN YANCEY

Mr. GRASSLEY. Mr. President, today I address the Senate in tribute to PFC Dustin Yancey, originally from Cedar Rapids, IA and more recently from Goose Creek, SC. Private First Class Yancey was tragically killed on November 7, 2005 during Operation Iraqi Freedom. His Humvee was struck by an improvised explosive device and both Private First Class Dustin Yancey and Captain James M. Gurbisz were killed. Private First Class Yancey served with the 26th Forward Support Battalion, 2nd Brigade, 3rd Infantry Division based in Fort Stewart, GA. He was only 22 years old.

I ask that the Senate, the people of Iowa, and all Americans stand today and recognize the sacrifice that Private First Class Yancey made yearlier this month. Our country has survived throughout the centuries due to the brave men and women who have composed our Armed Forces, and I am saddened to announce to the Senate that another of our bravest will be buried in Arlington National Cemetery.

We could all learn from the patriotism and spirit of Private First Class Yancey. His cousin, Brian Yancey of Cedar Rapids, IA, remembered that Private First Class Yancey ''was very much a patriot, very much a military man. He was a person who wanted to do what he could for his country.''

We must remember Private First Class Yancey's family, in both Georgia and Iowa, and stand with them during this time of loss and grief. The thoughts and prayers of countless Americans go out to Private First Class Yancey's family and friends. He did not die in vain, but rather gave his life for the promotion of freedom and security around the world. He will be sorely missed, but will also be an inspiration for future brave Americans for years to come.

U.S. MILITARY PERSONNEL SERVING IN IRAQ

Mr. SANTORUM. Mr. President, I rise today to share with my colleagues another positive story from a member of the U.S. Armed Forces currently serving in Iraq. His story, once again, depicts the frustration that so many of our servicemembers have with the lack of public attention in the U.S. to the humanitarian and military successes of their work in Iraq.

I recently received a letter in the mail from Ms. Ann Sensenich of Boiling Springs, PA. Ms. Sensenich wrote to me:

DEAR MR. SANTORUM: Enclosed is a copy of a letter I received from one of our soldiers serving our country in Iraq. I am forwarding this to you as I feel this is a letter that should not be viewed by only my eyes.

I have been sending packages to my employer's son in Iraq and he forwards them on to his soldiers and this is one of the responses I received.

Please share this letter with anyone you feel would appreciate the service of this and all our U.S. soldiers defending our country and keep in mind he indicated he would go back seven times before he would let terrorists on our soil.

Thank you for reading this and please share his words with others.

Sincerely,

ANN B. SENSENICH.

Attached to Ms. Sensenich's correspondence is the letter that a deployed servicemember wrote to her when her package was shared with fellow servicemembers. He wrote:

DEAR ANN SENSENICH, I am deployed with the 3/3 ACR. We received your package, and I just wanted to take a little bit of my time to say thanks.

Your package helped with the morale of a lot of soldiers. Due to the negative feedback we get from the media and people back home, it is nice to receive a package from someone who supports us and what we do.

People like you are the reason why we fight this war. We sit over here day to day risk getting shot at or having mortar rounds dropped in on us so that the people back home (like yourself) can keep on enjoying the freedoms that a lot of people take for granted everyday. I, myself used to take those things for granted also until I was deployed to fight for our freedom. This is my second deployment, and this is the first time that we have received a package from someone in the states. So, thank you for your unselfishness, and don't ever feel bad for the soldiers that are over here fighting this war. This is our job! This is what we were trained

to do. I would come back over here seven more times before I let these terrorists on our soil. You can sleep safe in your home tonight, enjoy every warm meal you have, enjoy your warm shower tonight, and wake up to a free world tomorrow because we are over here fighting for you and your family.

Once again—Thanks! I just wanted you to know that your package that you sent did not go unnoticed.

Mr. President, these stories need to be told. Our soldiers are sacrificing their lives for us; they are putting themselves in harm's way each and every day over there, and missing valuable time with their families and loved ones. They need to know that we support them, and that their bravery and hard work is not going unnoticed.

We cannot allow critics here in the United States to influence the mentality of our troops. They need to know that we stand with them and that we support their invaluable mission.

WHAT'S AT STAKE FOR U.S. AGRICULTURE IN THE NEXT TWO MONTHS?

Mr. SANTORUM. Mr. President, our top U.S. trade negotiators traveled this week and last in Europe, Africa, and Asia. They are making a concerted effort to encourage certain influential countries among our 148 trading partners in the World Trade Organization to put meaningful agricultural offers on the table in Geneva. We are coming down to the wire in the most recent round of multilateral trade negotiations, referred to as the Doha Development Round. The offers that our trading partners put on the table in the next month or two are the starting point for agricultural negotiators. That deal in agriculture will be combined with the results of similar negotiations in the manufacturing and services sectors of the economy. Together, they constitute the outcome of the round that has been going on for the last 4 years. Without a deal in agriculture, however, the Doha Development Round will falter.

While bilateral trade agreements are beneficial to U.S. exporters, it is through multilateral negotiations that across-the-board tariff reductions can be achieved. That is why the Doha Development Round is so crucial.

The agricultural negotiations are significant to all of us representing states with agricultural constituencies. In the case of Pennsylvania, production agriculture generated $4 billion in cash receipts in 2003, according to USDA statistics. That's $4 billion for the producers of livestock and commodities in my State. Pennsylvania generates only 2 percent of agricultural cash receipts received by producers nationwide, so you can imagine how important agriculture is to the 31 States with larger agricultural economies. Then there is the added value to the Pennsylvania economy of further processing and manufacture of food products and their export. Virtually every State has a stake in these negotiations.

The producers of U.S. food and fiber no longer are producing for the U.S. market alone. Those days are gone forever. Our farmers are part of the global economy. In fact, because they are so efficient, they produce in excess of what the U.S. can consume and must gain access to global markets to expand sales opportunities.

Yet many markets overseas remain closed to U.S. producers because of high tariffs applied against U.S. exports. Particularly egregious are the tariffs imposed by the European Union and Japan among developed economies and by certain developing countries such as India and Brazil, where they continue to claim developing status despite making major advances in certain sectors of their economies.

These issues have been discussed at the WTO during the past 4 years of the current Doha Development Round, with little movement in agriculture. In an effort to move the round forward, the U.S. last month put forth in Geneva an aggressive proposal to jumpstart the stalled negotiations. Since U.S. tariffs already are low compared to our trading partners, there was little the U.S. could offer in market access to encourage comparable reductions. So the U.S. proposed to pull back its own domestic subsidies in exchange for significant cuts by our trading partners in the tariffs protecting their market access.

The rationale behind the offer is that U.S. producers are so efficient that they require minimal domestic subsidies, as long as they have unfettered access to expanding markets. Those markets increasingly are found overseas where the increased prosperity of growing middle classes demands the kind of dietary diversity and convenience we have long enjoyed. U.S. producers and food manufacturers can supply both that diversity and convenience and supply it year in and year out.

But not all agriculture is as efficient as that in the U.S. Rather than improve efficiency, some countries protect producers excessively with high tariff barriers to market access. And they are not forthcoming with offers of significance to begin the process of reducing those barriers. Frankly, there isn't much time left. The round ends at the end of 2006, and the initial offers for negotiation should be on the table this December at the Hong Kong ministerial meeting so negotiators are able to assemble the final package of tariff reductions and subsidy cuts in the next year. They will need every minute to do so.

After last week in Europe, the Secretary of Agriculture and the U.S. Trade Representative were far from optimistic that the Hong Kong ministerial meeting would grapple with the type of formulas to be used in cutting tariffs or with the number of ''sensitive'' products that countries could declare protected behind a high tariff.

And what happens if there is no agreement or a face saving agreement with minimal substance? That's what worries me and should worry American farmers. U.S. production agriculture has been a partner in the international effort of our trade negotiators to gain market access. But how long can the partnership last if the round fails? Where do farmers and ranchers put their efforts if the latest round of negotiations fails to live up to its promise?

The European Union, for example, insists that dairy is sensitive and deserves special protection. How can the dairy farmers of the U.S. be convinced that overseas market access is the key to increased profitability if the European market remains unavailable behind high tariff walls? I am concerned that agriculture will lose patience with the trade negotiation process and return to familiar domestic farm programs to augment its income because the world market could not. What do responsible Members of Congress do then, facing the kind of fiscal constraints we do in 2006, just as existing farm programs expire?

There is real potential under those circumstances for backlash. Testimony by commodity groups earlier this month in the House has telegraphed that already. Wheat, corn, and soy producers all expressed reservations at the degree of ambition and commitment to trade liberalization shown by U.S. trading partners, particularly the European Union and the G–20 group of developing nations, as evidenced by their counter proposals to the U.S. proposal in the WTO. U.S. producers are savvy. They see the inadequacy of those offers by our trading partners and have no intention of venturing too far in the direction of liberalized trade alone without a very strong safety net. The weaker the commitment to reform among our trading partners, as evidenced by the degree of success in the Doha Development Round, the more expensive will be the net required by our producers. That's bad news for those in Congress wishing to lead their agricultural producers toward a more productive and profitable model based on increased markets overseas, where 95 percent of the world's consumers live.

A recent study by Australia, a leading member of the Cairns Group of trade-liberalizing nations within the WTO, underscores the potential loss if the more robust proposal of the U.S. in the WTO is not realized. Australia's agricultural economics bureau, ABARE, estimates the U.S. proposal would deliver an extra $17.5 billion in gross income per year to U.S. farmers from increased exports. Much of that increase would flow to producers of meat and fruit and vegetables, who would benefit from increased market access. In fact, the U.S. proposal would benefit all efficient producers in the world, according to ABARE.

This is not the time to accept less than the U.S. proposal in the negotiations. ABARE estimates the European Union proposal would yield only about $3 billion, barely enough to account for

assumption variables in the study, and it would continue to protect a number of its product lines where the U.S. stands to gain the most from market access. The proposal of the G–20 group would yield an extra $7.5 billion per year, a bare minimum.

Moreover, the benefit to U.S. production agriculture from increased earnings under the U.S. proposal would provide latitude for writers of the next farm bill to adjust domestic programs to accommodate two important realities. Some of our domestic programs have been ruled trade-distorting under the WTO. Ultimately we will have to reform these programs. Either we change our farm programs now by negotiation in the WTO where we can get something in return for them, or we will be forced to change them by litigation by which we don't get anything for them. Here is the perfect opportunity, where we can gain market access and income to offset changes made domestically.

The second reality is the cost of farm programs. That cost may not seem like much in years of little budget competition. But today we are in a budgetary climate where any policy that depends on government financing is subject for review. There is strong competition for public outlays, and an effort to reduce the deficit places new scrutiny on all programs.

We all have just experienced the budget reconciliation process in Congress. In agriculture, we were obligated to find $3 billion worth of savings to accommodate budget targets. That is just the beginning, and we are well advised to know the alternatives available to us to make adjustments in important programs in advance of the need. This WTO negotiation provides the U.S. with the opportunity to convert its aggressive proposal for reform into real income for farmers and agribusiness. For instance, if the U.S. program crops like wheat, corn, rice, and soybeans continue to be under pressure in the WTO for the portions of their domestic subsidy programs that ''distort'' trade, the advent of the next farm bill provides us a chance to convert supports for those crops into a format that conforms to WTO guidelines. In return, we gain the market access from our trading partners to sell them U.S. fruit and vegetables, meat and dairy products, and other specialty crops not previously allowed into their markets in sufficient quantity.

If we don't succeed in opening those opportunities for U.S. agriculture, we will have nothing with which to persuade our producers to give up the expensive domestic subsidies to which they have become accustomed. Another expensive, non-innovative, and divisive farm bill might unfortunately be the result. Mr. President, a great deal is riding on the success of the Doha Round.

REPRESENTATIVE JOHN MURTHA'S SPEECH

Mr. AKAKA. Mr. President, I rise today to talk about Representative JOHN MURTHA's statement on Iraq. JOHN MURTHA is right. We need an exit strategy from Iraq. The administration should have had one before the war.

As I and other Members of Congress consistently requested before Operation Iraqi Freedom, OIF, began, it was imperative for the administration to have a plan for both entering and, now more importantly, for exiting Iraq. We are 2 years into OIF with no clear end in sight. There is no excuse for not having one now.

We must provide the Iraqi people with the tools necessary to stand on their own. Only the Iraqi people can rebuild Iraq. Only the Iraqi people can defend Iraq. We cannot do it for them. We cannot want it more than they want it. What we must do is provide them with the means to accomplish this, but what we are unable to do is to give them the will.

Whether we leave Iraq tomorrow, or in 6 months, or longer, the President needs to tell the American people when and how we will be able to withdraw our troops. We cannot afford to lose more Americans in Iraq.

JOHN MURTHA is a great patriotic American. His service in the military and in the U.S. Congress cannot be measured. Those who disparage him tarnish only themselves.

Everyone who knows JOHN MURTHA knows that he believes in his heart and soul in the American military and he will do everything he can to help them. He should be listened to for what he has done, for who he is, and because he is right.

NATIONAL SECURITY PERSONNEL SYSTEM REGULATIONS

Mr. INOUYE. Mr. President, I am very disappointed with the U.S. Department of Defense and Office of Personnel Management's final regulations for the National Security Personnel System, NSPS, that will affect more than 350,000 defense civil service employees throughout our Nation. What makes the new system dangerous is that upon a cursory glance, it would almost appear ''acceptable'' in the name of national security. Scratch the surface, however, and it becomes very alarming.

The rhetoric does not match reality. U.S. Defense Secretary Donald Rumsfeld in public testimony stated that these new regulations ''would not end collective bargaining,'' but, rather, would ''bring collective bargaining to the national level'' to avoid duplication and inefficiency. This has not occurred, nor do I believe there is a sincere interest in the Pentagon to pursue national collective bargaining. In fact, I would suspect that the Pentagon's plan is just the opposite—to substantially remove from the table the number of subjects for good faith collective bargaining.

For this reason, I am pleased that the employee unions have gone to Federal court to challenge the regulations, in the same fashion that they challenged the Department of Homeland Security regulations. I hope they will prevail in their call for injunctive relief, as they did in the Homeland Security case, as well as to prevail in the final disposition of both cases.

While I would be the first to say that the Federal civil service system is not perfect, it is a system that has withstood the test of time as fair and impartial. To overhaul it in favor of vesting the subjective power to hire, fire, discipline and promote in the hands of a few political appointees is very dangerous. At this point, the ''seemingly acceptable'' national security rationale for the wholesale stripping of employees' rights fast begins to lose its luster. It is no longer reasonable. There seems to me to be an inherent conflict. In the name of national security, this administration is willing to deny its own workers a small modicum of security—employment and family security—especially when I do not believe it is necessary to achieve our goal of national security. I call into question the motivations behind their actions.

My position on the Pentagon's issuance of the NSPS regulations is what I believe any decent fellow would say: Now is the time for our Nation to come together in support of our armed services abroad. To do so, we must stand behind our civilian defense workforce from whom we are demanding great productivity in support of our troops.

Now is not the time to be divisive and punitive of our Federal workforce. It creates low morale, mistrust, and a decreasing level of respect between worker and management. The consequences stemming from such instability, could be dire. For me, the stakes in terms of human lives are too high to be taking such a gamble. United we stand—civilian and military together. Divided we could fail.

NATIONAL DEFENSE AUTHORIZATION ACT

Ms. SNOWE. Mr. President, I rise to speak in favor of my amendment No. 2528, unanimously adopted into the National Defense Authorization Act for fiscal year 2006, to provide targeted size standard relief for small U.S. contractors incurring extraordinary security and protection costs on foreign battlefields in the global war on terror.

Right now, in Iraq and Afghanistan, there are many brave, small contracting businesses working alongside our uniformed soldiers in many cases. Employees of these small contracting firms get shot at and encounter roadside bombs, suicide attacks, ambushes, and kidnapings. Yet, in order to provide our military with desperately needed goods and services, these small

battlefield firms diligently endure these daily risks.

These daily dangers force small conflict zone firms to hire well armed, private security guards, and to incur extraordinary security expenses in order to protect their employees. The violence towards civilian contractors in Iraq and Afghanistan has become so prevalent that the government often requires companies to provide security services, and treats these extraordinary security costs as reimbursable contractor expenses. These security expense reimbursements do not increase or expand small contracting firms' core business capabilities. Instead the money the government pays to small battlefield contractors for security expenses is passed directly through to the security subcontractor providing protection to the small firms' employees.

Unfortunately, the Government's valid reimbursement of conflict-zone security expenses artificially inflates the size of many small battlefield firms causing them to out grow the Small Business Administration's small businesses size standards. It is important to understand that the SBA size standards were established on the basis of normal revenues for small businesses operating in North America. But, currently, these domestic size standards are penalizing our small contractors operating outside the U.S. and in war zones by eliminating their ability to obtain crucial small business contracts and loans once they exceed the domestic standards.

Our most reliable and dependable small battlefield firms, because they operate overseas, are.in danger of artificially outgrowing the SBA's domestic size standards. Not only does this artificial growth hurt small business ability to survive, it also harms the U.S. Government's ability to secure contracts for much needed goods and services that are used to support our troops in war zones. This ultimately reduces the Federal Government's access to experienced small contractors and hampers the Government's efforts to comply with the Government's annual statutory small business contracting goals.

My amendment directs the SBA to conduct a study and provide a report to Congress on the fairness of exempting reimbursement for subcontracts for private security services from the size standards caps applicable to small firms that perform contracts and subcontracts on overseas battlefields. I urge my colleagues to support our small battlefield contractors currently in harms' way by retaining this important amendment in the Defense authorization conference report.

SCIENCE, STATE, JUSTICE, AND COMMERCE APPROPRIATIONS

Ms. MIKULSKI. Mr. President, earlier this week the Senate passed the conference report accompanying H.R. 2862, the Science, State, Justice and Commerce Appropriations Act for fiscal year 2006.

As the ranking member on the Appropriations Subcommittee on Commerce, Justice, and Science, I rise today to explain how this legislation is critical to spurring economic innovation in our Nation and how the bill protects communities and saves lives and livelihoods.

I believe this appropriations bill is an important step in making our country more competitive in the global economy. The future of our economic security as well as our national security will depend upon our ability to innovate. This bill is a major Federal investment in innovation through science and technology, and it will help make America stronger by investing in our future.

Innovation begins with basic research. H.R. 2862 funds the National Science Foundation, NSF, at $5.6 billion, a $180 million increase over last year.

The key to innovation is investing in basic research in the physical sciences-biology, chemistry, physics and the cutting edge interdisciplinary initiatives in nanotechnology, biotechnology and information technology. The National Academy of Sciences, the Council on Competitiveness, and numerous other organizations have all called for a substantial increase in our investment in basic scientific research. This bill makes a downpayment on that investment.

The technology of tomorrow will create the jobs of tomorrow. But if we don't invest in research, the technology and the jobs will go overseas.

But it is not just about investing in research, we also have to invest in education. This bill preserves funding for graduate student stipends at $30,000 per year. NSF funds critical programs to improve the teaching of math and science and to improve science and math curriculum in our schools. We must increase the number of math and science teachers as well as the number of math and science students.

In addition, government and the private sector must work together to spur innovation in our economy. That is where the National Institute of Standards and Technology, NIST, comes into play. NIST invests in new technologies that lead to new breakthroughs that create jobs to make our nation more competitive. NIST also sets industry standards so that American business can be competitive abroad. H.R. 2862 funds NIST at $761 million, a $62 million increase over last year.

This legislation also funds other important agencies that are on the cutting edge of science and technology that can save lives and communities.

The National Oceanic and Atmospheric Administration, NOAA, is responsible for the National Weather Service as well as critical research into oceans, fisheries and the Earth's atmosphere.

For NOAA, we have provided $3.9 billion, a $20 million increase over last year. Whether it is warning us about severe weather so we can secure our property and get out of harm's way, or helping to restore our fisheries that are so critical to our economy, NOAA saves lives and communities every day.

In space, this appropriations bill fully funds the National Aeronautics and Space Administration, NASA, and the cutting edge scientific and technological research that only NASA can do.

For NASA, we have provided $16.4 billion, which is a $260 million increase over last year. This includes $271 million for the Hubble Space Telescope, $50 million over the President's budget request to accommodate a servicing mission to Hubble, should the Administrator determine that the space shuttle is safe to use.

The servicing of Hubble will involve replacing batteries, gyroscopes and installing new scientific instruments to make Hubble more powerful than ever. Hubble is the very symbol of innovation and discovery that are hallmarks of America's space program.

We continue our investment in the Mars program and fully fund the next generation of launch vehicles to replace the space shuttle.

All major science programs are funded at the President's request level or higher including the Living With A Star program which is crucial to understanding the Sun's effects on the Earth.

While NSF, NOAA, NIST and NASA are all integral to our nation's ability to innovate, along with our other federal agencies, it is the private sector that is responsible for most of the innovation that drives our economy.

The Patent and Trademark Office, PTO, plays a central role in protecting our nation's valuable intellectual property. The PTO has a backlog of applications waiting to be processed. H.R. 2862 funds the PTO at a record $1.7 billion, a 30 percent increase over last year.

This record increase will go a long way towards helping the PTO reduce the backlog of patent applications so we can properly protect our intellectual property and maintain our competitiveness.

But as we invest in our future, this legislation also takes care of our day-to-day needs especially when it comes to protecting our neighborhoods and communities

In making our country safer, the Department of Justice is our front line. This bill provides $21 billion to the Justice Department, $800 million more than last year. The Justice Department accounts for almost 50% of the entire bill. This includes funding for the FBI, DEA, ATF, U.S. Marshals, U.S Attorneys as well as the Federal Prison System.

The Justice Department provides assistance to our state and local law enforcement and help communities fight gang violence. It also protects us from terrorists and protects our neighborhoods and communities. Specifically, the FBI will receive $5.7 billion in 2006,

a $500 million increase over last year. Most of this increase has been devoted to counterterrorism.

H.R. 2862 also increases funding to fight sexual predators who prey upon our children. The bill provides $48 million to continue and expand the Missing and Exploited Children Program. It also funds a Cyber-Tipline, an online resource where people can report leads and tips about child sexual exploitation.

Finally, the bill provides $2.7 million for the FBI's innocent images program to investigate and capture child pornographers who use the Internet to prey on children.

In addition to sexual predators, gangs are becoming a growing local, regional, and national problem. We have provided increases to the ATF, U.S Attorneys and the FBI to help fight against gangs in our schools and communities.

Any anti-gang strategy must focus on three principles: prevention, intervention and suppression. In my own State of Maryland, in Montgomery and Prince George's Counties, and around the State, gangs are a growing problem.

This bill provides $2 million for Montgomery and Prince George's Counties to deal with gang violence and fund prevention programs. It also provides another $2 million to combat gang violence and gang prevention programs around the State of Maryland. The purpose of this funding is to bring federal resources to the local level to help stop and prevent further gang violence from afflicting our neighborhoods and communities.

Mr. President, the President's budget cut state and local law enforcement by $1.4 billion. We were able to restore $1.1 billion of that cut in this bill.

I know how important our local police are to fighting crime and gangs. Our local police are the first responders. If we were not subjected to strict limits on spending that were imposed on us by the Budget Resolution, we would have provided additional funding for state and local law enforcement.

But with the need to increase funding for counterterrorism and counterintelligence, plus the need to address the growing problems of both methamphetamine abuse and regional and even international gang violence, we had to make difficult choices, under very difficult circumstances.

Mr. President, the Science, State, Justice, and Commerce Appropriations bill is about investing in science and technology to spur innovation in our economy, protecting our Nation, and saving communities, lives, and livelihoods.

Investments in innovation are critical so America will retain its competitiveness as well as its economic and national security. Through the Department of Justice and its major law enforcement bureaus, we are increasing our commitment to protecting children from sexual predators and making our neighborhoods and communities safer from gang violence and street crime.

I look forward to working with my colleagues next year to continue the progress we have made and increase our commitment to innovation, science and technology.

LIHEAP

Mr. KENNEDY. Mr. President, winter is coming, and it could easily become a perfect storm of high energy prices, bitter cold, and too little heat for those in need.

Households heating primarily with natural gas will pay an average of $306 more this winter for heat, an increase of an incredible 41 percent over last year. Those relying primarily on oil for heat will pay $325 more, an increase of 27 percent.

The poor, the elderly, and the disabled need our help and they need it now.

Wilhelmina Mathis is one example of what is happening to the most vulnerable in our society. Wilhelmina is 71 years old and lives alone. All last winter she kept her thermostat set at 60 degrees to save money. She hopes the Federal Government will come through with more LIHEAP money. She says: ''I turn down the thermostat as low as I can and sometimes I turn it off and put on extra sweaters. I don't know how much longer I can keep doing this.''

We have tried four times this year to increase funds for LIHEAP, and all four times we were defeated by the overwhelming Republican majority who voted in lock-step to reject it.

The failure of the Republican Congress to increase LIHEAP funds continues to put millions of our fellow citizens at risk. But the Bush administration and the Republican Congress are telling the elderly, the disabled, and children across America that it doesn't matter if they have no heat this winter—they aren't a priority.

In fact, the Republican leadership is forcing us to make impossible choices. Look at the Labor-HHS bill. The Republican leadership is telling us that if we fund LIHEAP, we must cut health care for seniors, cut education for our children, cut essential job training funds for people trying desperately to enter the workforce and attain a level of self-sufficiency.

It is unconscionable. Why are we being forced to help one family at the expense of another? We must increase LIHEAP funds and fight against cuts to other essential health, education, and labor programs. It is time for Congress to stand up for the American people. We tell them we hear them and understand their struggle, now it is time to put our money where our mouth is. We need to stop the rhetoric and take action. The American people deserve nothing less.

Mr. KOHL. Mr. President, I rise as a cosponsor of the amendment offered yesterday by the Senator from Rhode Island to the tax reconciliation bill. This amendment addresses a concern that is on the mind of many Wisconsinites as winter quickly approaches—the increased cost of home heating.

The timing of this amendment could not be more relevant. Last week, executives from several major oil companies attempted to defend their record-breaking profits over the last quarter, in a hearing before the Senate Commerce and Energy Committees. Despite their efforts, they were unable to provide adequate answers. More importantly, they were unable, or unwilling, to provide solutions that would ease the burden on American consumers.

I would like to remind my colleagues that while prices at the pump have declined slightly, we are not yet in the clear. Winter is just around the corner, and with colder temperatures comes higher heating bills. I know my constituents in Wisconsin are worried not only about the costs of filling their cars, but also the costs of heating their homes. As the profits of these oil companies continue, what answers can I provide to these constituents, these hard-working Americans, about how they will pay their heating bills?

I believe the amendment of the Senator from Rhode Island was a first step towards offering my constituents some piece of mind when it comes to heating their homes. This amendment would have created a temporary, 1-year levy on the excess profits of U.S. oil companies to provide $2.92 billion for the Low-Income Home Energy Assistance Program. Because this would only be in place for 1 year, and only effect profits made in 2005, this amendment would have no effect on gas prices or do anything to increase dependence on foreign oil. The amendment offered a simple, short-term solution that would provide real help to those who will need it most, when the temperature starts to drop.

The Energy Information Administration has forecasted significantly increased home heating costs this winter. For those using home heating oil, the average increase in price will be $325 over last year. While that might not be much to the oil executives, I can assure you that it could mean going without heat for some families in Wisconsin. I believe it is the responsibility of the Federal Government to protect consumers when the market fails to do so.

I am deeply disappointed that the amendment failed in last night's vote. I assure my constituents that I will continue to work towards a comprehensive solution to high heating costs.

Mr. CARPER. Mr. President, I am pleased to voice my support for the Low-Income Home Energy Assistance Program and for the Reed amendment that I cosponsored to S.2020, the tax reconciliation bill. The Reed amendment would have fully funded LIHEAP in fiscal year 2006 and would have paid for the increased funding with a temporary tax on the windfall profits of major oil companies.

The Senate fiscal year 2006 Labor, Health and Human Services, and Education Appropriations bill took an important first step toward providing adequate LIHEAP funds by including $2.183 billion for the program for next fiscal year. This is a good starting point.

However, $2.183 billion represents only a very slight increase over fiscal year 2005 levels and is likely not enough to meet the needs of LIHEAP beneficiaries in the coming winter.

For this reason, I have worked to find ways to increase funding for the LIHEAP program and to do so in a manner that is fiscally responsible. The Reed amendment would have added $2.92 billion to the LIHEAP program and paid for this increase by taxing the windfall profits of major oil companies.

Some have criticized this windfall profits tax. Yet I believe that a temporary, limited tax on the windfall profits of energy companies is a reasonable way to help the least fortunate among us pay for their home energy needs.

Indeed, I believe that the country's oil producers can afford to help pay for LIHEAP. Last month they posted record profits. ExxonMobil reported that their profits rose 75 percent, and in just 3 months they made $9.92 billion in profit. Similar record profits have been reported by all of the major integrated oil companies. Some of this increase in profit is due to oil prices that started to rise this summer even before Hurricanes Katrina and Rita struck the gulf coast. After the hurricanes, though, the price of gasoline, diesel, jet fuel and other refined oil products soared.

Our Nation is still struggling to recover from the disasters along the gulf coast. All Americans have had to make sacrifices as a result. This winter the country is facing another crisis, record energy prices and associated increased household heating bills.

According to the U.S. Energy Information Administration, consumers who heat their homes with natural gas prices—about 55 percent of U.S. households—are expected to see their heating bills rise by 48 percent this winter. Those who heat with oil will pay 32 percent more, those who heat with propane will pay 30 percent more, and those who heat with electricity will pay 5 percent more.

These increases will take the greatest toll on the least fortunate among us. Low-income Americans will have a harder time heating their homes and may turn their heat down dangerously low in hopes of being able to pay their monthly bills.

That is why the LIHEAP program is so important. LIHEAP provides vital home energy assistance to low-income families to help them weatherize their homes and pay their energy bills.

The Reed amendment would have asked the oil companies that have profited so much from recent rising energy prices to help ease the burden of this winter's high prices.

I am pleased with the approach taken by the Reed amendment because I believe that we should try to pay for increases in spending. I have been uncomfortable supporting some previous amendments to increase funding for the LIHEAP program because they did not find a way to pay for the increased spending.

Senator REED has found a way not only to fully fund this vital program, but to pay for it as well.

Unfortunately, Senator REED's amendment was not accepted by the full Senate during consideration of the tax reconciliation bill. The amendment needed 60 votes to overcome a point of order and received only 50.

We will keep trying though.

The LIHEAP program serves a vital function in helping as many as 5 million low-income households who need a bit of help paying their energy bills or weatherizing their homes. I'm pleased to have been a cosponsor of the Reed amendment and I will continue to look for ways to increase funding for the LIHEAP program.

INTERNET GOVERNANCE

Mr. BURNS. Mr. President, I rise to say a few words about the resolution I submitted and which was approved by unanimous consent on the Senate floor this week, in support of the President's position on Internet governance at the U.N. Summit on the Information Society. I thank the cosponsors on this resolution: Senators STEVENS, INOUYE, LEAHY, SMITH, SUNUNU, BILL NELSON, HUTCHISON, INHOFE and CRAIG. And I also acknowledge Senator COLEMAN for all his good work on this issue.

No one can really control the Internet. It is not supposed to be controlled. It is an architecture, literally and figuratively, of freedom—freedom of information, of speech, of interconnection, of religion. Because the Internet was developed and commercialized in the United States, it reflects those core American values, and boosts them all around the world. And the United States should be proud of the way it has handled the growth of the Internet—particularly in the way it has kept the private sector experts in charge, and government bureaucrats out.

I have been particularly concerned the status of the Internet Corporation for Assigned Names and Numbers, ICANN, the private, expert body that oversees and manages the Internet's Domam Name System. This is the ''plumbing'' that makes each Internet site unique and keeps the Internet a global unitary network. The United States created ICANN and its unique model of oversight, with the input of international stakeholders. And U.S. Government oversight of ICANN has been critical in making ICANN more responsive and more capable of carrying out its important technical mission. ICANN is not perfect. I have been critical of its shortcomings in the past, and will continue to do so in the future. But I strongly support its model of governance that leaves the private-sector experts in charge.

The preliminary news from the U.N. conference seems to be good. Some of the worst ideas, such as creating a new U.N. bureaucracy instead of ICANN, or to direct ICANN, seem to have been avoided. But I will look closely at the final results and make sure that nothing has been agreed to that could damage the Internet. I hope to hold a hearing in the Commerce Committee early next year about this, and I look forward to hearing the testimony of the key stakeholders at that time.

THE SUCCESS OF THE 1994 BRADY ACT

Mr. LEVIN. Mr. President, statistics released last month by the Department of Justice indicate that the 1994 Brady Act has had a meaningful impact on keeping firearms out of the hands of criminals. The annual Bureau of Justice Statistics bulletin titled ''Background Checks for Firearms Transfers'' reveals that nearly 126,000 firearm transactions to prohibited individuals were prevented in 2004 alone.

As my colleagues know, the 1994 Brady Act requires individuals seeking to acquire guns from a federally licensed firearms dealer to undergo a background check. This process requires the applicant to provide a variety of personal information, which is not retained longer than 4 days unless the person is prohibited by law from receiving or possessing firearms. The primary factors that disqualify individuals from receiving firearms include felony or domestic violence convictions, identification as a fugitive or illegal alien, substance abuse, and serious mental illness. Unfortunately, membership in a known terrorist organization does not automatically disqualify an applicant from receiving or possessing a firearm under current law. This is one of the loopholes in our gun safety laws that should be addressed by Congress.

The Department of Justice reports that since enactment of the 1994 Brady Act, more than 1.2 million applications for firearms transfers have been rejected because disqualifying information was uncovered during a background check of the applicant. Of the applications that were rejected in 2004, 44 percent were rejected because the applicant had been convicted of or was under indictment for a felony offense. In addition, 16 percent were rejected because of domestic violence convictions or a related restraining order.

According to the Department of Justice statistics, almost 80 percent of the rejected applicants in 2004 had a serious criminal history, had been involved in domestic violence, or were identified as a fugitive. This means that nearly 100,000 times last year, criminals and

known domestic abusers were denied access to dangerous firearms because of background checks required by the 1994 Brady Act.

Unfortunately, not all firearms transactions are subject to a background check. The law requires background checks only for those transactions that involve a federally licensed firearms dealer. According to the Coalition to Stop Gun Violence ''two out of every five guns acquired in the United States; including guns bought at gun shows, through classified ads, and between individuals; change hands without a background check.'' The Coalition to Stop Gun Violence also estimates that ''extending criminal background checks to all gun transactions in the United States could prevent nearly 120,000 additional illegal gun sales every year.''

It is important that we do not infringe on the rights of law-abiding citizens. However, with those rights in mind and protected, we should not allow those with a violent or serious criminal record to acquire dangerous firearms. I urge my colleagues to join me in support of commonsense gun safety legislation, such as the 1994 Brady Act, that will make our nation safer.

AIR FORCE ACADEMY

Mr. ALLARD. Mr. President, in an era when college football players are almost universally derided as troublemakers, stories about football players who become leaders and role models off the field are indeed hard to find. One such leader currently exists at the U.S. Air Force Academy.

Earlier this week the Air Force Academy announced that Andy Gray, a senior cadet, has been selected to take over as the commander of the entire 4,000-strong cadet wing next semester. In this position, Andy will serve as the chief liaison between the academy's leadership and the cadet student body, akin to a student body president.

However, Andy is different than the average student body president. He has received extensive leadership training along with his fellow cadets. He has endured the rigorous cadet schedule of academics and military training. And, he has done it all while excelling as a member of the NCAA Division One Air Force Academy Falcon football team.

Andy is only the sixth football player to be chosen for this leadership role, and the first in 16 years. The last academy athlete to serve as the cadet wing commander was Delavane Diaz who played volleyball for the Falcons in 2003.

Andy Gray entered the academy in 2000 and played quarterback and defensive safety for much of his cadet career. In the fall of 2004, he was No. 1 on the depth chart as quarterback for the Falcons. This past season he played safety and had a big interception in the Air Force Academy's victory over UNLV.

Becoming a cadet wing commander is not easy and requires candidates to go through a rigorous screening process. Only the top two cadets from each of the academy's 35 squadrons are nominated to be considered. Then the pool is narrowed to 20. Each of the surviving candidates is closely interviewed by a board that includes members of the academy's leadership.

I commend Andy for his selection to be the academy's cadet wing commander. This selection is a real honor for him, and I know he will not take his new responsibilities lightly. I wish Andy the best as he takes up this important leadership position.

I also applaud the academy's football coach, Fisher DeBerry, for being such an outstanding role model for cadets like Andy. Coach DeBerry is a man of character who, for over 22 years, has turned hundreds of cadets into leaders while running a top-notch football program. I look forward to seeing in the future many more Academy football players become leaders in our Air Force.

THE SITUATION IN NEPAL

Mr. LEAHY. It may seem strange that on a day when the Congress is debating the budget resolution, I would be asking the Senate to turn its attention for a moment to the remote and tiny nation of Nepal.

I do so because for the past several years, a ruthless Maoist insurgency and a corrupt, repressive monarchy have brought that impoverished but breathtakingly beautiful country to the brink of disaster. It is important for the Nepalese people to know that while they may live half a world away, the difficulties they are facing have not gone unnoticed by the U.S. Congress.

It has been almost 9 months since Nepal's King Gyanendra dismissed the multiparty government, suspended civil liberties, and arrested the prime minister along with other opposition political leaders, human rights defenders, prodemocracy student activists, and journalists.

The king's explanation was that democracy had failed to solve the Maoist problem. He said that he would take care of it himself and then restore democracy after 3 years.

It is true that Nepal's nascent democracy had not solved the Maoist problem. Neither had the king. In the 4½ years since King Gyanendra assumed the throne and became commander in chief of the Nepalese army, the Maoists have grown from a minor irritant to a national menace. While the Maoists use threats and violence to extort money and property and they abduct children from poor Nepalese villagers, the army often brutalizes those same people for suspicion of supporting the Maoists. Like most armed conflicts, defenseless civilians are caught in the middle.

What the Nepalese people desire most is peace. Despite the king's autocratic maneuvers on February 1, many would have given him the benefit of the doubt if he had a workable plan to quickly end the conflict. Nine months later, it is clear that he does not. One can only wonder why King Gyanendra thought that he could defeat the Maoists by dissolving the government, curtailing civil liberties, and surrounding himself with a clique of elderly advisers from the discredited, feudalistic Panchayat era.

The United States, Great Britain, and India criticized the king's actions and have urged him to negotiate with Nepal's political parties to restore democratic government. Unfortunately, although he has released most political prisoners and reinstated some civil liberties, the king has increasingly behaved like a despot who is determined to consolidate his own power.

In the meantime, the Maoists declared a ceasefire. The violence has reportedly decreased, although abductions and extortions have continued apace. Whether the ceasefire is a sinister ploy or a sincere overture for peace may never be known, however, because it is due to expire next month and neither the king nor the army has indicated a willingness to reciprocate.

Against this disheartening backdrop, the Congress, on November 10, 2005, approved my amendment to impose new restrictions on military aid for Nepal. On November 14, President Bush signed it into law. I want to briefly review what we did, and why.

The amendment says that before the Nepalese army can receive U.S. aid, the Secretary of State must certify that the Government of Nepal has ''restored civil liberties, is protecting human rights, and has demonstrated, through dialogue with Nepal's political parties, a commitment to a clear timetable to restore multi-part democratic government consistent with the 1990 Nepalese Constitution.''

This builds on an amendment that was adopted last year, which required the Secretary of State to certify that the Nepalese army was providing unimpeded access to places of detention and cooperating with the National Human Rights Commission, NHRC, to resolve security related cases of people in custody. Unfortunately, the Secretary was not able to make the certification. Not only were the NHRC's members replaced through a process that was contrary to Nepal's constitution, the International Committee of the Red Cross suspended its visits to military detention centers because it was denied the free access it requires.

The Nepalese Government objects to any conditions on U.S. aid, arguing that the army needs help to fight the Maoists. The army does need help, but it also needs to respect the law and the rights of the Nepalese people. The Congress took this action only after it could no longer ignore the pattern of arbitrary arrests, disappearances, torture and extrajudicial killings by the army. The army's abusive conduct,

coupled with the king's repressive actions since February 1, have contributed to a political crisis that threatens not only the future of democracy but the monarchy itself.

Economic aid to support health, agriculture, hydropower, and other programs through nongovernmental organizations is not affected by my amendment. If the situation changes and the Secretary of State certifies that the conditions in U.S. law have been met, military aid can resume. But that alone will not solve the Maoist problem. The Maoists are expert at intimidating the civilian population and carrying out surprise attacks and melting back into the mountains. While they do not have the strength to defeat the army, neither can they be defeated militarily.

The only feasible solution is through a democratic political process that has the broad support of the Nepalese people. Perhaps seeking to placate his critics, the king, without consulting the political opposition parties, announced municipal elections for February 8, 2006. Not surprisingly, the parties say they will not participate in an electoral process dictated by the palace and when the army and the king's handpicked representatives have taken control of local affairs and are unlikely to relinquish power.

The U.S. Embassy is skeptical of the Maoists' intentions and has publicly discouraged the political parties from forging an agreement with the Maoists. This is understandable, since the Maoists have used barbaric tactics that should be universally condemned. But this conflict cannot be won militarily and the king has rejected a political accommodation with the country's democratic forces. He is imposing new restrictions on the media and civil society, and he has spumed offers by the international community to mediate. Nepal's younger generation, who see no role for the monarchy in Nepal's future, are taking to the streets. It may not be long before the army is faced with a fateful choice. Will it continue to side with the palace even if it means turning its weapons on prodemocracy protesters and facing international censure, or will it cast its lot with the people?

It is a choice that we may also have to make. For the better part of a year, the United States and others friends of Nepal, as well as many brave Nepalese citizens, have tried to nudge the king back toward democracy. It has not worked. With the king increasingly imperious and isolated and the political parties already making overtures to the Maoists, what is to be lost by calling for the Maoists to extend the ceasefire, for the army to reciprocate, for international monitors to verify compliance, and for representatives of all sectors of society who support a democratic, peaceful Nepal to sit down at the negotiating table?

There are no guarantees, but it would test the Maoists' intentions and it might create an opening for agreement on a democratic process, with the support of international mediation, that can finally begin to address the poverty, corruption, discrimination and other social ills that have fueled the conflict. The people of Nepal, who for generations have suffered far more than their share of hardship and injustice, deserve no less.

MEDICARE PRESCRIPTION DRUG BENEFIT

Mrs. BOXER. Mr. President, last Tuesday the open enrollment period for the Medicare Part D prescription drug program began. This program has been praised by the administration as a great benefit for seniors, but I can tell you that seniors are not so sure. According to a survey conducted by the Kaiser Family Foundation, only 20 percent say they will sign up. Over one-third say they won't, and the rest don't know what they are going to do.

One thing we do know for sure is that seniors are confused and scared. I have received over 4,000 letters from them telling me so. And why wouldn't they be. They have a series of complicated decisions to make.

First, they have to decide whether they want drug coverage. Do they already have drug coverage that is better or just as good as what is offered under the plan? And if they don't, do the costs of the plan exceed the benefits? And what will happen in the future? Should they sign up now to avoid the penalty for signing up late?

Second, if they do decide to join the program, what plan do they choose? In California, 18 companies are providing 47 stand-alone prescription drug plans. These plans all have different premiums, copays, and lists of drugs they will cover. For those in managed care plans, if they choose one of the stand-alone drug plans instead of their managed care plan, they will lose their health coverage.

In addition, seniors must make sure that their neighborhood pharmacy accepts the plan. Otherwise, they will end up having to find a new pharmacy that is probably less convenient. And after all that, any plan can—on 60 days notice—change the list of drugs it covers. Seniors, however, can change their plans only once a year.

If seniors do choose to participate, the benefit itself is meager. There is a large coverage gap—the so-called donut hole—so seniors must pay 100 percent of drug costs once they spend $2,250 and before they spend $5,100. Moreover, there is nothing in the program that will actually lower the cost of prescription drugs, and, in fact, Medicare is expressly prohibited from negotiating for lower prices.

Mr. President, the seniors who are the sickest and poorest have the most to lose with this new program. Those 6.1 million seniors are eligible for both Medicaid and Medicare. They are known as dual eligibles. Currently, State Medicaid programs cover their drug costs, but as of January 1, they will be switched to the less generous Medicare program, and the States will be prohibited from using Medicaid to provide better coverage.

We need to make changes to the program now so that our seniors do not suffer. That is why I am a proud cosponsor of several bills that will change the harshest parts of this program. We must allow Medicare to negotiate on behalf of seniors for lower drug prices. We must allow States to use Medicaid to improve the drug coverage of the sickest and poorest seniors. We must end the coverage gap for all seniors. We must allow seniors more time to understand the program before they are required to enroll.

Mr. President, these changes are needed—and needed now. Without them, the promise of a Medicare prescription drug benefit may turn out to be a hollow one.

THE 30TH ANNIVERSARY OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Mr. KENNEDY. Mr. Chairman, I was proud to serve on the Education Committee when it recommended the original Education for the All Handicapped Children Act in 1975, and I am proud to join Senator ENZI today as a sponsor of this resolution, which recognizes the major impact of the law on the lives of disabled children and their families across the Nation, by guaranteeing the right of every disabled child to a free public education.

We know that disabled does not mean unable. Children with disabilities have the same dreams as every other child in America to grow up and lead a happy and productive life. We know that IDEA helps them fulfill that dream.

It says children cannot be cast aside or locked away because they have a disability. Those days are gone in America—hopefully forever.

Children with disabilities have rights like every other child in America, including the right to learn with other children in public schools and prepare themselves for the future.

But even as we celebrate 30 years of continuing success in the education of disabled children, we continue to hear objections to the act's high cost, its paperwork, and the burden of litigation. Those are important considerations, but we can't let them overwhelm the vast benefit of IDEA.

The act is about disabled children and their rights. It is about their hopes and dreams of living independent and productive lives. It is about parents who love their children and struggle for them every day against a world that is too often inflexible and unwilling to meet their needs. It is about teachers who see the potential inside a disabled child, but don't have the support or training they need to fulfill it.

IDEA is our declaration as a nation that these children matter and that we

will do all we can to help their parents and teachers and communities achieve their education goals. That is why the government should make a clear commitment to provide adequate funds for special education. What is needed is a solid education plan for each child, a way to chart the child's progress, and a way to hold schools accountable if they fall short. That is not placing an unfair burden on schools. It is the correct expectation of a decent school system in America.

Brown v. the Board of Education struck down school segregation by race and said that all children deserve equal access to education under the Constitution. But it wasn't until the passage of the Education for the Handicapped Act in 1975 that the Brown decision had real meaning for children with disabilities.

Only then did we finally end school segregation by disability and open the doors of public schools to disabled children. Only then did the Nation's 4 million disabled children begin to have the same opportunities as other children to develop their talents, share their gifts, and lead productive lives.

We must never go back to the days when disabled children were denied public education, when few if any preschool children with disabilities received services, and when the disabled were passed off to institutions and substandard schools to be kept out of sight and out of mind.

We have made immense progress since those days. Six and a half million children with disabilities now receive special education services. Almost all of them—96 percent—are learning alongside their nondisabled fellow students.

The number of young children with early development problems who receive childhood services has tripled in the past 30 years. More disabled students are participating in State and national testing programs. Graduation rates and college enrollment rates for disabled students are steadily rising.

The opportunities for further progress are boundless. We know far more about disability today than a quarter century ago. We have much greater understanding of childhood disabilities, and how to help all such children to learn and achieve. We are finding out more and more each year about the power of technology to enable these children to lead independent lives. It means they can communicate with others, explore the world on the Internet, and move in ways we couldn't have imagined 5 years ago, much less in 1975 when the law was first enacted.

I hope all our colleagues will join us in recognizing the extraordinary role of IDEA in protecting the rights and broadening the opportunities available to children with disabilities. Let's work together to renew our commitment to IDEA and fulfill its great promise of hope for the future.

50TH ANNIVERSARY OF THE DEDICATION AND OPERATION OF THE U.S. AIR FORCE ACADEMY

Mr. ALLARD. I rise today to celebrate the 50th anniversary of the dedication and operation of the U.S. Air Force Academy, located in my home State of Colorado. It has been a privilege for Colorado to host the Academy for more than five decades. The Academy's outstanding record of turning cadets into officers of integrity and honor is a source of pride for many in Colorado.

Yet sometimes when we drive on I–25 and pass the Air Force Academy's beautiful campus, we assume that Academy has always been there. It is easy to forget the hard work it took to get the Academy to Colorado in the first place

It all began in May of 1949 when then-Secretary of Defense James Forrestal appointed a commission to evaluate the general education for each military service. This commission was chaired by Robert L. Stearns, president of the University of Colorado and father-in-law of Supreme Court Justice Byron ''Whizzer'' White. The commission also included other notables such as GEN. Dwight D. Eisenhower, who was then president of Colombia University. The Stearns Board quickly agreed that the U.S. Air Force needed an academic institution of excellence and that such an Academy should be established without delay.

Congress authorized the creation of the Air Force Academy in 1954. To determine a site for the new institution, then-Secretary of the Air Force Harold E. Talbott, appointed a team of individuals to assist him. The Air Force Academy Site Selection Board, as it was called, reviewed more than 580 locations in 34 States, and narrowed the field down to 7, 1 of which was Colorado Springs, CO. A year later, the majestic 14,000 acre area in the foothills of the Rocky Mountains near Colorado Springs was chosen by Secretary Talbott to be the site for the new U.S. Air Force Academy.

The selection of the site, however, would prove to be easy part. The design and construction of the permanent location would take years to complete. In the meantime, the Air Force had to find an alternate site so classes and training could begin. Lowry Air Force Base in Denver took on this mission and hosted the Academy until permanent buildings could be constructed.

The Academy staff was activated in the summer of 1954 when LTG Hubert Harmon, who had previously served as special assistant for Air Force Academy matters and was a member of the 1949 Air Academy Site Selection Board, assumed command. President Eisenhower, a West Point classmate and close personal friend of General Harmon, personally selected him as the first superintendent, stating ''Doodles'' Harmon would be the best man for the job.

The staff had only 11 months to prepare for the arrival of the first class in the summer of 1955. Due to space limitations, only 306 young men were admitted into the first class, the class of 1959. Thousands of applications were reduced to a few hundred, and those selected were truly America's ''cream of the crop''.

Dedication Day began with the arrival of 306 young men on July 11, 1955. The morning was spent processing such as fitting uniforms and getting haircuts. By 11 a.m. they were all lined up for intensive drill instruction. That afternoon, the stands were filled with over 4,000 military and civilian dignitaries, public officials, foreign attaches, cadets from West Point and Annapolis, press, and parents. With a flight of B–36 bombers flying overhead and the USAF band playing, the 306 cadets marched on the field in a near perfect formation.

At the time no one could have predicted that this small class would turn out Rhodes Scholars, numerous general officers and even All-American football players. Surprisingly, before they were to graduate, they would lead their football team to an undefeated season and a tie in the 1959 Cotton Bowl, one of the most underrated achievements in the history of major college sports.

LTG Hubert Harmon retired with lung cancer before the first class graduated in 1959. He will be remembered for his tireless work and dedication to the establishment of the Academy. He was the first person interred at the Air Force Academy Cemetery and is recognized by many as the ''Father of the Air Force Academy.''

Major General Briggs took over as the Academy's second superintendent, and during his tour of duty there, in 1958, the wing of 1,145 cadets moved to its present site from Denver. A year later, the Academy received its accreditation, and on March 3, 1964, the authorized strength of the cadet wing was increased to 4,417. In 1976, women were admitted for the first time into the Academy. The first class of women graduated in May 1980.

To date, more than 35,000 cadets have graduated from the Academy. The achievements of those who have graduated from the Academy have been many: 315 of these graduates have become general officers, to include former Chiefs of Staff of the Air Force, Generals Ronald Fogelman and Mike Ryan, 32 cadets have been selected as Rhodes Scholars, and 539 have entered medical school.

Even more important, 128 graduates have given their lives in the defense of our Nation, and 36 have been prisoners of war. We honor those who have served our Nation with such sacrifice and patriotism.

Over the years, the Air Force Academy has had to confront several difficult challenges. The institution has risen above these challenges and, in its quest for excellence, has become a model for other academic institutions

to follow. The Air Force Academy continues to be recognized as an invaluable proving ground for tomorrow's military leaders.

As we look back at the establishment of the Academy, we cannot help but be thankful to those who worked so hard to establish the Academy in Colorado. The citizens of Colorado are indeed honored to have this institution in our beloved State. We have stood by the Academy through both the good and tough times. We in Colorado continue to believe in the Academy's mission and support the institution's effort to train officers of integrity and honor. We salute the Air Force Academy's 50 years of success and look forward to many more decades to come.

PREVENTING TAX INCREASES

Mr. KYL. Mr. President, I want to take some time to discuss the importance of preventing tax increases that are scheduled to occur over the next several years.

The budget resolution conference agreement reached in April provides reconciliation protection for $70 billion of tax reductions over 5 years, with the direction that the allocation be used to prevent tax increases during the budget window. This sent a signal to investors that capital gains and dividends tax rates would be extended through 2010. I am disappointed that the legislation approved by the Senate does not meet that expectation. Fortunately, the bill approved by the Ways and Means Committee in the other body does, and I pledge to all investors that I will continue to work for that outcome. Indeed, the Senate majority leader pledged that he would not bring the bill back from conference without an extension of these investment tax rates. Similarly, the administration released its Statement of Administration Policy on the bill, which urged Congress to extend the lower rates for capital gains and dividends, noting, ''These extensions are necessary to provide certainty for investors and businesses and are essential to sustaining long-term economic growth.''

The tax reconciliation bill is intended to prevent tax increases by extending ''widely applicable'' tax provisions. My colleagues might find it interesting that more taxpayers benefit from the lower rates on dividends and capital gains than benefit from any of the provisions included in the tax reconciliation bill approved by the Senate. For example, nationwide, fewer than 8 million filers were helped by the AMT hold-harmless provisions in 2003, while more than 30 million filers reported dividend income and more than 22 million reported capital gains Income.

Nationwide, 17 percent of all tax filers reported capital gains in 2003, the most recent year for which statistics are available. Of all filers reporting capital gains income in 2003, 30.1 percent had adjusted gross income under $30,000 compared to just 8.7 percent who had AGI of $200,000 or more. In Arizona, 18 percent of all filers reported capital gains income, and of those reporting capital gains income, 32 percent had AGI under $30,000.

The story is similar for tax filers reporting dividend income. Nationwide, 23 percent of all filers reported dividend income in 2003. Of all filers reporting dividend income in 2003, 30.6 percent had AGI under $30,000 compared to 6.9 percent who had AGI of $200,000 or more. In Arizona, 22 percent of all filers reported dividend income and, of those filers reporting dividend income, 32 percent had AGI under $30,000.

But beyond the number of taxpayers who have benefited directly, the most important thing to know about these lower rates that were enacted in 2003 is that they are working. At the lower rates, the tax penalty imposed on the additional investment earnings—the reward from taking on additional risk—is smaller, and thus makes the risk more attractive. When investors get to keep more of their reward, they are encouraged to invest more; with more investment, businesses have an easier time attracting the capital they need to expand, create new goods and services, and also create more jobs. It is all of this additional economic activity that creates economic growth.

All Americans have benefited as the economy has rebounded with the help of these tax policies. Whether you embraced these lower rates at the time or not, everyone must now acknowledge that since the 2003 tax relief legislation was signed into law, gross domestic product has grown by more than 3 percent for 10 straight quarters, most recently expanding at a 3.8-percent annual rate in the third quarter. The United States remains the fastest growing major industrialized country in the world. Business investment had fallen in nine consecutive quarters before the 2003 bill's passage, but cutting taxes on capital helped reverse that decline. In the last nine consecutive quarters, business investment increased at a 6.9-percent annual rate.

The strong economy has had a very positive effect on the Government's finances, as more revenue is flowing into the Treasury even at the lower tax rates. As a share of the Nation's GDP, the 2005 deficit was 2.6-percent—down from the 3.6-percent share in 2004. In fiscal year 2005, taxpayers sent $274 billion more in revenue to Washington than the year before and $100 billion more than the Congressional Budget Office predicted. Clearly the American taxpayers are doing their part.

Yet some of my colleagues claim that we cannot afford to keep these lower rates, even though they have spurred economic growth, because we are still running a deficit. If We are to keep these tax rates, they argue, we must raise taxes someplace else. What they are seeking is a flawed form of budget discipline called paygo or pay-as-you-go. I am consistently rated one of the most fiscally responsible Senators by nonpartisan watchdog groups, but I don't support paygo because it has nothing to do with budget discipline when applied to taxes. The fact is, paygo simply does not work. Americans are not undertaxed; our problem is that Congress spends too much, and paygo will do nothing to control the fastest growing part of the Federal budget: mandatory spending. Paygo only applies to new spending or tax cuts; it does not apply to existing mandatory programs that grow unchecked year after year without Congress acting. Mandatory spending will grow from just over half of total Federal spending this year to two-thirds of total Federal spending by 2015, and paygo will do nothing to control it. So paygo is a false solution that is designed to prevent us from extending tax cuts—from making sure tax rates do not increase automatically—but that does nothing to prevent spending from increasing automatically.

I talked earlier about the extension of the dividend and capital gains tax rates that I expect to be added to the reconciliation bill in conference. I also want to mention some of the provisions that are already in the bill. It extends for 1 more year the increased exemption amounts for the alternative minimum tax that are scheduled to expire at the end of the year. Clearly, Congress must address the problem of the AMI in a comprehensive way, but until we can agree on a solution we must not allow the increased exemption amounts to expire. If we allow these exemption amounts to fall back to their pre-2001 levels, millions of middle-income American families will get hit by the AMT. The bill also prevents the AMT from eroding certain credits.

The tax reconciliation bill also includes an extension of the increased small business expensing amounts. Under current law, small businesses can deduct the cost of qualified investments in the first year they are made, up to $100,000 indexed for inflation. After 2007, this amount will drop back to $25,000. The bill extends the increased amount through 2009. Allowing them to expense a greater portion of their investments enables small businesses, which create most new jobs, to invest and grow.

The bill also includes an extension of the saver's credit. The saver's credit is a nonrefundable tax credit that encourages low-income taxpayers to make contributions to an employer-provided retirement savings plan or an IRA. The tax reconciliation bill extends the credit through 2009; it is currently scheduled to expire at the end of 2006.

The bill also extends the above-the-line deduction for college-tuition expenses. Under current law, the provision that allows a taxpayer to take an above-the-line deduction for the cost of college tuition expires at the end of 2005. The tax reconciliation bill would extend it through 2009, which will

make it easier for families and students to plan for their educational expenses.

The bill extends for an additional year an entire group of business tax incentives that generally expire on a yearly basis. Many of these provisions should be made permanent, and some others probably could be allowed to expire. Some of the provisions that I strongly support include the 15-year depreciation-recovery period for restaurant improvements, the 15-year depreciation-recovery period for leasehold improvements, and the extension and improvement of the research and development tax credit.

Finally, the Senate-passed tax reconciliation bill includes several business tax incentives designed to encourage investment in the hurricane-ravaged area of the southeastern United States. These include financing incentives and depreciation provisions to encourage business investment, and are very time-sensitive. We must encourage businesses to rebuild in the gulf coast area; these particular incentives have proven successful in other areas and I expect they will be successful in the Gulf region as well.

So, Mr. President, this tax reconciliation bill is not perfect, but it does include several very important provisions. I am confident we will make the necessary improvements by adding an extension of the lower rates for dividends and capital gains once we get the bill into conference with the House.

BUDGET SCOREKEEPING REPORT

Mr. GREGG. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of S. Con. Res. 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the 2006 budget through November 16, 2005. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2006 concurrent resolution on the budget, H. Con. Res. 95. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the attached report excludes these amounts.

The estimates show that current level spending is under the budget resolution by $26.874 billion in budget authority and by $10.974 billion in outlays in 2006. Current level for revenues is $17.308 billion above the budget resolution in 2006.

Since my last report, dated September 26, 2005, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues: An act making continuing appropriations for Fiscal Year 2006, P.L. 109–77; Natural Disaster Student Aid Fairness Act, P.L. 109–86; Community Disaster Loan Act of 2005, P.L. 109–88; Homeland Security Appropriations Act, 2006, P.L. 109–90; Medicare Cost Sharing and Welfare Extension Act of 2005, P.L. 109–91; Agriculture Appropriations Act, 2006, P.L. 109–97; An act to extend the special postage stamp for breast cancer research for 2 years, P.L. 109–100; and, Foreign Operations Appropriations Act, 2006, P.L. 109–102. In addition, the Congress has cleared the Energy and Water Appropriations Act, 2006, H.R. 2419, and the State, Justice, and Commerce Appropriations Act, 2006, H.R. 2862.

I ask unanimous comment that the report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 17, 2005.

Hon. JUDD GREGG,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed tables below show the effects of Congressional action on 2006 budget and are current through November 16, 2005. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions for fiscal year 2006 that underlie H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 1 on Table 2).

Since my last letter, dated September 22, 2005, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues:

An act making continuing appropriations for Fiscal Year 2006 (Public Law 109–77);

Natural Disaster Student Aid Fairness Act (P.L. 109–86);

Community Disaster Loan Act of 2005 (Public Law 109–88);

Homeland Security Appropriations Act, 2006 (Public Law 109–90);

Medicare Cost Sharing and Welfare Extension Act of 2005 (Public Law 109–91);

Agriculture Appropriations Act, 2006 (Public Law 109–97);

An act to extend the special postage stamp for breast cancer research for two years (Public Law 109–100); and

Foreign Operations Appropriations Act, 2006 (Public Law 109–102).

In addition, Congress cleared, and sent to the President for his signature, the Energy and Water Appropriations Act, 2006 (H.R. 2419) and the State, Justice, and Commerce Appropriations Act, 2006 (H.R. 2862).

The effects of the actions listed above are detailed in the enclosed tables. The tables also reflect an adjustment to exclude administrative expenses of the Social Security administration, which are off-budget.

Sincerely,

DONALD B. MARRON
(For Douglas Holtz-Eakin, *Director*).

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2006, AS OF NOVEMBER 16, 2005

[In billions of dollars]

	Budget resolution[1]	Current level[2]	Current level over/under(-) resolution
ON-BUDGET:			
Budget Authority	2,094.4	2,067.5	−26.9
Outlays	2,099.0	2,088.0	−11.0
Revenues	1,589.9	1,607.2	17.3
OFF-BUDGET:			
Social Security Outlays[3]	416.0	416.0	0
Social Security Revenues	604.8	604.8	0

SOURCE: Congressional Budget Office.

1. H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed the enactment of emergency supplemental appropriations for fiscal year 2006, in the amount of $50 billion in budget authority and approximately $62.4 billion in outlays, which would be exempt from the enforcement of the budget resolution. Since the current level totals exclude the emergency appropriations in Public Laws 109–13, 109–61, 109–62, 109–268, 109–73, 109–77 and 109–88 (see footnote 1 on Table 2), the budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

2. Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made.

3. Excludes administrative expenses of the Social Security Administration, which are off-budget.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2006, AS OF NOVEMBER 16, 2005

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in Previous Sessions:			
Revenues	n.a.	n.a.	1,607.650
Permanents and other spending legislation	1,293,011	1,250,287	n.a.
Appropriation legislation	0	382,272	n.a.
Offsetting receipts	−479,872	−479,872	n.a.
Total, enacted in previous sessions:	813,139	1,152,687	1,607,650
Enacted This Session:			
Authorizing Legislation:			
TANF Extension Act of 2005 (P.L. 109–19)	148	165	0
An act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2005 (P.L. 109–39)	0	0	−1
Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (P.L. 109–53)	27	27	−3
Energy Policy Act of 2005 (P.L. 109–58)	141	231	−588
Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (P.L. 109–59)	3,444	36	9
National Flood Insurance Program Enhanced Borrowing Authority Act of 2005 (P.L. 109–65)	2,000	2,000	0
Pell Grant Hurricane and Disaster Relief Act (P.L 109–66)	2	2	0
TANF Emergency Response and Recovery Act of 2005 P.L. 109–68)	−4,965	105	0

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2006, AS OF NOVEMBER 16, 2005—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Natural Disaster Student Aid Fairness Act (P.L. 109–86)	36	18	0
Community Disaster Loan Act of 2005 (P.L. 109–88)	751	376	0
Medicare Cost Sharing and Welfare Extension Act of 2005 (P.L. 109–91)	354	341	0
An act to extend the special postage stamp for breast cancer research for two years (P.L. 109–100)	−1	−1	0
Appropriation Acts:			
Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13)	−39	−21	11
Interior Appropriations Act, 2006 (P.L. 109–54)	26,211	17,301	122
Legislative Branch Appropriations Act, 2006 (P.L. 109–55)	3,804	3,185	0
Homeland Security Appropriations Act, 2006 (P.L. 109–90)	31,860	19,306	0
Agriculture Appropriations Act, 2006 (P.L. 109–97)	99,333	57,310	0
Foreign Operations Appropriations Act, 2006 (P.L 109–102)	20,979	8,164	0
Total enacted this session:	184,085	108,545	−450
Continuing Resolution Authority:			
Continuing Resolution, 2006 (P.L. 109–77)	615,060	392,014	0
Passed pending signature:			
Energy and Water Appropriations Act, 2006 (H.R. 2419)	30,459	19,604	0
State, Justice, and Commerce Appropriations Act, 2006 (H.R. 2862)	58,2190	35,763	0
Total, passed pending signature	88,669	55,367	0
Entitlements and mandatories:			
Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs	366,557	379,409	n.a.
Total Current Level 1,2/	2,067,510	2,088,022	1,607,200
Total Budget Resolution	2,144,384	2,161,420	1,589,892
Adjustment to budget resolution for emergency requirements 3/	−50,000	−62,424	n.a.
Adjusted Budget Resolution	2,094,384	2,098,996	n.a
Current Level Over Adjusted Budget Resolution	n.a.	n.a.	17,308
Current level Under Adjusted Budget Resolution	26,874	10,974	n.a.

1. Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level totals exclude: $30,757 million in outlays from the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13); $7,750 million in outlays from the Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (P.L. 109–61); $21,841 million in outlays from the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (P.L. 109–62); $200 million in budget authority and $245 million in outlays from the TANF Emergency Response and Recovery Act of 2005 (P.L. 109–68); −$3,191 million in revenues and $128 million in budget authority and outlays from the Katrina Emergency Tax Relief Act of 2005 (P.L. 109–73), $47,743 million in budget authority and $26,543 million in outlays from the Continuing Resolution (P.L. 109–77), and −$751 million in budget authority from the Community Disaster Loan Act of 2005 (P.L. 109–88).

2. Excludes administrative expenses of the Social Security Administration, which are off-budget.

3. H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed the enactment of emergency supplemental appropriations for fiscal year 2006, in the amount of $50,000 million in budget authority and $62,424 million in outlays, which would be exempt from the enforcement of the budget resolution. Since the current level totals exclude the emergency appropriations in P.L. 10–13, P.L. 109–61, and P.L. 109–62 (see footnote 1 above), the budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

Notes: n.a. = not applicable; P.L. = Public Law.

Source: Congressional Budget Office.

NOMINATIONS OF WILLIAM KOVACIC AND THOMAS ROUSCH

Mr. WYDEN. Mr. President, when it comes to energy, the Federal Trade Commission, FTC, is basically out of the consumer protection business.

Well over a year ago, I released a report documenting the Federal Trade Commission's campaign of inaction when it comes to protecting consumers at the gas pump. My report documented how the FTC has refused to challenge oil industry mergers that the Government Accountability Office says have raised gas prices at the pump by 7 cents a gallon on the West Coast. My report also documented how the FTC failed to act when refineries have been shut down or to stop anti-competitive practices like redlining and zone pricing.

Since then, nothing has changed.

Despite the recent record-high prices for consumers and record profits by big oil companies, we are seeing a record level of inaction by the Federal Trade Commission, FTC, on behalf of energy consumers.

In the last few months, when the price of gasoline soared to an all-time record-high level, the FTC has been invisible. As far as I can tell, the FTC failed to take any action at all in the wake of hurricanes in the gulf that sent the price of gasoline skyrocketing to over $3 a gallon nationwide.

If you do a Google search on the ''FTC and gasoline prices,'' nothing comes up that shows the FTC is taking any action on behalf of energy consumers.

What you will find are statements by the Chairman of the Federal Trade Commission arguing against giving the agency additional authority to protect consumers against price gouging at the gas pump. For example, the FTC Chairman recently made statements opposing Federal price gouging laws, because ''they are not simple to enforce'' and that they could do more harm to consumers.

But 28 States already have price gouging laws on their books and two state attorney General testified at last week's joint hearing by the Senate Energy and Commerce Committees that these laws are more beneficial than harmful to consumers.

In her testimony before the joint Senate hearing last week, FTC Chairman Majoras described what I consider to be an astounding theory of consumer protection when she essentially said there is no need for Federal price gouging laws no matter how high the price goes. She argued that gasoline price gouging was a ''local issue'' even if the price gouger was a multinational oil company.

FTC officials also recently testified before Congress that the agency has no authority to stop price gouging by individual oil companies. Despite this clear gap in the agency's authority, the FTC has refused to say what additional authority it needs to go after price gouging, as I have pressed them to do for years.

Mr. President and colleagues, there is gasoline price gouging going on today and it didn't start with Hurricane Katrina. As The Wall Street Journal documented in September, gasoline prices have increased twice as fast as crude oil price during the past year. Clearly, the oil companies are not simply passing on higher crude oil costs but are also adding on substantial increases to the cost of gasoline above and beyond the higher crude costs.

Since the early 1970s, there has never been the kind of disparity between increases in the price of gasoline and the increase in the price of crude oil that we are seeing today. We didn't see this great of a price difference even in the days of the longest gas lines following the OPEC embargo.

Over the past 30 years, gasoline prices never rose more than 5 percent higher in a year than the cost of crude increased. But in the past year, gas price increases outpaced crude by 36 percent. And since Hurricane Katrina, the price difference has soared even higher to 68 percent.

Further evidence of price gouging can be found in what happened on the west coast immediately following Hurricane Katrina when prices surged 15 cents per gallon overnight. For years, oil industry officials, the Federal Trade Commission and other government agencies have maintained that the west coast is an isolated gasoline market from the rest of the country.

West coast supplies were not affected by the hurricane. The west coast gets almost none of its gasoline from the gulf. If the west coast is an isolated market as the oil industry has claimed for years, then Katrina is no justification for jacking up gas prices on the west coast immediately after the hurricane hit.

The FTC is the principal consumer protection agency in the Federal Government. It is the Federal agency that

can and should take action when gasoline markets are going haywire as they have both before and since Hurricane Katrina.

But instead of action, we have excuses. In the past, the FTC often claimed that it was studying the problem or monitoring gasoline markets as an excuse for its inaction on gas pricing.

Recently, the FTC's campaign of inaction has even extended to its studies. The FTC Chairman testified last week that a study of gas price gouging that Congress required the FTC to complete by this month would not be ready until next spring.

Mr. President, the FTC's campaign of inaction is approaching the point of paralysis!

The FTC has continued its program of inaction on behalf of gasoline consumers despite findings by the U.S. Government Accountability Office, GAO, that the FTC's policies are raising prices at the gas pump.

In May 2004, GAO released a major study showing how oil industry mergers the FTC allowed to go through during the 1990's substantially increased concentration in the oil industry and increased gasoline prices for consumers by as much as seven cents per gallon on the West Coast.

Specifically, GAO found that during the 1990's the FTC allowed a wave of oil industry mergers to proceed, that these mergers had substantially increased concentration in the oil industry and that almost all of the largest of the oil industry mega-mergers examined by GAO each had increased gasoline prices by one to two cents per gallon. Essentially, the GAO found that the FTC's oil merger policies during the 1990's had permitted serial price gouging.

Two years ago, when the current FTC Chairman, Deborah Majoras, came before the Senate for confirmation, I asked her to respond to the GAO's report. Despite her promise to do so, I have yet to receive any response from Chairman Majoras.

The GAO is not alone in documenting how FTC regulators have been missing in action when it comes to protecting consumers at the gas pump. Since 2001, oil industry mergers totaling $19.5 billion have been unchallenged by the FTC, according to an article in Bloomberg News. The article also reported that these unchecked mergers may have contributed to the highest gasoline prices in the past 20 years.

According to the FTC's own records, the agency imposed no conditions on 28 of 33 oil mergers since 2001.

You can see the results of the FTC's inaction at gas stations in Oregon and all across America. Nationwide, the GAO found that between 1994 and 2002, gasoline market concentration increased in all but four states. As a result of FTC merger policies, 46 States' gasoline markets are now moderately or highly concentrated, compared to 27 States in 1994.

The FTC, oil industry officials and consumer groups all agree that in these concentrated markets, oil companies don't need to collude in order to raise prices. The FTC's former General Counsel William Kovacic has said that ''It may be possible in selected markets for individual firms to unilaterally increase prices.'' In other words, the FTC General Counsel basically admitted that oil companies in these markets can price gouge with impunity. Mr. Kovacis is one of the two nominees for FTC Commissioner who is now before the Senate.

Despite all this evidence that gasoline markets around the country have become more concentrated and, in these concentrated markets, individual firms can raise prices and extract monopoly profits, the FTC has failed to take effective action to check oil industry mergers. In the vast majority of cases, the FTC took no action at all.

In addition to its inaction in merger cases, the FTC has also failed to act against proven areas of anti-competitive activity.

Major oil companies are charging dealers discriminatory ''Azone prices'' that make it impossible for dealers to compete fairly with company-owned stations or even other dealers in the same geographic area. With zone pricing, one oil company sells the same gasoline to its own brand service stations at different prices. The cost to the oil company of making the gasoline is the same. In many cases, the cost of delivering that gasoline to the service stations is the same, but the price the service stations pay is not the same. And the station that pays the higher price is not able to compete.

Another example of anticompetitive practices now occurring in gasoline markets is a practice known as ''redlining.'' This involves oil companies making certain areas off-limits to independent gasoline distributors known as jobbers who could bring competition to the area.

The Federal Trade Commission's own investigation of west coast gasoline markets found that the practice of redlining was rampant in west coast markets and that it hurt consumers. But the FTC concluded it could only take action to stop this anti-competitive practice if the redlining was the result of out-and-out collusion, a standard that is almost impossible to prove in court.

In my home State of Oregon, one courageous gasoline dealer took on the big oil companies and won a multi-million dollar court judgment in a case that involved redlining. This dealer gave the evidence he used to win his case in court to the Federal Trade Commission. But the Federal Trade Commission the preeminent consumer protection agency in the Federal Government failed to do anything to help this dealer or reign in the anti-competitive practices at issue in his case.

In areas other than energy, the Federal Trade Commission has been a great consumer protection agency. It has not hesitated to move aggressively to act on behalf of consumers.

To give one example, the FTC created a ''Do Not Call'' program to prevent consumers from being hassled at home by telemarketers. With its ''Do Not Call'' program, the agency pushed to protect consumers to the limits of its authority and even went beyond what the courts said it had authority to do.

But in the case of energy, the FTC has a regulatory blind spot. And this has been true in both Democratic and Republican administrations. It's been a bipartisan blind spot that keeps the agency from looking out for gasoline consumers.

The FTC won't even speak out on behalf of consumers getting gouged at the gas pump. The agency won't use its bully pulpit to even say that record-high gasoline prices are an issue of concern, that they will be looking at closely.

The FTC's approach on gas prices has got to change. I'm not going to support the business as usual approach on energy we've seen for too long at the FTC. So, I have asked the Senate leadership for additional time to study the views of the two nominees to the Federal Trade Commission, Mr. William Kovacic and Mr. THOMAS Rousch. I just received detailed letters and other documents from each of them.

I have asked the leadership for time for consultation on these two nominations, as it is not my intent at this time to lodge a formal objection to a unanimous consent request to consider them. I will use the time between now and when the Senate returns in December to examine their records more carefully and reach a decision as to whether these individuals are committed to and will in fact work aggressively toward changing the culture of inaction at the FTC regarding consumer protection in the energy field.

TRIBUTE TO EARL LEE MONHOLLAND

Mr. GRASSLEY. Mr. President, I rise today to mark the loss of one of my staff members and to make a statement for The CONGRESSIONAL RECORD about the good work of this individual for the people of Iowa. Earl Lee Monholland died at home on October 31, 2005, due to heart illness, at the age of 37. Earl worked on my staff for 12 years as a constituent services specialist in Davenport, Cedar Rapids, and Washington, DC. He was a dedicated public servant who thoroughly enjoyed helping Iowans. He was committed to providing assistance in a responsive and timely manner and to making sure that whatever could be done got done behalf of a constituent having problems with the Federal bureaucracy. Earl also was an outstanding colleague to his fellow staff members, going out of his way to make things work for the entire team, especially with the computer systems. I greatly appreciate the fine work that Earl did during the last 12 years and the unassuming way he

got the job done. There is no doubt that Earl Monholland will be missed by his friends and colleagues on the Grassley staff.

100TH ANNIVERSARY OF THE BIRTH OF J. WILLIAM FULBRIGHT

Mr. LEAHY. Mr. President, Dr. Allan Goodman, President of the Institute for International Education, recently passed along a speech that Senator DICK LUGAR gave at Pembroke College in Oxford, England commemorating the 100th Anniversary of the Birth of J. William Fulbright.

Senator LUGAR is one of the finest statesmen in the Senate, and I have enjoyed working closely with him on a number of issues. His speech at Pembroke College highlights his leadership and insight on U.S. foreign policy.

I ask unanimous consent that his statement be printed in the CONGRESSIONAL RECORD so that all Senators can see these thoughtful remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE 100TH ANNIVERSARY OF THE BIRTH OF J. WILLIAM FULBRIGHT

My Lords, Ladies, and Gentlemen, it is an honor to have the opportunity to deliver this address as we commemorate the 100th anniversary of Senator J. William Fulbright's birth and celebrate the achievements of a visionary statesman, humanitarian, and son of Pembroke College. It is particularly moving to be here in a place that meant so much to Senator Fulbright and means so much to me.

Last year, I joined 25 of my classmates for the 50th reunion of the entering Class of 1954 at Pembroke College, and we have continued that reunion through our correspondence. I was the only American in the College in 1954, but was elected President of the JCR the following year in a most generous spirit of Trans-Atlantic cooperation. The election provided a spur to my vivid imagination of what might happen in years to come.

THE EXAMPLE OF SENATOR FULBRIGHT

Soon after I arrived at Pembroke, my tutor in politics, Master R.B. McCallum, told me about his tutorial work with Senator William Fulbright of Arkansas. I did not have the pleasure of serving with Senator Fulbright in the Senate. He left office in 1974, two years before I was elected to represent Indiana. But his influence on my career and development was profound and permanent.

Senator Fulbright and I shared a remarkable number of common experiences, though generally these. occurred decades apart. Both Senator Fulbright and I won Rhodes Scholarships after earning our bachelor's degrees. Both of us chose to study at Pembroke College. Both of us focused much attention on government and economics while at Oxford. And both of us were blessed with the same tutor, R. B. McCallum. Senator Fulbright studied under the Master near the beginning of his career, while I was tutored much later.

Both of us were elected to the Senate from our home states—Arkansas in his case, and Indiana in mine. Both of these states are in the interior of the United States and neither was typically associated with international interests a half-century ago. But both of us sought a seat on the Senate Foreign Relations Committee, which has oversight of US. foreign policy and diplomacy. Both of us, ascended to the chairmanship of this Committee. Senator Fulbright, in fact, holds he record as the longest serving chairman of the Foreign Relations Committee, a remarkable tenure from 1959 to 1974.

Since the beginning of the United States Senate, there have been only 1884 Senators. Of these, only 48 have served five complete six-year terms. Senator Fulbright is a member of this exclusive club, having served from 1945 through 1974. At the end of next year, I would join this group of Senators who have served at least 30 years in the Senate.

Like Senator Fulbright, I discovered the extraordinary challenges and opportunities of international education at Pembroke College—my first trip outside of the United States. The parameters of my imagination expanded enormously during this time, as I gained a sense of how large the world was, how many talented people there were, and how many opportunities one could embrace.

In my first year of residence at Pembroke College, emboldened by Master McCallum's Fulbright stories, I decided to write to Senator Fulbright. He was in the midst of an embattled relationship with Senator Joseph McCarthy of Wisconsin, and he shared with me his thoughts about the McCarthy era in a series of letters as our correspondence expanded. I was deeply moved that he took the time to write to me and even more astonished to learn, years later, that he had kept my letters.

He was especially generous to me when I became chairman of the Foreign Relations Committee in 1985 for the first time. He wrote: ''It is an unusual coincidence that two Rhodes men from Pembroke should be Chairmen of the Committee. I think Cecil Rhodes would be as pleased as the two Masters of Pembroke would be.'' He continued to offer encouragement during visits that we enjoyed at Senate receptions and reunions. In September 1986, I had the great pleasure to join Senator Fulbright at the University of Arkansas, where he had served as President, for a celebration of the Fulbright Scholarship Program.

THE FULBRIGHT PROGRAM AT WORK

Senator Fulbright is known throughout the world for the educational exchange program that bears his name. Each year, approximately 2,600 international students receive scholarships to study in the United States through the Fulbright program. Simultaneously, it provides about 1,200 American students the opportunity to study overseas. In addition, 1,000 American scholars and 700 international scholars teach and perform research each year under Fulbright grants. Since Senator Fulbright's legislation passed in 1946, the program has provided more than 290,000 participants the chance to study, teach, and conduct research in a foreign country. As Master McCallum declared in 1963, ''Fulbright is responsible for the greatest movement of scholars across the face of the earth since the fall of Constantinople in 1453.''

Fulbright students and scholars are selected according to academic achievement and leadership potential. Alumni of the program have received 35 Nobel Prizes, 65 Pulitzer Prizes, 22 MacArthur Foundation ''genius'' awards, and 15 U.S. Presidential Medals of Freedom.

The Fulbright Program's remarkable contributions to the development of the 290,000 participants provide ample justification for the program. But Senator Fulbright expected much more. He always was unabashed in his advocacy of the program as a foreign policy tool. For him, the Fulbright Program was not intended merely to benefit individual scholars, or more generally to advance human knowledge—though those goals have been fulfilled beyond his original expectations. The program was meant to expand ties between nations, improve international commerce, encourage cooperative solutions to global problems, and prevent war. In his book, The Price of Empire, he wrote: ''Educational exchange is not merely one of those nice but marginal activities in which we engage in international affairs, but rather, from the standpoint of future world peace and order, probably the most important and potentially rewarding of our foreign policy activities.'' He called the Fulbright Scholarship Program, ''a modest program with an immodest aim—the achievement in international affairs of a regime more civilized, rational, and humane than the empty system of power of the past.''

For Senator Fulbright, the program also was intended to give participants a chance to develop a sense of global service and responsibility. Alumni of the program are among the most visible leaders in their respective countries. Over the decades, they have explained to their fellow citizens why diplomacy and international cooperation are important. They have been advocates of international engagement within governments, corporations, schools, and communities that do not always recognize the urgency of solving global problems.

In August of this year, I traveled to Morocco, a key U.S. ally and a lynchpin in the development of democracy and liberalism in the Arab world. I was there following a humanitarian mission to finalize the release of the last 404 Moroccan POWs held by the Polisario Front since the Algerian-Moroccan conflict over the Western Sahara. While in Morocco, I asked our Embassy in Rabat to set up a meeting with Moroccan opinion leaders to discuss bilateral ties and regional issues. It has been my experience that in most nations, such groups of opinion leaders will contain Fulbright alumni. Sure enough, two of the seven guests had benefited from study in the United States through the Fulbright program—a college President who had done research at Princeton University and a law professor who had done research at George Washington University.

In my judgment, the impact of the Fulbright program as a foreign policy tool has extended well beyond the accomplishments and understanding of its own participants. It has been the most influential large-scale model for promoting the concept of international education, and it has been the primary validation of the American university system to the rest of the world.

In the United States, we have critiqued and even lamented some aspects of our public diplomacy since the end of the Cold War. But hosting foreign students has been an unqualified public diplomacy success. In numerous hearings and discussions on public diplomacy, the Foreign Relations Committee has heard reports of the impact of foreign exchanges. Of the 12.8 million students enrolled in higher education in the United States during the last academic year, almost 600,000—some 4.6 percent—were foreign undergraduate and graduate students. My home state of Indiana currently is the temporary home of about 13,500 foreign students. The success of American universities with foreign students would not have been as profound without the stimulation of foreign interest in American higher education provided by the Fulbright program.

Last year, I traveled to Georgia and met with its new president, Mikhail Saakashvili. President Saakashvili received his law degree from Columbia University, where he studied under the Muskie Fellowship program. In fact, almost every member of his cabinet had attended an American college or university during their academic careers.

The result was that the leadership of an important country had a personal understanding of the core elements of American society and governance. Perhaps more importantly, they had an understanding and appreciation of Americans themselves. These individuals were key participants in the ''Rose Revolution'' in Georgia, which is transforming that country.

NATIONAL PRIDE AND NATIONAL HUMILITY

Funding a great foreign exchange program is a sign of both national pride and national humility. Implicit in such a program is the audacious view that people from other nations view one's country and educational system as a beacon of knowledge—as a place where thousands of top international scholars would want to study and live. But it is also an admission that a nation does not have all the answers—that our national understanding of the world is incomplete. It is an admission that we are just a part of a much larger world that has intellectual, scientific, and moral wisdom that we need to learn.

In a speech on the Senate floor in 1966, during the Vietnam War, Senator Fulbright underscored his concern about our national humility by saying: ''Power tends to confuse itself with virtue and a great nation is particularly susceptible to the idea that its power is a sign of God's favor.''

Senator Fulbright understood that a great nation must continue to invest in its own wisdom and capabilities for human interaction. He understood that no amount of military strength or even skillful decision-making could make up for a lack of alliances, trading partners, diplomatic capabilities, and international respect. Maintaining alliances and friendships between nations is hard work. No matter how close allies become, centrifugal forces generated by basic differences in the size, location, wealth, histories, and political systems of nations tend to pull nations apart. Alliances work over long periods of time only when leaders and citizens continually reinvigorate the union and its purposes.

THE BUILDING BLOCKS OF FOREIGN POLICY

Often we need to pause to remember that the practice of foreign policy is not defined by a set of decisions. Unfortunately, reporters, politicians, and even most historians portray foreign policy as a geopolitical chess game or a series of great diplomatic events. This perception is reinforced by books and movies about dramatic moments in diplomatic history, like the Cuban Missile Crisis. These events capture our imagination, because we relive the struggles of leaders during times of great risk as they weigh the potential consequences of their actions. We ask whether Presidents and Prime Ministers were right or wrong in adopting a particular strategy.

But Senator Fulbright understood that crisis decision-making is a very small slice of a nation's foreign policy. He understood that a successful foreign policy depends much more on how well a nation prepares to avoid a crisis.

When a nation gets to the point of having to make tactical choices in a time of crisis—it almost always is choosing between a bad option and a worse option. Crisis decision-making is to foreign policy what a surgeon is to personal health. Whether a body will resist disease depends on good nutrition, consistent exercise, and other healthy preparations much more than the skill of a surgeon employed as a last resort after the body has broken down. The preparation for good health and for a strong foreign policy is the part that we can best control, and it is the part that must receive most of our energies and resources.

Earlier this week, I presided over a hearing of the Senate Foreign Relations Committee that was concerned with the potential threat from avian influenza. If the H5 N1 virus develops in a way that allows it to be efficiently transmissible between humans, tens of millions of lives worldwide will be at risk. No nation is likely to be spared the effects of such a pandemic. However, nations working together to detect the emergence of new strains and to contain quickly an outbreak could greatly mitigate the risk. In a very real and discernible way, our ability to communicate and work with each other across borders may well determine the fate of millions of people. The effectiveness of our response will depend on the investments we have made in knowledge, relationships, and communications.

The same can be said for cooperation in the disarmament arena. For fourteen years, I have been engaged in overseeing and expanding the Nunn- Lugar Cooperative Threat Reduction program. This is the U.S. effort to help the states of the former Soviet Union safeguard and destroy their vast stockpiles of nuclear, chemical, and biological weapons, so that they do not fall into the hands of terrorists. Just as Senator Fulbright counted scholars who benefited from his program, I have made a point of counting the weapons eliminated by the Nunn-Lugar program. Currently, almost 7,000 nuclear warheads have been safely dismantled, along with hundreds of missiles and bombers. We are in the process of destroying vast stockpiles of chemical weapons, safeguarding numerous biological weapons facilities, and providing employment to tens of thousands of weapons scientists. Each weapon that is disabled represents a small step toward security.

Explaining and promoting the Nunn-Lugar program has been complicated by the fact that most of its accomplishments have occurred outside the attention of the media. Although progress is measurable, it does not occur as dramatic events that make good news stories. At Surovatikha, for example, Russian solid fuel SS–18 and SS–19 missiles are being dismantled at a rate of four per month. This facility will grind on for years, until all the designated missiles are destroyed. At Shchuchye, the United States and Russia are building a chemical weapons destruction facility that will become operational in 2007. It will destroy about 4½ percent of Russia's currently declared chemical weapons stockpile per year. This is a painstaking business conducted far away from our shores outside the light of media interest.

The destruction of a decaying nuclear warhead, the links between international epidemiologists, and the training of an individual scholar appear to be small matters in the context of global affairs. But these are exactly the kinds of building blocks on which international security and human progress depend.

THE SOURCE OF NATIONAL POWER

Since September 11, 2001, the United States has been engaged in a debate over how to apply national power and resources most effectively to achieve the maximum degree of security. Recent foreign policy discussions have often focused on whether to make concessions to world opinion or whether to pursue perceived national security interests unencumbered by the need to seek the counsel and support of the international community. But this is a false choice. National security can rarely be separated from the support of the international community, if only because American resources and influence are finite.

Throughout this process, I have been making the point that we are not placing sufficient weight on the diplomatic and economic tools of national power. Even as we seek to capture key terrorists and destroy terrorist cells, we must be working with many nations to perfect a longer term strategy that reshapes the world in ways that are not conducive to terrorist recruitment and influence.

To survive and to prosper in this century, the United States must assign U.S. economic and diplomatic capabilities the same strategic priority that we assign to military capabilities. We must commit ourselves to the painstaking work of foreign policy day by day and year by year. We must commit ourselves to a sustained program of repairing and building alliances, expanding trade, fighting disease, pursuing resolutions to regional conflicts, fostering and supporting democracy and development worldwide, controlling weapons of mass destruction, and explaining ourselves to the world.

Very fortunately, leaders of the United Kingdom have been thinking with us and working with us during these years of worldwide terrorist threats and severe challenges to human values. Earlier this year, I enjoyed a breakfast meeting with Prime Minister Tony Blair at the British Embassy in Washington and later a second visit with him in his offices at 10 Downing Street. We discussed development assistance and debt forgiveness in Africa; democracy building in Iraq and the wider Middle East; terrorist threats to the United States, Great Britain, and many other places; and how to maintain U.S.-UK. solidarity, even in the midst of political partisanship in both the House of Commons and the U.S. Congress. Foreign Minister Jack Straw has been a frequent visitor to my Senate office, and I will enjoy additional visits with British officials in London in the next few days.

In addition to the vision of William Fulbright, which we celebrate today, I am certain he would join me in celebrating, again, the vision of Cecil Rhodes as he established the Rhodes scholarships, which brought us to Pembroke. In the years of our selection, Senator Fulbright and I were one of 32 young Americans who were given an extraordinary opportunity through the generosity of the Rhodes Trust to come to Oxford University.

We both chose Pembroke College and were admitted to this College. That opportunity changed the horizons of our lives, our expectations of what we might achieve, and our obligations to assume more risks and to undertake more challenges in the service of others.

One of my Rhodes Scholar selectors put it very bluntly when he asked, ''Why should we put Rhodes Trust money on you as opposed to any of the thousands of talented young Americans we could choose?

A host of circumstances finally made it possible for both of us to serve as a U.S. Senator and as Chairman of the Senate Foreign Relations Committee. In my case, I sincerely doubt that I would have enjoyed these opportunities without those remarkably formative two years at Pembroke College. I feel safe in saying that neither Senator Fulbright nor I would have approached international scholarships, international diplomacy, and a passionate quest for world peace with the same inspiration and tenacity without our Rhodes Scholar experiences at Pembroke College, Oxford University.

As Senator Fulbright explained in a 1945 Senate speech, just before the end of the war in Europe, ''Peace does not consist merely of a solemn declaration or a well-drafted Constitution. The making of peace is a continuing process that must go on from day to day, from year to year, so long as our civilization shall last.''

The success of such peacemaking will depend on our willingness to prepare for the long-term future as Senator Fulbright did—

through enlightened investments in people and relationships. And it will depend upon our devotion to movements exemplified by the Fulbright Program and the Rhodes Trust that reach out to the world with both pride and humility.

SOMALIA

Mr. FEINGOLD. Mr. President, I wish to express my deep concern regarding recent news reports about piracy off the coast of Somalia. As we all know, Somalia has been without a central, recognized government for well over a decade. It has been over 3 years since I chaired a series of hearings in the Foreign Relations African Affairs Subcommittee on weak and failing states in Africa, one of which focused on the dire situation in Somalia and inadequate U.S. policy there. Years later, U.S. policy is still stagnant, I am sorry to report, and the danger persists, as these news reports indicate. The time is long overdue for the U.S. to make a long-term commitment to addressing this potential trouble spot.

I have consistently urged the Administration to be vigilant in focusing on weak states as part of the global fight against terrorism. All the characteristics of some of Africa's weakest states—manifestations of lawlessness such as piracy, illicit air transport networks, and traffic in arms and gemstones and people—can make the region attractive to terrorists and international criminals. Regrettably, Somalia is still not on the administration's radar.

According to recent press reports, pirates off the coast of Somalia are building strength and growing comfortable in expanding their attacks. Despite a lull in pirate attacks over the last 2 years, in just the last 6 months there have been 25 attacks off the coast of Somalia, according to the International Maritime Bureau. Attacks are no longer confined to the coast but reportedly include raids on ships hundreds of miles from the coast of the Indian Ocean. The resources and the audacity of the pirates appear to be growing. The attacks pose a tremendous threat to stability and economic development in the region, including neighboring countries such as Kenya and Djibouti that rely on maritime trade and tourism. The more organized the pirates become, and the more lucrative their crimes, the more we are faced with another potential front in the fight against terrorism, one involving a state-less network of some of the worst international actors.

The State Department 2004 report on counter terrorism in Africa states that the Somalia-based al-Ittihad al-Islami, AIAI, ''has become highly factionalized and diffuse, and its membership is difficult to define'' and that ''some members are sympathetic to and maintain ties'' with al-Qaida. State Department officials also acknowledge that AIAI is financing basic civil society needs in Somalia, including schools and basic health care. The international community is failing to empower Somali civil society. Without our attention and support, how long do we expect this community to refuse basic human needs funded by terrorist organizations? And what are the consequences of groups like AIAI being perceived by the Somali people as generous benefactors? The U.S. must work harder at providing an alternative to such extremist influences in Somalia.

We can no longer insulate ourselves from weak states. We must engage. It is in our own national security interests that we work to strengthen institutions and empower civil society in weak and failing states in Africa in order to curtail opportunities for terrorists and other international criminals.

A multifaceted approach is necessary for the future of Somalia and for the future of our own campaign against terrorism. We cannot stand by as terrorist threats cross borders and destabilize the Horn of Africa. The international community must intensify its maritime vigilance. The U.S. long-term policy should include coordinating with regional actors in Africa and the international community to aid positive actors working in Somalia, build institutional capacity and legitimacy, promote national reconciliation, and sever community dependency on terrorist funding for basic services. These are difficult challenges, but Somalia is not hopeless. A transition government and opposing factions are requesting international mediation and attention. They are asking us to act, and we must answer the call, for their sake as well as ours.

CSBG

Mr. GRASSLEY. Mr. President, no one is more committed to the Community Services Block Grant than I am. The Community Services Block Grant program helps to strengthen communities through services for poor individuals and families, assisting these low-income individuals to become self-sufficient.

CSBG provides critical services to poor families throughout the country. Services offered by CSBG entities can help support these important social services programs such as: Head Start, Low Income Home Energy Assistance Programs, LIHEAP, weatherization, literacy and job training programs, child health care, after-school programs, housing and homeownership services, financial literacy and asset development, and food pantries and meal programs. In FY 2002, the 1,100 community action network served more than 13 million individuals in more than 4 million families nationwide.

Over the past few months, I have received dozens of letters from Community Action Agencies from across the country, thanking me for my efforts on behalf on the Community Services Block Grant. I, along with Senator Chris Dodd, spearheaded a letter, signed by 56 of our colleagues, Republicans and Democrats alike, urging Senate conferees to the Labor/HHS/Education Appropriations bill to uphold the Senate funding level of $637 million. I understand that the conference report on the Labor/HHS/Education Appropriations bill includes $637 million for CSBG.

I hope that the conference report on the Labor/HHS/Education Appropriations bill will be enacted soon and that these vital resources will be directed to important services for low income individuals.

However, I cannot support the Harkin amendment because if that amendment passed, it would result in an interruption of funding not only for CSBG, but for all the social spending programs that low income individuals depend upon. That is not a responsible course of action.

We should not make support for CSBG a partisan issue—we should work together to enact the Labor/HHS/Education Appropriations Conference Report so that money can be appropriately directed to fund these important services.

COMMERCE-JUSTICE-SCIENCE APPROPRIATIONS

Mr. FEINGOLD. Mr. President, I want to express my disappointment in the cuts that the conference report for H.R. 2862, the Departments of Commerce and Justice, Science, and Related Agencies Appropriations Act of 2006, made to important grant programs that assist State and local law enforcement agencies. I voted in favor of H.R. 2862 because of the other important programs that it funds, but I have grave concerns about these particular grant funding cuts.

I believe that Congress, in partnership with States and local communities, has an obligation to provide the tools, technology, and training that our Nation's law enforcement officers need in order to protect our communities. I have consistently supported a number of Federal grant programs, including the Community Oriented Policing Services, COPS, Program, which is instrumental in providing funding to train new officers and provide crime-fighting technologies. I also have long supported funding for the Byrne Grant Program, which provides funding to help fight violent and drug-related crime, including support to multijurisdictional drug task forces, drug courts, drug education and prevention programs, and many other efforts to reduce drug abuse and prosecute drug offenders. I know how important these programs have been to Wisconsin law enforcement efforts, in particular with regard to fighting the spread of methamphetamine abuse. Both of these programs suffered major funding cuts in the conference report for H.R. 2682, which the Senate passed on November 16, 2005.

Funding for the COPS Program has been reduced dramatically in recent years. In fiscal year 2003 the COPS Program received $929 million in Federal funding. In fiscal year 2004, that level was reduced to $756 million, only to drop again in fiscal year 2005 to $606 million. And now, for fiscal year 2006, the funding level has again been reduced to a mere $487.3 million, a dramatic decrease just over the last 3 fiscal years. This is unacceptable. Funding for these grant programs has continually dropped even as the needs of law enforcement officers, our first responders, grow.

Funding cuts like the ones to the COPS Program have been mirrored in cuts to Byrne grants. For fiscal year 2006, the administration's budget proposal would have completely eliminated this critical law enforcement program in full. Congress rightly rejected the administration's unjustified attempt to entirely do away with this important program, but unfortunately the funding level provided this year is inadequate. In fiscal year 2003, Byrne and the local law enforcement block grants, which have now been merged into one program, received a total of $900 million in Federal funding. By fiscal year 2005, that number was reduced to $634 million. This year, the Byrne program will receive a meager $416 million in Federal funding. It is irresponsible to habitually take the rug out from under our hard-working law enforcement officers by taking away their access to the funding they need to keep our communities across the country safe.

It is my hope that in the next fiscal year, the administration and Congress will work together to repair the damage done and increase critical funding to these and other programs that assist our State and local law enforcement officers on a daily basis.

THE KENNEDY CENTER HONORS TONY BENNETT

Mr. KENNEDY. Mr. President, I welcome the opportunity to join in commending one of America's greatest artists who will receive a Kennedy Center Honors Award next month. Tony Bennett is renowned and revered by millions because of his extraordinary talent and outstanding musical career which spans a half century, and he will always be a part of America's musical legacy. His performances are part of our national songbook—tunes each of us know by heart and love to hear time and again.

His distinctive voice and inspiring interpretations have set the standard for musical artists across the years. His signature song, ''I Left My Heart in San Francisco,'' was released over 40 years ago, but it is as fresh today as it was in 1962, the year it won three Grammy awards.

His album ''MTV Unplugged'' captured the hearts of a new generation and was awarded a Grammy for Album of the Year in 1994. It was also one of the most successful recordings in a career that includes countless other musical awards and achievements.

He has left his heart in communities far beyond San Francisco. Still today, he remains forever young at heart, as one of America's most beloved musical icons who continues to entertain us and enrich all our lives.

It is gratifying to know that his remarkable career will be recognized in the Honors Awards celebration at the Kennedy Center next month as a tribute to his enduring contributions to our national cultural heritage.

Countless lives have been touched by his artistry. This year at the Kennedy Center Honors, the country will have the opportunity to thank him for all that he has done so well for so long.

KENNEDY CENTER SALUTES ROBERT REDFORD

Mr. KENNEDY. Mr. President, each year the Kennedy Center pays tribute to distinguished artists who have made extraordinary contributions to the American cultural experience. The Nation will be delighted to know that this year Robert Redford will receive one of these prestigious awards.

Mr. Redford exemplifies the record of achievement and accomplishment that define the Kennedy Center Honors Awards. With special grace and great talent, he has become a legend in film. His roles as an actor are among the most memorable ever on screen. He can be charming, as he was in Butch Cassidy and the Sundance Kid, The Sting, and Barefoot in the Park. He can be serious, as he was in The Candidate and All the President's Men. And he is always compelling—never more so than in The Great Gatsby and A River Runs Through It.

Mr. Redford is equally accomplished as a director and producer. But whether he stars, directs, or produces—and sometimes all three—a Redford project is always remarkable for its integrity, beauty, and power.

In 2003, he was in Washington to deliver the annual Nancy Hanks Lecture on the role of the arts in public policy. This lecture is a tribute to the memory of Nancy Hanks, who served as the early chair of the National Endowment for the Arts, and Mr. Redford's lecture was especially fitting, because he believes so deeply in the fundamental importance of the arts in our public policy.

His passionate belief in arts education has been a continuing part of his outstanding career. He founded the Sundance Institute as part of his lifelong commitment to expand opportunities for new works and new artists to ensure a vigorous American cultural legacy for future generations.

I commend all that he has accomplished. It is a privilege to join in congratulating him on this well-deserved award from the Kennedy Center. I am sure my brother would be proud of him.

VOTE EXPLANATION

Mr. SHELBY. Mr. President, on rollcall vote No. 347, I was recorded as not voting. It was my intention to vote ''yea.''

TERRORISM RISK INSURANCE EXTENSION ACT

Mr. JOHNSON. Mr. President, this week the Senate Banking Committee reported out S. 467, the Terrorism Risk Insurance Extension Act of 2005 which will extend for 2 years the terrorism risk insurance program that is due to expire on December 31. I suspect the insurance industry is breathing a collective sigh of relief that this bill has finally passed in the Senate. All Americans concerned about economic growth should also feel some relief.

This bill represents a compromise between the very strong views of the administration and the approach originally set forth in the bill as introduced. I must commend Senators DODD and BENNETT and their staffs for their tireless work on this legislation, as well as Chairman SHELBY and Ranking Member SARBANES. I understand that getting to this point was not without its challenges. Nevertheless, we arrived at a bipartisan compromise.

There are still some who believe that we do not need a terrorism insurance program with a Federal backstop; that the capacity of the industry to provide this insurance has improved, and the program has achieved its goals. Frankly, I am not convinced. Because of the random and unpredictable nature of terrorism, I am not yet convinced that the private sector can adequately or accurately assess terrorism risk in the absence of a Federal backstop.

It has been 4 years since the September 11 attacks that prompted the passage of the Terrorism Risk Insurance Act. And while we have been fortunate here in the United States that no events have triggered the use of this Federal backstop, the bombings in London this summer, the Madrid train bombing last year, the nightclub bombing in Bali in 2002, and the alarming increase in suicide bombers in the Middle East serve as painful reminders of the reality of the ongoing war on terror, and the fact that attacks can happen anywhere at anytime.

Prior to September 11, the risk of terrorism was not a factor when insurers wrote policies. However, in the post-9/11 environment, the availability of affordable insurance for terrorism risks has become a necessity. The war on terror involves protecting our homeland and protecting our citizens. In light of the current environment, it would be both unrealistic and premature to conclude that a Federal backstop is no longer necessary. I think it was irresponsible for the administration to suggest that it is now appropriate to shift the burden of insuring against the risk of terrorist attacks solely to the private insurance market.

We accepted the recommendations of the administration by dropping several lines of insurance from the program. However, there is one very critical line that has never been included, and one that I am disappointed is not part of this compromise bill, and that is group life. As I have said on numerous occasions, it is critical that we create conditions that permit the private insurance markets to continue to offer group life insurance coverage to employees at high risk of attack.

Since 2002, I have fought to include group life insurance in the Terrorism Risk Insurance Program. I was disappointed, at that time, that the Bush administration chose to focus its efforts on insuring buildings against terrorism but was dismissive of the critical role that group life insurance plays for tens of thousands of families at the highest risk of terrorist attack.

We saw vividly, post-9/11, the suffering of so many families, and while the most immediate grieving was for the loss of human life, the harsh reality is that many families lost their livelihood as well. In a time of loss, a life insurance policy can mean the difference between having to sell the family home, pulling the kids out of college, or even, in some cases, having enough money to put food on the table.

Moreover, the lack of affordable reinsurance for group life products calls into question the administration's position that TRIA is crowding out innovation that would otherwise enable the industry to offer insurance for terrorism risk without a governmental backstop. Reinsurance has essentially evaporated for the group life sector, which Treasury specifically chose not to include in the Terrorism Risk Insurance Program, and thus was not hindered in its pursuit of market innovations. We ought to be working to create a marketplace where reinsurance can reemerge for group life products, rather than jeopardize the TRIA-facilitated appearance of reinsurance for products, like workers compensation, which are comparable to group life.

I certainly appreciate that innovations within the insurance industry may be part of the long-term solution, and we certainly must facilitate that as we go forward. The time has come for Congress to review the current regulatory landscape of the insurance industry to ensure that it does not unnecessarily restrict innovation. I believe that this legislation is consistent with that objective—extending TRIA for a period of time sufficient for Congress to begin looking at modernizing the regulatory scheme for insurance while it also reviews longer term solutions to the challenge of insuring against acts of terror.

I am pleased that this legislation requires the Presidential Working Group to do a study on the long-term viability and affordability of terrorism insurance and the affordability of inclusion of group life insurance. I look forward to reviewing the Presidential Working Group's recommendations, and it is my hope that it recommends inclusion of group life in the program.

Additionally, I am satisfied with the ''make available'' provisions in this bill. At the end of the day, this program is not about the profits of the insurance industry; it is about the ability of American businesses to have access to insurance protection. That should be the very minimum required of an industry that enjoys the type of protection we have provided.

Estimating the likelihood of attacks or the extent of loss is difficult, if not impossible. Now is not the time for the administration or Congress to leave the private insurers to go it alone. I am pleased that last night the Senate passed this important legislation. Doing nothing would not have been acceptable.

Mr. NELSON of Nebraska. Mr. President, although the Senate's passage of the Terrorism Risk Insurance Extension Act of 2005 is a good start to ensuring continuity within our financial markets in the event they are impacted by another terrorist attack, I am disappointed the Act failed to include group life insurance.

Over 160 million working Americans have coverage through a group life policy. For many, this coverage is their only form of life insurance. Loss of this benefit would threaten their families' financial stability.

Group life insurance poses unique risks to the carriers that provide it. Much like workers' compensation insurance, the high level of risk concentration by employer and worksite makes group life insurance particularly vulnerable to large-scale losses from events such as terrorist attacks.

Before the September 11 tragedy, group life insurers protected against large-scale losses through the purchase of catastrophe reinsurance. Since that time, group life insurers have experienced a decreased availability of catastrophe reinsurance coverage. At the same time, the cost of this limited coverage and its related deductible have increased to the point where the coverage is cost-prohibitive. Additionally, it is not uncommon for catastrophe reinsurers to exclude terrorism on most quotes.

Opponents of group life's inclusion argue that free market participants should be able to reach a price on any commodity. But this mindset ignores the fact that group life insurers do not operate in a truly free market. Even if group life insurers wanted to exclude coverage for terrorist acts—which many, for good public policy reasons, reject as an option—they currently are prohibited from doing so.

Ordinarily, insurers would control their risk exposure through the premiums they charge. However, in the context of terrorism, this mechanism also is no longer available for group life insurers. The lack of historical data on the incidence rate of terrorism in the United States prevents insurers from pricing for this risk. Moreover, the very nature of terrorism—a non natural event—makes it a risk for which actuaries have no basis to price.

The bill's required analysis of the long-term availability and affordability of insurance for terrorism risk, including group life coverage, simply offers the distant hope of a solution for group life insurers. Daily reminders of the continued threat of terrorism require an immediate solution.

For these reasons, I respectfully urge members of the conference committee to look beyond the buildings the act would protect and protect the people inside those buildings by including group life in the extension.

TAX RELIEF ACT OF 2005

Mr. KOHL. Mr. President, they say that timing is everything. And the timing of the Congress's actions these days is indicative of our priorities. Yesterday, the House rightly voted against the Labor, Health and Human Services and Education appropriations bill that under funded job training, education and health care. Last night, the House voted to pass a reconciliation spending package that would cut programs such as child support, food stamps, and Medicaid. Also last night, the Senate passed $60 billion worth of tax cuts.

What does that say to hard working Americans about the priorities of this Government? I want to make it clear to my colleagues that I support many of the provisions that are included in this legislation. I support tax provisions aimed at helping Gulf States recover from Hurricanes Katrina and Rita. I support extending the tuition deduction, the research and development tax credit, and a deduction for teacher expenses, among others. And I strongly support the extension of the increased exemption amounts for the alternative minimum tax.

In fact, I would support much broader reform of the AMT. More and more middle class individuals and families will find themselves impacted by this onerous tax if Congress does not act soon to correct it. I would also support some capital gains and dividend rate reform. I want to make it clear to my constituents that I am not opposed to tax cuts—when the time is right—when we are in surplus. In 2001, I supported the tax cut legislation, based on the fact that we were running a surplus. It stands to reason, then, that during these times of record deficits, that we can ill afford the tax package the Senate approved yesterday.

I want to repeat what I just said—I am not opposed to tax cuts. That is why I supported the alternative package of extensions offered by Senator CONRAD. This amendment contained nearly identical extension provisions. The amendment even went further on the AMT then the underlying bill, ensuring that no more taxpayers pay the tax over 2005. The difference? The alternative was fully paid for, through a series of offsets.

It remains a mystery to me why so many of my colleagues chose to add to the deficit rather than responsibly extend these important provisions. I would have hoped that more of my colleagues that voted against this alternative would have come to the floor to give their reasoning. Adding $60 billion to the deficit is not something any of us should take lightly. When we are cutting fundamental programs in order to reduce the deficit, when we are faced with continued costs associated with rebuilding after the hurricanes, when costs associated with Iraq and Afghanistan continue to mount—is that the time to extend tax cuts without paying for them?

For me, the answer is a resounding no. Timing is everything. When we were in surplus, I supported tax cuts. Times have changed, and we can no longer afford to adopt tax legislation without paying for it. Yesterday, the Senate had a chance to show our constituents that we can make difficult budget decisions, just as so many American families do every month. But instead, the Senate chose to pass the buck on that decision, and add $60 billion to our growing deficit.

Thank you, Mr. President, and I yield the floor.

Mr. INHOFE. With this week's consideration of the tax reconciliation act, the United States Senate engaged in a heated exchange over the reinstatement of the windfall profits tax on American oil. The key question in this debate, which my colleagues have not been able to answer, is how can a tax increase on oil and gas production reduce prices? It can't and history proves it.

First enacted under President Jimmy Carter in 1980, Congress imposed an excise levy on domestic oil production called the windfall profits tax. The result was inevitable. According to a 1990 report by the nonpartisan Congressional Research Service, the results of Carter's WPT were hugely counterproductive: ''The WPT reduced domestic oil production between 3 and 6 percent, and increased oil imports from between 8 and 16 percent . . . This made the U.S. more dependent upon imported oil.''

The stakes for Oklahoma are huge considering that oil and gas production is our largest single industry. During debate, Democrats filed amendment after amendment, nine in total, to penalize and to increase taxes by billions of dollars on one of America's most vital industries. To Oklahoma's good fortune, and that of the American consumer, each of these amendments was either soundly defeated or withdrawn.

Over the past few months, Democrats have fired a barrage of unfair rhetoric maligning all those who work in the oil and gas business. With one breath they demand Congress reign in the recent high oil prices, with the next they insist on tax increases to punish those who they claim are responsible. With so many friends, acquaintances, and constituents in the business, I find these reckless demands and accusations unfair and dangerous for Oklahoma.

As a teenager, I worked as a tool dresser on a drilling rig for a man by the name of A.W. Swift. Many in Oklahoma know his name, but few in this Chamber would. Like many who have operated in oil and gas, he ran a thrifty and tight operation but was eventually taxed out of business. This same man lost his son, Burt Swift, after a rig explosion claimed his life but spared mine. Sacrifices, such as his, are often a part of the harsh realities faced by many in the oil business.

Oklahoma would be especially hard hit by a WPT. Currently, well over two-thirds of the State's oil production comes from marginal wells. A marginal well is typically defined as one which produces less than 10 barrels of oil or 60 mcf of gas a day. They are called ''marginal'' because their profitability is at times just at the margin, depending upon production costs and current market prices.

As oil prices decrease many of these wells become uneconomical and are increasingly ''shut in'' or ''plugged and abandoned.'' However, as oil prices increase, Oklahoma's independents increasingly drill for and produce from marginal wells. The added cost of a windfall profits tax drastically harms the economic viability Oklahoma's marginal wells.

Outside of the damage a WPT would inflict upon Oklahoma, this tax would only further harm our Nation's shrinking energy independence. America's major oil companies already pay the second highest corporate tax rate in the industrialized world. How are they to compete internationally with an additional WPT tax? How could Conoco Phillips or Chevron Texaco compete with Total (French), BP (British), and Royal Dutch Shell (British/Dutch) not to mention government owned and operated oil giants like Saudi Aramco, NIOC (National Iran Oil Company), Petro China, CNOOC (China National Offshore Oil Corporation), Gazprom (Russia), and dozens more. With enactment of a WPT, American companies would be hard pressed to effectively compete in the competitive global market for exploration and production. The WPT gives all foreign owned oil companies a strong competitive advantage.

With more than 2,100 firms and 60,000 people the oil and gas industry is the most critical component of Oklahoma's economy. Many of those in the business have in the past lost their business, their savings and their livelihood. The industry is cyclical with booms followed by busts as we saw most poignantly in the 1980s. For the jobs in Oklahoma and the consumers at the pump, let's reject WPT.

Mrs. MURRAY. Mr. President, I rise to speak about the tax reconciliation bill before the Senate today.

Today, Americans are saddled with more than $8 trillion in national debt, an obligation being passed on to our children and grandchildren. And our Nation's expenditures—because of the War in Iraq, the global war on terrorism, Hurricane Katrina and other natural disasters, and countless other challenges our Nation is confronting are far outstripping our tax receipts.

The current administration has placed passing tax cuts for the few ahead of targeted tax cuts for the middle class and to grow business and has made us less able to address other important priorities, homeland security, paying for the war in Iraq, our nation's infrastructure, health care, and education.

I believe we need a tax system that is fiscally responsible, helps business grow, and provides maximum relief to the middle class. That is why I support tax policies that work to achieve those goals, and that is why I voted for the Conrad substitute amendment, which would have fully paid for the cost of targeted middle class tax relief.

Mr. President, I am deeply concerned about passing a $60 billion tax cut bill at a time when we are cutting Medicaid, food stamps, student loans, and other domestic programs that will spur economic growth and help all Americans. Just 2 weeks ago, the Senate Republican leadership brought a spending cut to the floor to cut $35 billion from areas like healthcare and education. The budget that passed this body contains the wrong priorities. It imposes painful cuts on working families, as I said at the time.

Mr. President, too many working families in American don't feel secure. They are worried about high gas prices and how they are going to heat their homes this winter. They are worried about how they will pay for their health insurance and their prescription drugs. And they are worried they won't be able to afford a home or college tuition for their children.

Given all this, why would the Congress pull the rug from under these working Americans at exactly the time they need our support? The answer is before us today to make room for more tax cuts. Now, some of the tax cuts contained in the tax reconciliation bill are certainly helpful. The research and development tax credit, the deduction of State and local sales tax, and the deduction for teacher's expenses are all important provisions and should be extended. I have voted for and cosponsored bills that extend or make permanent some of these provisions. In fact, I voted to extend these tax provisions and all those expiring at the end of the year when I voted for the Conrad substitute amendment. That amendment fully paid for the tax cut extensions and the Hurricane tax relief over 10 years and did not cost the Federal Treasury a dime.

I oppose cutting critical services to pass unbalanced tax cuts that primarily benefit the wealthy. The capital gains and dividend tax cut extensions, which primarily benefit those making

more than $1 million, are not in the current version of this bill. But I know that when the tax reconciliation bill comes back from conference, it will have those provisions. We all heard Senate Majority Leader FRIST when he said, and I quote ''I will not bring a conference report to the Senate floor that does not include this extension.''

So, Mr. President, we have a choice to make: will we invest in priorities like health care, education, transportation and job training that spur economic growth and keep families out of poverty, or will we continue to conduct business as usual and pass tax cuts in a fiscally irresponsible way? Based on the vote 2 weeks ago to cut $35 billion in critical help for Americans in the most need, it appears that the Republican-controlled Congress has chosen the latter.

I understand the importance of a responsible Federal budget. Our nation's annual deficit is more than $300 billion. Foreign owned debt has increased by more than 100 percent over the last 5 years, and we will soon be asked to increase the country's debt ceiling by another $781 billion. At a time when we are facing such tremendous spending pressures and an increasing deficit, I think it would be wise to heed the words of Federal Reserve Chairman Alan Greenspan, who said during testimony before the Budget Committee last year:

''If you are going to lower taxes, you should not be borrowing essentially the tax cut. That over the long run is not a stable fiscal situation.''

Unfortunately, the tax reconciliation bill before us will increase the deficit and borrow money to do so. The Senate was presented with the option to extend the tax provisions expiring at the end of this year and pass the hurricane tax relief in a fiscally responsible manner. Unfortunately, the sound Democratic alternative we offered failed on a party line vote.

Mr. President, these are very challenging times for our country and our people. Working families don't feel secure about their jobs, their health care, their pensions or their future. Many Americans are making tremendous sacrifices by serving in our military. We need to show that we are on their side. We need to help make America strong again. The way to do that is to invest in our people invest in their education, their job training, and their future. The Republican budget does just the opposite it cuts out those critical investments so that they can reduce taxes for a few at the top. Those are the wrong priorities. I believe America can do better, and America deserves better, and therefore I will vote against this misguided budget.

ADDITIONAL STATEMENTS

PROFESSORS OF THE YEAR

• Mr. BAUCUS. Mr. President, I rise today to congratulate the winners of the United States Professor of the Year Award. Since 1981, this prestigious honor has been awarded to professors who show an exceptional dedication to teaching. This year, professors from 40 States, the District of Columbia, and Guam are being honored with this award. Their disciplines are varied; they come from both private and public institutions. But they have one thing in common, and that is dedication to teaching.

These undergraduate professors do more than teach information. They impact their classes by inspiring students to excel. They think up new and inventive ways for their students to learn. They create programs that allow students to learn through working and teaching experience. Sometimes these professors go as far as establishing new departments in their institutions, broadening academic choices for undergraduates. College professors contribute so much to their institutions and surrounding communities, and often these vast contributions go unnoticed by society. I am proud that we are taking time today to honor these inspiring professors:

2005 U.S. PROFESSORS OF THE YEAR, NATIONAL AND STATE WINNERS

Outstanding Baccalaureate Colleges Professor, W.A. Hayden Schilling, Robert Critchfield Professor of English History, The College of Wooster, Wooster, Ohio.

Outstanding Community Colleges Professor, Katherine R. Rowell, Professor of Sociology, Sinclair Community College, Dayton, Ohio.

Outstanding Doctoral and Research Universities Professor, Buzz Alexander, Professor of English Language and Literature, University of Michigan, Ann Arbor, Michigan.

Outstanding Master's Universities and Colleges Professor, Carlos G. Gutierrez, Professor of Chemistry, California State University, Los Angeles, Los Angeles, California.

STATE WINNERS

Alabama: Guy A. Caldwell, Assistant Professor of Biological Sciences, University of Alabama.

Arkansas: Scott Roulier, Associate Professor of Political Science, Lyon College.

California: Philip R. Kesten, Associate Professor of Physics, Santa Clara University.

Colorado: Daniel J. Pack, Professor of Electrical Engineering, United States Air Force Academy.

Connecticut: Lawrence F. Roberge, Associate Professor & Chair, Department of Science, Goodwin College.

District of Columbia: Matthew O'Gara, Associate Professorial, Lecturer, Elliott School of International Affairs, George Washington University.

Florida: Ana M. Cruz, Professor of Accounting, Miami Dade College, Wolfson Campus.

Georgia: Julie K. Bartley, Associate Professor of Geosciences, University of West Georgia.

Guam: Kyle D. Smith, Professor of Psychology, University of Guam.

Idaho: Rhett Diessner, Professor of Education, Lewis-Clark State College.

Illinois: M. Vali Siadat, Professor & Chair, Department of Mathematics, Richard J. Daley College.

Indiana: John B. Iverson, Professor of Biology, Earlham College.

Iowa: James L. Brimeyer, Instructor of Composition & Literature, Northeast Iowa Community College.

Kansas: Elsie R. Shore, Professor of Psychology, Wichita State University.

Kentucky: Peggy Shadduck Palombi, Associate Professor of Biology, Transylvania University.

Louisiana: Roger White, Associate Professor of Political Science, Loyola University New Orleans.

Maryland: James M. Wallace, Professor of Mechanical Engineering, University of Maryland, College Park.

Massachusetts: Walter H. Johnson, Professor & Chair, Department of Physics, Suffolk University.

Michigan: Gary B. Gagnon, Assistant Professor of Marketing, Central Michigan University.

Minnesota: Mark Wallert, Professor of Biology, Minnesota State University Moorhead.

Missouri: Rebecca Kuntz Willits, Assistant Professor, Biomedical Engineering, Saint Louis University.

Montana: Jakki J. Mohr, Professor of Marketing, University of Montana.

Nebraska: Daniel G. Deffenbaugh, Associate Professor of Religion, Hastings College.

Nevada: Paul F. Starrs, Professor of Geography, University of Nevada, Reno.

New Hampshire: Debra S. Picchi, Professor of Anthropology, Franklin Pierce College.

New Jersey: Phyllis Owens, Associate Professor of Computer Graphics, Camden County College.

New Mexico: Elise Pookie Sautter, Professor of Marketing, New Mexico State University.

New York: Jo Beth Mertens, Assistant Professor of Economics, Hobart and William Smith Colleges.

North Carolina: Cindy C. Combs, Professor of Political Science, University of North Carolina at Charlotte.

North Dakota: Jim Coykendall, Associate Professor of Mathematics, North Dakota State University.

Ohio: Nathan W. Klingbeil, Associate Professor of Mechanical Engineering, Wright State University.

Oregon: Jerry D. Gray, Professor of Economics, Willamette University.

Pennsylvania: Jerome Zurek, Professor & Chair, Department of English & Communication, Cabrini College.

South Carolina: Norman M. Scarborough, Associate Professor of Information Science, Presbyterian College.

Tennessee: Jette Halladay, Professor of Speech and Theatre, Middle Tennessee State University.

Texas: Susan Edwards, Professor of History, Cy-Fair College.

Utah: Yasmen Simonian, Professor & Chair, Department of Clinical Laboratory Sciences, Weber State University.

Vermont: Sunhee Choi, Professor of Chemistry and Biochemistry, Middlebury College.

Virginia: John H. Roper, Professor of History, Emory & Henry College.

Washington: Bruce Palmquist, Associate Professor of Physics & Science Education, Central Washington University.

West Virginia: Carolyn Peluso Atkins, Professor of Speech Pathology & Audiology, West Virginia University.

Wisconsin: Jody M. Roy, Associate Professor & Chair, Department of Communication, Ripon College•

OF DUTY, HONOR AND SERVICE

• Mr. CRAPO. Mr. President, in the spring of this year, I had the remarkable experience of hosting a recording of a history for the Library of Congress Veterans History Project. A distinguished, elderly Idahoan recounted his

experiences as a supply officer during World War II, notably in one of the units that liberated the Nazi concentration camp, Dachau.

Ralph Leseburg is 86 years old and lives in St. Anthony, ID with his beloved wife of 66 years, Wanda. Before visiting my office, he returned to Dachau, Germany on the occasion of the 60th anniversary of the camp's liberation by the Americans. After taking part in the commemoration ceremony, he stopped in Washington, DC to visit the World War II Memorial and pay respects to his fallen comrades.

Ralph was drafted in 1944 when he was a young married man with three children living in Layton, UT. That young man was evident in the wizened gentleman who sat in my office some months ago, his experiences of those difficult times surprisingly vivid in his blue eyes. He spent time in France and then in Germany assigned to the 42nd Quartermaster Company of the Army. He remembers the bombings that cleared Wersberg, Germany, and bringing in supplies of food, clothing and ammunition for the soldiers.

Clearly, his most difficult time was to come, for it was just months later on April 29, 1945, around 6 or 7 p.m. in the evening that his company followed the troops into the liberated camps with two truckloads of food for the survivors. Up to this point in the interview, Ralph had shared his experiences in great detail, telling of dates, places and times with remarkable acuity. When asked about what he saw that night, Ralph paused for a long minute and said, ''Well, it's just something you don't like to talk about.'' At that moment, he was thousands of miles and many years away from my office in the Dirksen Building. His blue eyes, glinting with the shine of old tears, reflected the stark horror of that day, the memory too overwhelming to put to words.

Ralph continued to serve until 1946, when he returned to his wife and children and civilian life. Looking back, he said that he remembered paying attention to the lifestyle of the people in the countries where he served, and remarked that ''We are blessed to be in this nation, a nation of human rights and humanitarian service.'' When asked about serving his country, Ralph said only this: ''It wasn't easy to leave my wife and children, but I served my country when I was called, and I knew why I was called.'' I would like to offer my sincere thanks and gratitude for Ralph and his family for their sacrifice and service so many years ago. It was a tremendous honor for me to have this particular member of ''the greatest generation'' in my office that day.●

HONORING NATIONAL ADOPTION DAY

● Ms. LANDRIEU. Mr. President, I rise today in honor of National Adoption Day.

If the events of the last few months have done nothing else, they have reminded us of the importance of family, friends, and faith in a time of crisis. Not a moment has gone by without an image of a mother searching for her son or a daughter looking for her grandmother. Families bring people together and make it possible for them to make it through these times of uncertainty and hardship.

Now, more than ever, our focus is on bringing families together: we must rebuild, create, and transform these families. National Adoption Day is a way for this goal to be realized. It is in its sixth year and helps the dream of a permanent family come true through courts, judges, attorneys, and advocates who help to finalize adoptions.

On this day, I would like to paint two pictures for you all: In 227 cities and 45 States, at courthouses, churches, museums, parks, and beautiful public places all over the country, at least 4,000 children will find forever families, and dreams of thousands of adults will be realized. I want you to picture what happens on this fall day, children running, laughing, and playing with their new parent. Think about a girl or boy planning their special outfit and joyously awaiting the family celebration. Imagine the excitement welling up inside of a child as he or she looks into their new parent's eyes and knows they are finally part of a family. They will never dread the sound of a car coming to take them away again or wonder where they will lay their heads or which school they will be moved to. the other picture is dramatically different: In Louisiana alone, there are 4,424 children in foster care and 581,000 children nationwide waiting to be adopted. Only 10 percent of these children will ever be adopted. They have not had the luxury of their own room, a stable school environment, or a constant adult in their lives.

Most of these children entered into State custody because their parents were either unable or unwilling to care for them. What today is all about is transforming barriers into foundations. Tonight they will go home to their forever families. In speaking about forever families, I want to bring your attention to two of the many children in Louisiana that need forever families.

Many children in the foster care system are teenagers and have more difficulty being adopted. These beautiful children are just waiting to flourish with the right parent's guidance. Reva, for example, is a 15-year-old, reserved young woman who loves playing board games. She also is great at basketball and swimming. Reva does have a diagnosis of major depression and postraumatic stress disorder more than likely exacerbated by her time in foster care.

D'Vonte is a 13-year-old vivacious young man who loves to dance and listen to music on his CD player. His favorite activities are working on art projects and going swimming during the summer months. As a true Louisianan, he loves gumbo and is a caring and affectionate child.

I could stand here every day for the next month and talk about each child that needs to be adopted out of foster care. The bottom line is that each of these children, from 1 day old to 22 years old, needs permanency. They all need a loving, nurturing family that will help them to grow, bring out their unique personalities, and transform them into beautiful adults.

Today, on National Adoption Day, I have faith that this can be done and we must continue to be the catalysis. The miracle of adoption cannot be explained, but the loving parents that are holding their children for the first time today are living examples of how dreams can be realized. As an adoptive mother myself, I cannot really explain the miracle of it, but I can only take a moment to offer my most humble thanks, gratitude, and appreciation to all those across the Nation who have given their Saturday to help find waiting children safe and loving homes.

Let us continue to remember, when National Adoption Month and Day ends that there are still thousands of children like D'Vonte and Reva who need that sense of permanency. I challenge Congress to make these children their first priority and to help them to finally realize that dream.●

TRIBUTE TO HILTON A. WICK

● Mr. LEAHY. Mr. President, I rise today to speak about Hilton Wick, a great Vermonter who was recently honored at a dedication ceremony in Burlington, VT. As a token of thanks for his tireless fundraising efforts on behalf of Fletcher Allen Health Care, the plaza in front of Fletcher Allen's Ambulatory Care Center will now bear Hilton's name. For decades, Hilton Wick has committed his talents and energy to improving his community, raising awareness, and inspiring involvement on a wide variety of community development projects. Not only Burlington but all of Vermont can be grateful for his outstanding leadership and enormous generosity.

I would like to share with my colleagues an article from the October 29, 2005, edition of the Burlington Free Press which magnificently describes the contributions of Hilton Wick. I ask that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press, Oct. 29, 2005]

HILTON WICK GIVES HIS ALL TO COMMUNITY

It is a fitting tribute to Burlington's Hilton Wick that the plaza in front of Fletcher Allen Health Care's new Ambulatory Care Center is being named after him.

The dedication for the Hilton A. Wick Plaza on Sunday honors a man who has been one of the most generous and steadfast community builders Burlington has known.

When the hospital's Renaissance Project was in its darkest hours, Wick persevered with community fund-raising efforts despite the adversity, convinced that the goal of a

better hospital remained sound and that Vernmonters would benefit from it.

Through the years and with a broad array of causes, Wick's message has been ''get involved, get committed, do what you can to help achieve success and don't forget that little things do matter,'' according to his friend, Dan Feeney, who worked with Wick on several capital campaigns.

Burlington, and Vermont, have been the fortunate benefactors of Wick's remarkable ability to rally people around good causes, including the United Way, the American Cancer Society, the Intervale Foundation, the ECHO Center and the Community Health Center.

The health center, which serves underinsured and uninsured Vermonters, recognized Wick at its annual meeting this week as a kind of guru or ''professor'' of community fund-raisers in Burlington. ''To have Hilton as your friend is to have a mentor, a philanthropic advisor, social connector, politician and the best story teller,'' according to an announcement from the health center.

When people gather Sunday to honor wick, now 85, they will share stories of a man who leads by example, inspiring others to give back to the community—a commitment he has held deeply since escaping death in the South Pacific during World War II.

The son of a railroad worker and homemaker in rural Pennsylvania, Wick came to Vermont in 1949 after graduating from Harvard Law School the previous year. He practiced law and continues the practice with his son Jim at Wick & Maddocks in Burlington; he taught business law at the University of Vermont; and he was president and later chairman of the board of Chittenden Trust Co. He ran for governor in 1984 and served a term as a state senator in 1988.

His friends know him especially for his devotion to his family—his five children and his late wife Barbara, who died of breast cancer in 2001—and his community.

George Little, a former state senator who served with Wick on a number of fund-raising drives, said his longtime friend has raised more money for health care, education and other projects ''than I can possibly count.

''Hilton is an extraordinary human being who has made his life an example of thoughtful, unselfish generosity to his community,'' Little said.

Lois McClure said Wick encouraged her and her late husband, Mac, to give to a number of worthy projects including a building constructed in the 1980s at Fletcher Allen that bears the McClure name. ''Mac said, 'When someone like Hilton feels I should do it, I guess I had better do it.'" McClure recalled.

For Wick's daughter, Julia, her father is a kind-hearted role model with a unique sense of humor and a love of story-telling. He is dedicated, she said, to helping those in need, ''a quiet and determined leader who imparts his knowledge through inspiration.''

Wick, who now lives at Shelburne Bay Senior Living Community, said in an interview Friday that he has enjoyed helping Burlington, ''a great place to live''—and particularly the hospital, where ''the wonderful medical personnel have kept me alive, when I'm not sure I was entitled to it.''

Wick's countless hours of public service have been recognized with numerous accolades over the years, including several ''Man of the Year'' awards from organizations and ''Father of the Year'' from the Lund Family Center. But the real benefits are experienced every day in the community, which has been enriched and improved because of him.

Next time you walk across the plaza at Fletcher Allen Health Care, think of Hilton Wick and the many contributions he has made.●

CONGRATULATING SALYERSVILLE GRADE SCHOOL

● Mr. BUNNING. Mr. President, today I rise to congratulate Salyersville Grade School of Salyersville, KY. Salyersville Grade School is recognized as a 2005 No Child Left Behind Blue Ribbon School.

The Blue Ribbon Schools Program has been celebrating high achieving schools for over 20 years. Established in 1982 by the U.S. Department of Education, the program has recognized more than 3,000 schools since its inception. This year, six Kentucky schools join this distinguished list, and I am proud to say that Salyersville Grade School is one of the worthy recipients.

By demanding excellence from each and every student, Salyersville Grade School truly celebrates the blue ribbon standard of excellence that the No Child Left Behind Program strives to achieve. Salyersville Grade School is an example of what our Kentucky schools can achieve when we have enough faith in our students to challenge them to become the leaders this country so desperately needs.

I congratulate Salyersville Grade School on this achievement. The administrators, teachers, parents, and students of this school are an inspiration to the citizens of Kentucky. look forward to all that Salyersville Grade School accomplishes in the future.●

CONGRATULATING SAINT AGNES PARISH SCHOOL

● Mr. BUNNING. Mr. President, today I rise to congratulate Saint Agnes Parish School of Louisville, KY. Saint Agnes Parish School is recognized as a 2005 No Child Left Behind Blue Ribbon School.

The Blue Ribbon Schools Program has been celebrating high achieving schools for over 20 years. Established in 1982 by the U.S. Department of Education, the program has recognized more than 3,000 schools since its inception. This year, six Kentucky schools. join this distinguished list, and I am proud to say that Saint Agnes Parish School is one of the worthy recipients.

By demanding excellence from each and every student, Saint Agnes Parish School truly celebrates the blue ribbon standard of excellence that the No Child Left Behind Program strives to achieve. Saint Agnes Parish School is an example of how Kentucky's Catholic schools continue to inspire young minds by providing a caring, faith-based learning environment.

I congratulate Saint Agnes Parish School on this achievement. The administrators, teachers, parents, and students of this school are an inspiration to the citizens of Kentucky. look forward to all that Saint Agnes Parish School accomplishes in the future.●

CONGRATULATING CHRIST THE KING SCHOOL

● Mr. BUNNING. Mr. President, today I rise to congratulate Christ the King School of Lexington, KY. Christ the King School is recognized as a 2005 No Child Left Behind Blue Ribbon School.

The Blue Ribbon Schools Program has been celebrating high achieving schools for over 20 years. Established in 1982 by the U.S. Department of Education, the program has recognized more than 3,000 schools since its inception. This year, six Kentucky schools join this distinguished list, and I am proud to say that Christ the King School is one of the worthy recipients.

By demanding excellence from each and every student, Christ the King School truly celebrates the blue ribbon standard of excellence that the No Child Left Behind Program strives to achieve. Christ the King School is an example of how Kentucky's Catholic schools continue to inspire young minds by providing a caring, faith-based learning environment.

I congratulate Christ the King School on this achievement. The administrators, teachers, parents, and students of this school are an inspiration to the citizens of Kentucky. I look forward to all that Christ the King School accomplishes in the future.●

CONGRATULATING BRODHEAD ELEMENTARY SCHOOL

● Mr. BUNNING. Mr. President, today I rise to congratulate Brodhead Elementary School of Brodhead, KY. Brodhead Elementary School is recognized as a 2005 No Child Left Behind Blue Ribbon School.

The Blue Ribbon Schools Program has been celebrating high achieving schools for over 20 years. Established in 1982 by the U.S. Department of Education, the program has recognized more than 3,000 schools since its inception. This year, six Kentucky schools join this distinguished list, and I am proud to say that Brodhead Elementary School is one of the worthy recipients.

By demanding excellence from each and every student, Brodhead Elementary School truly celebrates the blue ribbon standard of excellence that the No Child Left Behind Program strives to achieve. Brodhead Elementary School is an example of what our Kentucky schools can achieve when we have enough faith in our students to challenge them to become the leaders this country so desperately needs.

I congratulate Brodhead Elementary School on this achievement. The administrators, teachers, parents, and students of this school are an inspiration to the citizens of Kentucky. look forward to all that Brodhead Elementary School accomplishes in the future.●

CONGRATULATING SOUTHERN ELEMENTARY SCHOOL

● Mr. BUNNING. Mr. President, today I rise to congratulate Southern Elementary School of Beaver Dam, KY. Southern Elementary School is recognized as

a 2005 No Child Left Behind Blue Ribbon School.

The Blue Ribbon Schools Program has been celebrating high achieving schools for over 20 years. Established in 1982 by the U.S. Department of Education, the program has recognized more than 3,000 schools since its inception. This year, six Kentucky schools join this distinguished list, and I am proud to say that Southern Elementary School is one of the worthy recipients.

By demanding excellence from each and every student, Southern Elementary School truly celebrates the blue ribbon standard of excellence that the No Child Left Behind Program strives to achieve. Southern Elementary School is an example of what our Kentucky schools can achieve when we have enough faith in our students to challenge them to become the leaders this country so desperately needs.

I congratulate Southern Elementary School on this achievement. The administrators, teachers, parents, and students of this school are an inspiration to the citizens of Kentucky. look forward to all that Southern Elementary School accomplishes in the future.●

CONGRATULATING LOST RIVER ELEMENTARY SCHOOL

● Mr. BUNNING. Mr. President, today I rise to congratulate Lost River Elementary School of Bowling Green, KY. Lost River Elementary School was recently recognized as a 2005 No Child Left Behind Blue Ribbon School.

The Blue Ribbon Schools Program has been celebrating high achieving schools for over 20 years. Established in 1982 by the U.S. Department of Education, the program has recognized more than 3,000 schools since its inception. This year, six Kentucky schools join this distinguished list, and I am proud to say that Lost River Elementary School is one of the worthy recipients.

By demanding excellence from each and every student, Lost River Elementary School truly celebrates the blue ribbon standard of excellence that the No Child Left Behind Program strives to achieve. Lost River Elementary School is an example of what our Kentucky schools can achieve when we have enough faith in our students to challenge them to become the leaders this country so desperately needs.

I congratulate Lost River Elementary School on this achievement. The administrators, teachers, parents, and students of this school are an inspiration to the citizens of Kentucky. look forward to all that Lost River Elementary School accomplishes in the future.●

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.)

MESSAGES FROM THE HOUSE

At 9:29 a.m., a message from the House of Representatives, delivered by Ms. Chiappardi, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4145. An act to direct the Joint Committee on the Library to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall, and for other purposes.

ENROLLED BILLS SIGNED

At 9:50 a.m., a message from the House of Representatives, delivered by Ms. Chiappardi, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 126. An act to amend Public Law 89–366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore.

H.R. 539. An act to designate certain National Forest System land in the Commonwealth of Puerto Rico as a component of the National Wilderness Preservation System.

H.R. 584. An act to authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior.

H.R. 606. An act to authorize appropriations to the Secretary of the Interior for the restoration of the Angel Island Immigration Station in the State of California.

H.R. 1101. An act to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California.

H.R. 1972. An act to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Williamson County, Tennessee, relating to the Battle of Franklin.

H.R. 1973. An act to make access to safe water and sanitation for developing countries a specific policy objective of the United States foreign assistance programs, and for other purposes.

S. 1234. An act to increase, effective as of December 1, 2005, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

At 11:30 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 307. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 1:35 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 4326. An act to authorize the Secretary of the Navy to enter into a contract for the nuclear refueling and complex overhaul of the U.S.S. Carl Vinson (CVN–70).

H.J. Res. 72. An act making further continuing appropriations for the fiscal year 2006, and for other purposes.

The enrolled bill and joint resolution were signed subsequently by the President pro tempore (Mr. STEVENS).

At 1:56 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 bill, with an amendment, in which it requests the concurrence of the Senate:

S. 1932: An act to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

At 4:32 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees 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. 2528) making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

MEASURES ORDERED HELD AT THE DESK

The following bill was discharged from the Committee on Finance, passed without amendment, and ordered held at the desk, by unanimous consent:

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.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, November 18, 2005, she had presented to the President of the United States the following enrolled bill:

S. 1234. An act to increase, effective as of December 1, 2005, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4705. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BURKHART GROB LUFT—UND RAUMFAHRT GmbH and CO KG Models G103 TWIN ASTIR, G103A TWIN II ACRO, and G103C TWIN III ACRO Sailplanes'' ((RIN2120–AA64)(2005–0507)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4706. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–200 and –300 and A340–200 and –300 Series Airplanes'' ((RIN2120–AA64)(2005–0508)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4707. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 757–200, –200CB, and –200PF Series Airplanes'' ((RIN2120–AA64)(2005–0509)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4708. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–100, –200, –200C, –300, –400, and –500 Series Airplanes'' ((RIN2120–AA64)(2005–0510)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4709. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model DC–10–10 and DC–10–10F Airplanes; Model DC–10–15 Airplanes; Model DC–10–30 and DC–10–30F Airplanes; Model DC–10–40 and DC–10–40F Airplanes; Model MD–10–10F and MD–10–30F Airplanes; and Model MD–11 and MD–11F Airplanes'' ((RIN2120–AA64)(2005–0511)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4710. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–100, –200B, –200F, –200C, –100B, –300, –100B SUD, –400, –400D, and –400F Series Airplanes; and Model 747 SR Series Airplanes'' ((RIN2120–AA64)(2005–0500)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4711. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 757–200, –200PF, and –300 Series Airplanes, Powered by Pratt and Whitney PW2000 Series Engines'' ((RIN2120–AA64)(2005–0501)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4712. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB–135BJ, –135ER, –135KE, –135KL, –135LR, –145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP Airplanes'' ((RIN2120–AA64)(2005–0502)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4713. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce plc RB211 Trent 875, 877, 884, 884B, 892, 892B, and 895 Series Turbofan Engines'' ((RIN2120–AA64)(2005–0518)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4714. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A340–211, –212, –311, and –312 Airplanes'' ((RIN2120–AA64)(2005–0517)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4715. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dowty Aerospace Propellers Type R321/4–82–F/8, R324/4–82–F/9, R333/4–82–F/12, and R334/4–82–F/13 Propeller Assemblies'' ((RIN2120–AA64)(2005–0516)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4716. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A319–100 Series Airplanes Model A320–111 Airplanes; Model A320–200 Series Airplanes, and Model A321–100 and –200 Series Airplanes'' ((RIN2120–AA64)(2005–0515)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4717. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 727 Airplanes'' ((RIN2120–AA64)(2005–0514)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4718. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 B4–620, A310–304, A310–324, and A310–325 Airplanes'' ((RIN2120–AA64)(2005–0512)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4719. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–100, –200, and –200C Series Airplanes'' ((RIN2120–AA64)(2005–0513)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4720. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model DC–9–14, DC–9–15, and DC–9–15F Airplanes; and McDonnell Douglas Model DC–9–20, DC–9–30, DC–9–40, and DC–9–50 Series Airplanes'' ((RIN2120–AA64)(2005–0522)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4721. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747 Airplanes'' ((RIN2120–AA64)(2005–0521)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4722. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace Model HS 748 Airplanes'' ((RIN2120–AA64)(2005–0520)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4723. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Cessna Aircraft Company Models 401 401A, 401B, 402, 402A, 402B, 402C, 404, 411, 411A, 414, 414A, 421 421A, 421B, 421C, 425, and 441 Airplanes'' ((RIN2120–AA64)(2005–0519)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4724. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce plc RB211 Trent 875, 877, 884, 884B, 892, 892B, and 895 Series Turbofan Engines'' ((RIN2120–AA64)(2005–0526)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4725. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Honeywell Flight Management System One Million Word Data Bases as Installed in, but Not Limited to McDonnell Douglas Model MD–11 and MD–11F Airplanes, Boeing Model 747–400 Series Airplanes, and Boeing Model 757 and 767 Airplanes'' ((RIN2120–AA64)(2005–0525)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4726. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron Model 212, 412 and 412EP Helicopters'' ((RIN2120–AA64)(2005–0523)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4727. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney JT8D–200 Series Turbofan Engines'' ((RIN2120–AA64)(2005–0524)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4728. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; GROB–WERKE Model G120A Airplanes'' ((RIN2120–AA64)(2005–0545)) received on November 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4729. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled ''Airworthiness Directives; Pratt and Whitney JT8D–200 Series Turbofan Engines'' ((RIN2120–AA64)(2005–0546)) received on November 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4730. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company CT7–5, –7, and –9 Series Turboprop Engines'' ((RIN2120–AA64)(2005–0547)) received on November 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4731. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Honeywell Flight Management System One Million Word Data Bases as Installed in, but Not Limited to, McDonnell Douglas Model MD–11 and MD–11F Airplanes, Boeing Model 747–400 Series Airplanes, and Boeing Model 757 and 767 Airplanes'' ((RIN2120–AA64)(2005–0548)) received on November 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4732. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A320–111 Airplanes, and Model A320–200 Series Airplanes'' ((RIN2120–AA64)(2005–0550)) received on November 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4733. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Mitsubishi Model YS–11 Airplanes, and Model YS–11A–200, YS–11A–300, YS–11A–500, and YS–11A–600 Series Airplanes'' ((RIN2120–AA64)(2005–0551)) received on November 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4734. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company CF6–80E1 Series Turbofan Engines'' ((RIN2120–AA64)(2005–0552)) received on November 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4735. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Area Navigation Instrument Flight Rules Terminal Transition Routes; Jacksonville, FL'' ((RIN2120–AA66)(2005–0255)) received on November 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4736. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (73)'' ((RIN2120–AA65)(2005–0032)) received on November 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4737. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4738. A communication from the General Counsel, Office of Government Ethics, transmitting, pursuant to law, the Office's Performance Accountability Report for Fiscal Year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4739. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the Board's Performance and Accountability Report for Fiscal Year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4740. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Department's Performance and Accountability report for Fiscal Year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4741. A communication from the Chairman, International Trade Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for Fiscal Year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4742. A communication from the Secretary of Transportation transmitting, pursuant to law, the Department's Performance and Accountability Report for Fiscal Year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4743. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department's Performance and Accountability Report for Fiscal Year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4744. A communication from the General Counsel, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled ''Additional Exemption'' (RIN3209–AA09) received on November 16, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4745. A communication from the Secretary of Homeland Security, transmitting, pursuant to law, the Department's Performance and Accountability Report for Fiscal Year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4746. A communication from the Secretary of Education, transmitting, pursuant to law, the Department's Performance and Accountability Report for Fiscal Year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4747. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (9)'' ((RIN2120–AA65)(2005–0033)) received on November 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4748. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 727 Airplanes'' ((RIN2120–AA64)(2005–0549)) received on November 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4749. A communication from the Acting Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''CPI Adjustment for Section 1274A for 2006'' (Rev. Rul. 2005–76) received on November 18, 2005; to the Committee on Finance.

EC–4750. A communication from the Acting Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''CPI Adjustment for Section 7872(g) for 2006'' (Rev. Rul. 2005–75) received on November 18, 2005; to the Committee on Finance.

EC–4751. A communication from the Acting Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Bureau of Labor Statistics Price Indexes for Department Stores—September 2005'' (Rev. Rul. 2005–73) received on November 18, 2005; to the Committee on Finance.

EC–4752. A communication from the Acting Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 832 Discount Factors for 2005'' (Rev. Proc. 2005–73) received on November 18, 2005; to the Committee on Finance.

EC–4753. A communication from the Acting Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 846 Discount Factors for 2005'' (Rev. Proc. 2005–72) received on November 18, 2005; to the Committee on Finance.

EC–4754. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, documents relating to the United States–Bahrain Free Trade Agreement; to the Committee on Finance.

EC–4755. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad to the United Kingdom; to the Committee on Foreign Relations.

EC–4756. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Kazakhstan; to the Committee on Foreign Relations.

EC–4757. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the status of petitions for designating class of employees as members of the special cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–4758. A communication from the Attorney, Office of Procurement and Assistance Policy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Assistance Regulations'' (RIN1991–AB72) received on November 18, 2005; to the Committee on Energy and Natural Resources.

EC–4759. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law the report of a rule entitled ''Civil Penalty Adjustments'' (RIN1029–AC48) received on November 17, 2005; to the Committee on Energy and Natural Resources.

EC–4760. A communication from the Director, Office of Hearings and Appeals, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Resource Agency Procedures for Conditions and Prescriptions in Hydropower Licenses'' (RIN0596–AC42, RIN1094–AA51, RIN0648–AU01) received on November 18, 2005; to the Committee on Energy and Natural Resources.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–221. A resolution adopted by the General Court of the Commonwealth of Massachusetts relative to the early termination

fees imposed by cellular telephone companies; to the Committee on Commerce, Science, and Transportation.

Whereas, the issue of early termination fees imposed by cellular phone companies is one of great importance to the citizens of the Commonwealth of Massachusetts; and

Whereas, lawsuits by customers adversely affected by early termination fees have been filed in courts in California, Florida and Illinois; and

Whereas, a ''petition of the Cellular Telecommunications and Internet Association for an expedited declaratory ruling'' has recently been filed with the Federal Communications Commission (FCC); and

Whereas, the major cellular phone companies are now mounting efforts to preempt strong State consumer protection statutes in an effort to circumvent legal challenges in a number of States by their petition to the FCC on March 15, 2005; and

Whereas, this petition from the cellular phone industry requests that early termination fees should not be defined as penalties designed to restrict consumer choice, but rather as part of the rates that the companies charge their customers for cellular phone services; and

Whereas, recent reports dispute the industry's claims and find that 89 per cent of consumers believe that early termination fees are used as penalties to prevent consumers from shopping for better, more fairly-priced service; now therefore be it

Resolved, that the Massachusetts General Court joins and asks the Federal Communications Commission to deny the ''petition of the cellular telecommunications and internet association for an expedited declaratory ruling'' and that the FCC not recognize early termination fees as part of a company's rate structure and allow for continued State action; and be it further

Resolved, that the Massachusetts Senate memorializes the Federal Communications Commission, the Bush Administration, and Congress of the United States not to take any steps requested by cellular phone companies of their industry representatives that are designed to prevent cellular phone companies from being held legally accountable at the local, State of Federal levels, for the negative impacts of early termination fees; and be it further

Resolved, that a copy of these resolutions be transmitted forthwith by the Clerk of the Senate to the Federal Communications Commission, President George W. Bush, and the members of the United States Congress from the Commonwealth of Massachusetts.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. COCHRAN, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 2006'' (Rept. No. 109–184).

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. ENZI for the Committee on Health, Education, Labor, and Pensions.

*Bruce Cole, of Indiana, to be Chairperson of the National Endowment for the Humanities for a term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

DISCHARGED NOMINATIONS

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations and the nominations were confirmed:

Ronald L. Schlicher, of Tennessee, to be Ambassador to the Republic of Cyprus.

Nominee: Ronald Lewis Schlicher.

Post: Cyprus.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: Not applicable.
3. Children and spouses: Not applicable.
4. Parents: Father, deceased; Mother, Thelma Schlicher, none.
5. Grandparents: Deceased.
6. Brothers and spouses: Brother, Michael Schlicher, none.
7. Sisters and spouses: Sister, Deborah Rankin, none.

Alejandro Daniel Wolff, of California, to be the Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador, and the Deputy Representative of the United States of America in the Security Council of the United Nations.

Alejandro Daniel Wolff, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Deputy Representative of the United States of America to the United Nations.

Nominee: Alejandro Daniel Wolff.

Post: USUN.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: Alejandro Wolff, none.
2. Spouse: Alexandra Wolff, none.
3. Children and spouses: Philip and Michael Wolff, none.
4. Parents: Gerard and Toni Wolff, none.
5. Grandparents: All deceased in Argentina, none.
6. Brothers and spouses: Claudio and Sarah Wolff, none; Richard and Susan Wolff, none.

Carol van Voorst, of Virginia, to be Ambassador to the Republic of Iceland.

Nominee: Carol van Voorst.

Post: Ambassador to Iceland.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: Carol van Voorst, none.
2. Spouse: William A. Garland, none.
3. Children and spouses (stepchildren): Judith Garland, none; Karen Garland Fructuoso, none; Bernard Fructuoso, none; Maura Garland, none; William Burns Garland, none.
4. Parents: Bruce van Voorst, Barbara van Voorst, (stepmother) (joint contributions): $100, 3/16/05, Friends of Hillary Rodham Clinton; $100, 7/11/05, Bill Nelson for Senate; $100, 2/11/04, Democratic Congressional Campaign Committee; $50, 2/11/04, Nelson for U.S. Senate; $500, 3/12/04, John Kerry for President; $1,000, 7/8/04, Kerry Victory 2004; $200, 6/27/03, Bob Graham for President; $500, 11/12/03, Dean for America; $100, 2/25/02, Democratic Senatorial Campaign Committee; $100, 5/7/01, Democratic Senatorial Campaign Committee; $100, 5/7/01, Democratic Congressional Campaign Committee.

Marilyn van Voorst, deceased.

5. Grandparents: Dorothy van Voorst, deceased; Jacob van Voorst, deceased; Martin Van Hekken, deceased; Minnie Van Hekken, deceased.
6. Brothers and spouses: Mark van Voorst, none; Cindi van Voorst, none.
7. Sisters and spouses: Susan Prins, none; Michael Prins, none.

Kathryn Marchmont Robinson, Hugh Marchmont Robinson (jointly): $300, 2000, Republican National Committee; $150, 2000, Republican National Committee.

Ross Wilson, of Maryland, to be Ambassador to the Republic of Turkey.

Nominee: Ross Wilson.

Post: Ankara

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: Marguerite H. Squire, none.
3. Children and Spouses: C. Blake Wilson, none; Grady S. Wilson, none.
4. Parents: Winnidell Wilson, John Wilson, deceased.
5. Grandparents: All deceased 1974 or earlier, none.
6. Brothers and Spouses: Murray Wilson, none; Rebecca Wilson, none.
7. Sisters and Spouses: Joanne Lindahl, none; Duane Lindahl, none.

Donald M. Payne, of New Jersey, to be a Representative of the United States of America to the Sixtieth Session of the General Assembly of the United Nations.

Edward Randall Royce, of California, to be a Representative of the United States of America to the Sixtieth Session of the General Assembly of the United Nations.

Foreign Service nominations beginning with R. Nicholas Burns and ending with Charles E. Wright, which nominations were received by the Senate and appeared in the Congressional Record on October 17, 2005.

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. ROBERTS (for himself, Mr. NELSON of Nebraska, Mr. ISAKSON, and Mr. SANTORUM):

S. 2052. A bill to amend the Internal Revenue Code of 1986 to provide a credit to certain agriculture-related businesses for the cost of protecting certain chemicals; to the Committee on Finance.

By Mrs. CLINTON (for herself, Mr. DEWINE, Mr. OBAMA, and Mr. SMITH):

S. 2053. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for property owners who remove lead-based paint hazards; to the Committee on Finance.

By Mr. JEFFORDS:

S. 2054. A bill to direct the Secretary of the Interior to conduct a study of water resources in the State of Vermont; to the Committee on Energy and Natural Resources.

By Mr. KERRY:

S. 2055. A bill to amend titles 10 and 14, United States Code to provide for the use of gold in the metal content of the Medal of Honor; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ALLEN (for himself and Mr. WARNER):

S. 2056. A bill to require the Secretary of the Treasury to redesign $1 Federal reserve notes so as to incorporate the preamble of the Constitution of the United States, a list describing the Articles of the Constitution, and a list describing the Amendments to the Constitution, on the reverse side of such note; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. CLINTON (for herself, Mr. HARKIN, Mr. DURBIN, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, and Mr. INOUYE):

S. 2057. A bill to establish State infrastructure banks for education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD:

S. 2058. A bill to promote transparency and reduce anti-competitive practices in the radio and concert industries; to the Committee on Commerce, Science, and Transportation.

By Mrs. CLINTON (for herself, Mr. LEAHY, Mr. SCHUMER, and Mr. JEFFORDS):

S. 2059. A bill to establish the Hudson-Fulton-Champlain 400th Commemoration Commission, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. VOINOVICH (for himself and Mr. AKAKA):

S. 2060. A bill to extend the District of Columbia College Access Act of 1999 and make certain improvements; to the Committee on Homeland Security and Governmental Affairs.

By Mr. NELSON of Nebraska (for himself, Mr. SESSIONS, and Mr. COBURN):

S. 2061. A bill to amend the Immigration and Nationality Act and other Act to provide for true enforcement and border security, and for other purposes; to the Committee on the Judiciary.

By Mr. VITTER:

S. 2062. A bill to amend the Internal Revenue Code of 1986 to provide that certain deductions of school bus owner-operators shall be allowable in computing adjusted gross income; to the Committee on Finance.

By Mr. VITTER:

S. 2063. A bill to amend the Higher Education Act of 1965 to require institutions of higher education to preserve the educational status and financial resources of military personnel called to active duty; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUGAR (for himself and Mr. BAYH):

S. 2064. A bill to designate the facility of the United States Postal Service located at 122 South Bill Street in Francesville, Indiana, as the Malcolm Melville ''Mac'' Lawrence Post Office; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ENZI (for himself, Mr. ISAKSON, Mr. CRAIG, Mr. BURR, Mr. ROBERTS, Mr. SESSIONS, Mr. WARNER, and Mr. GREGG):

S. 2065. A bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENZI (for himself, Mr. ISAKSON, Mr. CRAIG, Mr. BURR, Mr. ROBERTS, Mr. SESSIONS, Mr. WARNER, Mr. GREGG, and Mr. DEMINT):

S. 2066. A bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENZI (for himself, Mrs. MURRAY, Mr. ISAKSON, Mr. BURR, Mr. SESSIONS, and Mr. GREGG):

S. 2067. A bill to assist chemical manufacturers and importers in preparing material safety data sheets pursuant to the requirements of the Hazard Communication standard and to establish a Commission to study and make recommendations regarding the implementation of the Globally Harmonized System of Classification and Labeling of Chemicals; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself, Mr. VOINOVICH, and Mr. AKAKA):

S. 2068. A bill to preserve existing judgeships on the Superior Court of the District of Columbia; to the Committee on Homeland Security and Governmental Affairs.

By Mr. COLEMAN (for himself, Mr. DAYTON, and Mr. DEWINE):

S. 2069. A bill to improve the safety of all-terrain vehicles in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER:

S. 2070. A bill to provide certain requirements for hydroelectric projects on the Mohawk River in the State of New York; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself, Mr. BINGAMAN, Ms. COLLINS, Mr. DORGAN, and Mr. ROCKEFELLER):

S. 2071. A bill to amend title XVIII of the Social Security Act to clarify congressional intent regarding the counting of residents in the nonhospital setting under the medicare program; to the Committee on Finance.

By Mr. REID:

S. 2072. A bill to provide for the conveyance of certain public lands in and around historic mining townsites in Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. CLINTON:

S. 2073. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for property owners who remove lead-based paint hazards; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. BAUCUS, Mr. DORGAN, Mrs. MURRAY, Ms. CANTWELL, and Mr. JOHNSON):

S. 2074. A bill to amend title XIX of the Social Security Act to provide for fair treatment of services furnished to Indians under the medicaid program, and for other purposes; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. HAGEL, Mr. LUGAR, Mr. KENNEDY, Mr. MCCAIN, Mr. LEAHY, Mr. COLEMAN, Mr. LIEBERMAN, Mr. CRAIG, Mr. FEINGOLD, Mr. DEWINE, Mr. OBAMA, and Mr. CRAPO):

S. 2075. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. HATCH, Ms. MIKULSKI, Mr. DURBIN, Mr. DEWINE, Mr. BIDEN, Mrs. FEINSTEIN, Mr. FEINGOLD, Mr. SMITH, Mr. DODD, Mr. CHAMBLISS, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mrs. BOXER, Mr. WYDEN, Mr. NELSON of Florida, and Mr. CORZINE):

S. 2076. A bill to amend title 5, United States Code, to provide to assistant United States attorneys the same retirement benefits as are afforded to Federal law enforcement officers; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SESSIONS:

S. 2077. A bill to amend the Internal Revenue Code of 1986 to allow income averaging for private forest landowners; to the Committee on Finance.

By Mr. MCCAIN:

S. 2078. A bill to amend the Indian Gaming Regulatory Act to clarify the authority of the National Indian Gaming Commission to regulate class III gaming, to limit the lands eligible for gaming, and for other purposes; to the Committee on Indian Affairs.

By Mr. SMITH (for himself, Mr. THUNE, Mr. ALLARD, Mr. BURNS, and Mr. THOMAS):

S. 2079. A bill to improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting the natural resources of Forest Service land and Bureau of Land Management land, respectively, to support the recovery of non-Federal land damaged by catastrophic events, to assist impacted communities, to revitalize Forest Service experimental forests, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ENSIGN (for himself and Mr. DURBIN):

S. Res. 320. A resolution calling the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide; to the Committee on Foreign Relations.

By Mr. DEWINE (for himself and Mr. HARKIN):

S. Res. 321. A resolution commemorating the life, achievements, and contributions of Alan A. Reich; to the Committee on the Judiciary.

By Mr. BIDEN (for himself, Mr. MCCAIN, and Mr. OBAMA):

S. Res. 322. A resolution expressing the sense of the Senate on the trial, sentencing and imprisonment of Mikhail Khodorkovsky and Platon Lebedev; considered and agreed to.

By Mr. COLEMAN (for himself, Mr. WARNER, Mr. PRYOR, Mr. SMITH, Mr. DEMINT, Mr. BENNETT, Mr. NELSON of Florida, Mr. KYL, Mr. ALLEN, Mr. MARTINEZ, Mr. BUNNING, and Mr. CHAMBLISS):

S. Res. 323. A resolution expressing the sense of the Senate that the United Nations and other international organizations should not be allowed to exercise control over the Internet; considered and agreed to.

By Mr. MCCAIN (for himself, Mr. BIDEN, and Mr. LUGAR):

S. Res. 324. A resolution expressing support for the people of Sri Lanka in the wake of the tsunami and the assassination of the Sri Lankan Foreign Minister and urging support and respect for free and fair elections in Sri Lanka; considered and agreed to.

By Mr. LOTT:

S. Res. 325. A resolution to authorize the printing of a revised edition of the Senate Election Law Guidebook; considered and agreed to.

By Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mrs. LINCOLN):

S. Res. 326. A resolution designating November 27, 2005, as ''Drive Safer Sunday.''; considered and agreed to.

By Mr. FEINGOLD (for himself, Mr. DODD, and Mr. LEAHY):

S. Res. 327. A resolution remembering and commemorating the lives and work of Maryknoll Sisters Maura Clarke and Ita Ford, Ursuline Sister Dorothy Kazel, and Cleveland Lay Mission Team Member Jean Donovan, who were executed by members of the Armed Forces of El Salvador on December 2, 1980; to the Committee on Foreign Relations.

By Mr. ENZI (for himself, Mr. KENNEDY, Mr. ROBERTS, Mr. REED, Mr. BURR, Mr. JEFFORDS, Mr. GREGG, Mrs. MURRAY, Mr. HATCH, Mrs. CLINTON, Mr. DEWINE, Mr. BINGAMAN, Ms. MIKULSKI, Mr. HARKIN, and Mr. DODD):

S. Res. 328. A resolution recognizing the 30th anniversary of the enactment of the Education for All Handicapped Children Act of 1975 and reaffirming the commitment of Congress to the Individuals with Disabilities Education Act so that all children with disabilities receive a free appropriate public education in the least restrictive environment; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROBERTS (for himself and Mr. BROWNBACK):

S. Res. 329. A resolution congratulating Coach Bill Snyder for his achievements during 17 years as the head football coach of the Kansas State University Wildcats; to the Committee on the Judiciary.

By Mr. COLEMAN:

S. Con. Res. 67. A concurrent resolution urging Japan to honor its commitments under the 1986 Market-Oriented Sector-Selective (MOSS) Agreement on Medical Equipment and Pharmaceuticals, and for other purposes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 103

At the request of Mrs. FEINSTEIN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 103, a bill to respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes.

S. 291

At the request of Mr. ENSIGN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 291, a bill to require the withholding of United States contributions to the United Nations until the President certifies that the United Nations is cooperating in the investigation of the United Nations Oil-for-Food Program.

S. 333

At the request of Mr. SANTORUM, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 418

At the request of Mr. ENZI, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 418, a bill to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products.

S. 453

At the request of Mr. SMITH, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 453, a bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for an extension of eligibility for supplemental security income through fiscal year 2008 for refugees, asylees, and certain other humanitarian immigrants.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from South Carolina (Mr. GRAHAM) 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. 877

At the request of Mr. DOMENICI, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 877, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 1016

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 1016, a bill to direct the Secretary of Energy to make incentive payments to the owners or operators of qualified desalination facilities to partially offset the cost of electrical energy required to operate the facilities, and for other purposes.

S. 1023

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1023, a bill to provide for the establishment of a Digital Opportunity Investment Trust.

S. 1120

At the request of Mr. DURBIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1139

At the request of Mr. SANTORUM, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. DODD) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 1139, a bill to amend the Animal Welfare Act to strengthen the ability of the Secretary of Agriculture to regulate the pet industry.

S. 1151

At the request of Mr. MCCAIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1151, a bill to provide for a program to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances, to limit greenhouse gas emissions in the United States and reduce dependence upon foreign oil, to support the deployment of new climate change-related technologies, and ensure benefits to consumers.

S. 1264

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1264, a bill to provide for the provision by hospitals of emergency contraceptives to women, and post-exposure prophylaxis for sexually transmitted disease to individuals, who are survivors of sexual assault.

S. 1272

At the request of Mr. NELSON of Nebraska, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 1272, supra.

S. 1504

At the request of Mr. ENSIGN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1504, a bill to establish a market driven telecommunications marketplace, to eliminate government managed competition of existing communication service, and to provide parity between functionally equivalent services.

S. 1597

At the request of Mr. ENZI, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1597, a bill to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 1719

At the request of Mr. INOUYE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1719, a bill to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes.

S. 1779

At the request of Mr. AKAKA, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1779, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure

the humane slaughter of nonambulatory livestock, and for other purposes.

S. 1780

At the request of Mr. SANTORUM, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1780, a bill to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, to improve the public disclosure of activities of exempt organizations, and to enhance the ability of low-income Americans to gain financial security by building assets, and for other purposes.

S. 1841

At the request of Mr. NELSON of Florida, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 1841, a bill to amend title XVIII of the Social Security Act to provide extended and additional protection to Medicare beneficiaries who enroll for the Medicare prescription drug benefit during 2006.

S. 1969

At the request of Mr. BAUCUS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1969, a bill to express the sense of the Senate regarding Medicaid reconciliation legislation to be reported by a conference committee during the 109th Congress.

S. 2006

At the request of Mr. INHOFE, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2006, a bill to provide for recovery efforts relating to Hurricanes Katrina and Rita for Corps of Engineers projects.

S. 2019

At the request of Mr. SMITH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2019, a bill to provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes.

S. 2046

At the request of Mr. DEWINE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2046, a bill to establish a National Methamphetamine Information Clearinghouse to promote sharing information regarding successful law enforcement, treatment, environmental, social services, and other programs related to the production, use, or effects of methamphetamine and grants available for such programs, and for the other purposes.

S. RES. 302

At the request of Mr. BINGAMAN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Res. 302, a resolution to express the sense of the Senate regarding the impact of medicaid reconciliation legislation on the health and well-being of children.

S. RES. 319

At the request of Ms. MIKULSKI, the names of the Senator from Maryland (Mr. SARBANES), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. Res. 319, a resolution commending relief efforts in response to the earthquake in South Asia and urging a commitment by the United States and the international community to help rebuild critical infrastructure in the affected areas.

AMENDMENT NO. 2365

At the request of Mr. BINGAMAN, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of amendment No. 2365 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2601

At the request of Mr. NELSON of Florida, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 2601 proposed to S. 2020, an original bill to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON (for herself, Mr. DEWINE, Mr. OBAMA, and Mr. SMITH):

S. 2053. A bill to amend to amend the Internal Revenue Code of 1986 to provide a tax credit for property owners who remove lead-based paint hazards; to the Committee on Finance

Mrs. CLINTON. 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. 2053

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

SECTION 1. SHORT TITLE; FINDINGS; PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the ''Home Lead Safety Tax Credit Act of 2005''.

(b) FINDINGS.—Congress finds that:

(1) Of the 98,000,000 housing units in the United States, 38,000,000 have lead-based paint.

(2) Of the 38,000,000 housing units with lead-based paint, 25,000,000 pose a hazard, as defined by Environmental Protection Agency and Department of Housing and Urban Development standards, due to conditions such as peeling paint and settled dust on floors and windowsills that contain lead at levels above Federal safety standards.

(3) Though the number of children in the United States ages 1 through 5 with blood levels higher than the Centers for Disease Control action level of 10 micrograms per deciliter has declined to 300,000, lead poisoning remains a serious, entirely preventable threat to a child's intelligence, behavior, and learning.

(4) The Secretary of Health and Human Services has established a national goal of ending childhood lead poisoning by 2010.

(5) Current Federal lead abatement programs, such as the Lead Hazard Control Grant Program of the Department of Housing and Urban Development, only have resources sufficient to make approximately 7,000 homes lead-safe each year. In many cases, when State and local public health departments identify a lead-poisoned child, resources are insufficient to reduce or eliminate the hazards.

(6) Old windows typically pose significant risks because wood trim is more likely to be painted with lead-based paint, moisture causes paint to deteriorate, and friction generates lead dust. The replacement of old windows that contain lead based paint significantly reduces lead poisoning hazards in addition to producing significant energy savings.

(7) Childhood lead poisoning can be dramatically reduced by the abatement or complete removal of all lead-based paint. Empirical studies also have shown substantial reductions in lead poisoning when the affected properties have undergone so-called ''interim control measures'' that are far less costly than abatement.

(c) PURPOSE.—The purpose of this section is to encourage the safe removal of lead hazards from homes and thereby decrease the number of children who suffer reduced intelligence, learning difficulties, behavioral problems, and other health consequences due to lead-poisoning.

SEC. 2. HOME LEAD HAZARD REDUCTION ACTIVITY TAX CREDIT.

(a) 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. HOME LEAD HAZARD REDUCTION ACTIVITY.

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the lead hazard reduction activity cost paid or incurred by the taxpayer during the taxable year for each eligible dwelling unit.

''(b) LIMITATION.—The amount of the credit allowed under subsection (a) for any eligible dwelling unit for any taxable year shall not exceed—

''(1) either—

''(A) $3,000 in the case of lead hazard reduction activity cost including lead abatement measures described in clauses (i), (ii), (iv) and (v) of subsection (c)(1)(A), or

''(B) $1,000 in the case of lead hazard reduction activity cost including interim lead control measures described in clauses (i), (iii), (iv), and (v) of subsection (c)(1)(A), reduced by

''(2) the aggregate lead hazard reduction activity cost taken into account under subsection (a) with respect to such unit for all preceding taxable years.

''(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section:

''(1) LEAD HAZARD REDUCTION ACTIVITY COST.—

''(A) IN GENERAL.—The term 'lead hazard reduction activity cost' means, with respect to any eligible dwelling unit—

''(i) the cost for a certified risk assessor to conduct an assessment to determine the presence of a lead-based paint hazard,

''(ii) the cost for performing lead abatement measures by a certified lead abatement supervisor, including the removal of paint and dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of painted surfaces, windows, or fixtures, or the removal or permanent covering of soil when lead-based paint hazards are present in such paint, dust, or soil,

''(iii) the cost for performing interim lead control measures to reduce exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards, and the establishment and operation of management and resident education programs, but only if such measures are evaluated and completed by a certified lead abatement supervisor using accepted methods, are conducted by a qualified contractor, and have an expected useful life of more than 10 years,

''(iv) the cost for a certified lead abatement supervisor, those working under the supervision of such supervisor, or a qualified contractor to perform all preparation, cleanup, disposal, and clearance testing activities associated with the lead abatement measures or interim lead control measures, and

''(v) costs incurred by or on behalf of any occupant of such dwelling unit for any relocation which is necessary to achieve occupant protection (as defined under section 35.1345 of title 24, Code of Federal Regulations).

''(B) LIMITATION.—The term 'lead hazard reduction activity cost' does not include any cost to the extent such cost is funded by any grant, contract, or otherwise by another person (or any governmental agency).

''(2) ELIGIBLE DWELLING UNIT.—

''(A) IN GENERAL.—The term 'eligible dwelling unit' means, with respect to any taxable year, any dwelling unit—

''(i) placed in service before 1960,

''(ii) located in the United States,

''(iii) in which resides, for a total period of not less than 50 percent of the taxable year, at least 1 child who has not attained the age of 6 years or 1 woman of child-bearing age, and

''(iv) each of the residents of which during such taxable year has an adjusted gross income of less than 185 percent of the poverty line (as determined for such taxable year in accordance with criteria established by the Director of the Office of Management and Budget).

''(B) DWELLING UNIT.—The term 'dwelling unit' has the meaning given such term by section 280A(f)(1).

''(3) LEAD-BASED PAINT HAZARD.—The term 'lead-based paint hazard' has the meaning given such term by section 745.61 of title 40, Code of Federal Regulations.

''(4) CERTIFIED LEAD ABATEMENT SUPERVISOR.—The term 'certified lead abatement supervisor' means an individual certified by the Environmental Protection Agency pursuant to section 745.226 of title 40, Code of Federal Regulations, or an appropriate State agency pursuant to section 745.325 of title 40, Code of Federal Regulations.

''(5) CERTIFIED INSPECTOR.—The term 'certified inspector' means an inspector certified by the Environmental Protection Agency pursuant to section 745.226 of title 40, Code of Federal Regulations, or an appropriate State agency pursuant to section 745.325 of title 40, Code of Federal Regulations.

''(6) CERTIFIED RISK ASSESSOR.—The term 'certified risk assessor' means a risk assessor certified by the Environmental Protection Agency pursuant to section 745.226 of title 40, Code of Federal Regulations, or an appropriate State agency pursuant to section 745.325 of title 40, Code of Federal Regulations.

''(7) QUALIFIED CONTRACTOR.—The term 'qualified contractor' means any contractor who has successfully completed a training course on lead safe work practices which has been approved by the Department of Housing and Urban Development and the Environmental Protection Agency.

''(8) DOCUMENTATION REQUIRED FOR CREDIT ALLOWANCE.—No credit shall be allowed under subsection (a) with respect to any eligible dwelling unit for any taxable year unless—

''(A) after lead hazard reduction activity is complete, a certified inspector or certified risk assessor provides written documentation to the taxpayer that includes—

''(i) evidence that—

''(I) the eligible dwelling unit passes the clearance examinations required by the Department of Housing and Urban Development under part 35 of title 40, Code of Federal Regulations,

''(II) the eligible dwelling unit does not contain lead dust hazards (as defined by section 745.227(e)(8)(viii) of such title 40), or

''(III) the eligible dwelling unit meets lead hazard evaluation criteria established under an authorized State or local program, and

''(ii) documentation showing that the lead hazard reduction activity meets the requirements of this section, and

''(B) the taxpayer files with the appropriate State agency and attaches to the tax return for the taxable year—

''(i) the documentation described in subparagraph (A),

''(ii) documentation of the lead hazard reduction activity costs paid or incurred during the taxable year with respect to the eligible dwelling unit, and

''(iii) a statement certifying that the dwelling unit qualifies as an eligible dwelling unit for such taxable year.

''(9) BASIS REDUCTION.—The basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit (determined without regard to subsection (d)).

''(10) NO DOUBLE BENEFIT.—Any deduction allowable for costs taken into account in computing the amount of the credit for lead-based paint abatement shall be reduced by the amount of such credit attributable to such costs.

''(d) 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 the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(2) the sum of the credits allowable under subpart A and sections 27, 29, 30, 30A, 30B, and 30C for the taxable year.

''(e) CARRYFORWARD ALLOWED.—

''(1) IN GENERAL.—If the credit amount allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (d) for such taxable year (referred to as the 'unused credit year' in this subsection), such excess shall be allowed as a credit carryforward for each of the 20 taxable years following the unused credit year.

''(2) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryforward under paragraph (1).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) of the Internal Revenue Code of 1986 is amended by striking ''and'' in paragraph (36), by striking the period and inserting '', and'' in paragraph (37), and by inserting at the end the following new paragraph:

''(38) in the case of an eligible dwelling unit with respect to which a credit for any lead hazard reduction activity cost was allowed under section 30D, to the extent provided in section 30D(c)(9).''.

(2) 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. Home lead hazard reduction activity.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to lead hazard reduction activity costs incurred after December 31, 2005, in taxable years ending after that date.

Mr. OBAMA. Mr. President, today I rise in support of Senator CLINTON's bill which would provide tax credits of $1,000 to $3,000 to property owners who eliminate or contain lead-based paint hazards in homes where low-income young children or women of child-bearing age live.

Children who eat lead paint chips ingest a highly toxic substance that can produce a range of health effects including reduced IQ, reading and learning disabilities, reduced attention spans, kidney damage, and hyperactivity. The sad fact is that there are still over 400,000 children suffering from lead poisoning in this country, many of them poor and many of them minorities. My home State, Illinois, is the State with the highest number of these children.

The loss of IQ and ability to learn affects these children and their families for the rest of their lives and imposes an economic burden on the rest of us because of their reduced productivity.

I urge my colleagues to join Senators CLINTON, SMITH, DEWINE, and me in preventing future lead poisonings by giving property owners a tax incentive to eliminate this problem.

By Mr. KERRY:

S. 2055. A bill to amend titles 10 and 14, United States Code, to provide for the use of gold in the metal content of the Medal of Honor; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KERRY. Mr. President, today I introduce a bill requiring that the Congressional Medal of Honor be made out of 90 percent gold instead of gold-plated brass as is currently the case.

The Congressional Medal of Honor is the highest award our country bestows for valor in action against an enemy force. Its recipients are ordinary Americans who perform extraordinary deeds in battle, often giving their lives.

This is the medal awarded posthumously to Sergeant First Class Paul R. Smith. Under attack at Baghdad International Airport, Sergeant Smith quickly organized the defense of his position, engaging a company-sized enemy force. He showed no concern for his own personal safety when in the face of hostile-fire he mounted an armored personnel carrier and manned a .50 caliber machine gun. As the citations accompanying his award put it, ''In total disregard for his own life, he maintained his exposed position in order to engage the attacking enemy force. During this action, he was mortally wounded. His courageous actions helped defeat the enemy attack, and resulted in as many as 50 enemy soldiers killed, while allowing the safe withdrawal of numerous wounded soldiers.''

This is the medal won by Captain Humbert Roque Versace. During an intense attack by the Viet Cong in the Xuyen Province, Captain Versace was wounded twice while engaging the enemy but continued to fight until exhaustion and lack of ammunition led to his capture. The citation accompanying his award reads: ''Taken prisoner by the Viet Cong, he exemplified the tenets of the Code of Conduct from the time he entered into Prisoner of War status. Captain Versace assumed command of his fellow American soldiers, scorned the enemy's exhaustive interrogation and indoctrination efforts, and made three unsuccessful attempts to escape, despite his weakened condition which was brought about by his wounds and the extreme privation and hardships he was forced to endure. During his captivity, Captain Versace was segregated in an isolated prisoner of war cage, manacled in irons for prolonged periods of time, and placed on extremely reduced ration. The enemy was unable to break his indomitable will, his faith in God, and his trust in the United States of America. Captain Versace, an American fighting man who epitomized the principles of his country and the Code of Conduct, was executed by the Viet Cong on 26 September 1965.''

This is the medal won by Marine Corps Second Lieutenant Robert Dale Reem, who on the night of November 6, 1950, after leading three separate assaults on an enemy position in the vicinity of Chinhung-ni, Korea, threw himself on top of an enemy grenade that landed amidst his men.

This is the medal won by Lieutenant, Junior Grade, Donald Gary, who, while serving aboard the U.S.S. *Franklin* on July 23, 1945, calmly led his crewmates to safety after their ship was attacked. His citation reads: ''Stationed on the third deck when the ship was rocked by a series of violent explosions set off in her own ready bombs, rockets, and ammunition by the hostile attack, Lt. (j.g.) Gary unhesitatingly risked his life to assist several hundred men trapped in a messing compartment filled with smoke, and with no apparent egress. As the imperiled men below decks became increasingly panic stricken under the raging fury of incessant explosions, he confidently assured them he would find a means of effecting their release and, groping through the dark, debris-filled corridors, ultimately discovered an escapeway. Staunchly determined, he struggled back to the messing compartment three times despite menacing flames, flooding water, and the ominous threat of sudden additional explosions, on each occasion calmly leading his men through the blanketing pall of smoke until the last one had been saved.''

As I have said previously, those who earned these medals are the stuff of legend. But they are more than legends. They are actual people whose deeds inspire humility and gratitude in all of us. In bestowing the Congressional Medal of Honor, the president enrolls the recipient in a sacred club of heroes.

The medal itself, however, while invaluable in significance and tribute, does not do enough to show our appreciation. The medal is gold in color but is actually brass plated with gold and only costs approximately $30 to produce. Other Congressional medals given to foreign dignitaries, famous entertainers, and other worthy citizens can cost $30,000 to produce. Now I will be the first to tell you that I believe the value of this medal is found in the deeds of every American who has earned it. But also believe that we can do better.

Put simply, this legislation will forge a medal more worthy of the esteem with which the Nation holds those few who have earned the Congressional Medal of Honor through valor and heroism beyond compare.

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. 2055

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

SECTION 1. GOLD CONTENT FOR MEDAL OF HONOR.

(a) REQUIREMENT FOR GOLD CONTENT.—Sections 3741, 6241, and 8741 of title 10, United States Code, and section 491 of title 14, United States Code, are each amended by inserting after ''appropriate design,'' the following: ''the metal content of which is 90 percent gold and 10 percent alloy and''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to any Medal of Honor awarded after the date of the enactment of this Act.

By Mr. ALLEN (for himself and Mr. WARNER):

S. 2056. A bill to require the Secretary of the Treasury to redesign $1 Federal reserve notes so as to incorporate the preamble of the Constitution of the United States, a list describing the Articles of the Constitution, and a list describing the amendments to the Constitution, on the reverse side of such note; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ALLEN. Mr. President, I rise today to introduce a piece of legislation that is designed to honor the document allows us to all be here today. The document I am referring to is the Constitution of the United States of America, the greatest and longest lasting political document in the history of the world. Drafted in part by the great patriot Thomas Jefferson, this document sets forth both the structure of our government and the fundamental freedoms we enjoy every day. Ingenious by its simplicity, the Constitution is a living breathing document that has allowed our country to evolve from 13 colonies who banded together to win her independence from Great Britain to the most powerful Nation in the world. While this document has created a strong national government that is unrivaled in the world, it has also kept the power in the States to decide how to govern themselves. As governor of the Commonwealth of Virginia and now as United States Senator I have had the unique opportunity to experience how this ingenious system of federalism plays out in every action we take as leaders.

This legislation that I am introducing today will serve to remind all Americans of the freedoms embodied in the Constitution. For many of us, it has been a long time since we have had the opportunity to sit down and actually read this historic document. By placing the headings of the articles and the amendments on the back of the dollar bill, all people will have the chance to look at the provisions. I sincerely hope that when children take a look at the reverse side of a dollar bill, they will take the time to ask their parents about what they are reading so they can gain a better understanding of our great Nation and the principals our country was founded.

By looking at the order of the amendments to the constitution, students can also trace the history of our country. The amendments to the constitution embody the four pillars of a free and just society. The first of these pillars is freedom of religion, this important freedom is protected by the First Amendment which allows all people of all religions to freely practice their chosen religion without fear of government interference. The second pillar is the freedom of expression, which again is protected in the First Amendment. The third pillar is the private ownership of property. This important freedom is protected by the Fifth Amendment which limits the government's power to take private property. This freedom is also protected in the Third. The fourth Amendment which protects citizens from being forced to quarter solders in their homes and protects private property from unreasonable searches and seizures respectively. The fourth pillar is the rule of law. Protection of the rule of law runs throughout the Constitution, most notably in the Sixth Amendment which guarantees the right to a speedy trial and the Fifth and Fourteenth Amendments which require due process of law.

Looking at the remaining amendments one can trace the evolution of the Constitution and the United States from the Thirteenth Amendment prohibiting slavery, to the Fifteenth Amendment providing for the right to vote regardless of race, the Nineteenth Amendment granting women the right to vote and the Twenty Fourth Amendment prohibiting the poll tax.

Throughout our history, hundreds of thousands of brave men and women have laid down their lives protecting the freedoms granted to us in the constitution. Having it been Veterans Day a few days ago, I feel it is high time

that we do all we can to publicize what these freedom are that we hold so dearly.

Before I yield the floor I would like to recognize the contributions of one of my constituents, Mr. Randy Wright who teaches at Liberty Middle School in Hanover, VA. Mr. Wright brought this idea to my attention several years ago and he along with his students over the years have been instrumental is providing support for this piece of legislation. I therefore urge my colleagues to join me in support this legislation.

By Mrs. CLINTON (for herself, Mr. HARKIN, Mr. DURBIN, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, and Mr. INOUYE):

S. 2057. A bill to establish State infrastructure banks for education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise today to introduce legislation co-sponsored with Senator HARKIN that would begin to rebuild America's schools. If approved, the Investing for Tomorrow's Schools Act would enable states to develop State Infrastructure Banks—a flexible and inexpensive way to finance school construction and renovation. This approach offers an innovative solution to the urgent problem of fixing deteriorating schools. Every dollar invested to create State Infrastructure Banks would be reused to support project after project in the form of loans and credit support.

According to the National Center for Education Statistics, three in four schools in America need assistance to come into ''good overall condition.'' Repairs and modernizations will cost, according to the National Education Association, $322 billion. New York State has a greater need than any other state—estimated at $51 billion. Just in New York City, schools are estimated to need $21 billion. The city's schools are so old that they would nearly qualify for social security, averaging 61-years-old.

Acute need for school repair and modernization exists nationwide. Need is estimated at $33 billion in California, $25 billion in Ohio, $22 billion in New Jersey, $13 billion in Texas, and $10 billion each in Illinois, Massachusetts, Michigan, Pennsylvania, and Utah. Nation-wide costs add up to $322 billion.

In 2005, an estimated $19.6 billion was spent nation-wide on school construction. At that rate, it will take more than 16 years to modernize school buildings. Last year in New York, $984 million was spent on school construction. At that rate, it will take more than 50 years to modernize New York's schools—and that's assuming that in the meantime we don't need to build more new schools and that no schools fall apart!

When students attend schools in disrepair, the consequences are all too clear.

An article from 2004 in the Poughkeepsie Journal described how, in Hyde Park, New York along the Hudson River, ventilation problems at the 45-year-old Franklin D. Roosevelt High School sickened students and staff causing watery eyes, headaches, nausea, and dizziness. I would like to include this article in the CONGRESSIONAL RECORD. State Infrastructure Banks would make funding available to address environmental hazards including poor ventilation and bad air quality. They would help more schools become healthy and high-performing.

An article in Newsday newspaper described how, in Hempstead New York, on Long Island, Prospect Elementary, a 100-year-old school, was closed in the fall of 2003 after administrators discovered a rodent problem, mold in the cafeteria, and a crumbling chimney in a classroom.

The Marguerite Golden Rhodes Elementary School was closed after state education officials found a gap between where the paint on the walls ended and where the ceiling began—an indication that either the wall or the ceiling was moving.

Hempstead High School was closed for a week, after a blackboard fell off a wall exposing asbestos left over from a botched cleanup in 1990. I'd like to include this article in the CONGRESSIONAL RECORD.

The school closures worsened overcrowding, as parents Celia Ridely and Olive Warner pointed out to Newsday and the New York Times. With schools in such poor condition, is it surprising that just 38 percent of students in Hempstead graduate from high school?

In Washingtonville, 54 miles north of New York City, the roof over a classroom in 44–year-old Taft Elementary collapsed. Fortunately the catastrophic collapse occurred in August of 2004, before the school year began, and no one was injured.

Unfortunately, the U-shaped joist which contributed to the collapse was popular in school construction across New York and throughout America from 1900 to the early 1970s. Many of these schools are still in operation. New York's Department of Education took the precaution of advising school districts to check similar joists to make sure they are in good condition.

The lack of funding for school construction can lead school districts to put off maintenance. Paul Abramson, a consultant based in Westchester County, New York told a school construction website, ''What happens, unfortunately, is [that] school districts cut down on maintenance.''

Barbara Knisely-Michelman of the American Association of School Administrators said, ''It comes down to the issue of resource. If school administrators had unlimited resources, [maintenance] would be at the top of the agenda.''

We can do better. Schoolchildren should not have to contend with falling-down schools. The lack of adequate school buildings hampers today' s most promising and innovative efforts to boost student achievement.

Charter schools hold the promise of expanding the supply of high-quality public schools, especially in disadvantaged communities. But most charter schools have limited credit histories and lack access to public school facilities or traditional funding streams such as bonds. One in three charter school operators report that school construction costs are a major obstacle to their schools' success.

The No Child Left Behind Act promised that children in underperforming schools would have the opportunity to transfer to better public schools. But in many communities, more students seek transfers than are spaces available. In New York City last year, 33,000 students applied to transfer out of underperforming schools but only 7,000 could be accommodated.

Charter school operators should have access to affordable financing for school construction. Schoolchildren promised public school choice should be able to exercise that right. Innovative reforms should not be blocked by inadequate school buildings.

In 2004, an editorialist for Newsday newspaper on Long Island wrote, ''School construction is one area where the federal government could do more. Little . . . has been heard on the subject since the late 90s—that's a shame. . . . Money must be found to keep schools safe, functional, and welcoming places.''

Senator HARKIN and I agree. That's why today we are introducing the Investing for Tomorrow's Schools Act. At the heart of our proposal is the creation of State Infrastructure Banks, which would improve financing for school construction. This financing mechanism has been used since the Reagan Administration to help local communities fund water treatment and clean water facilities and transportation projects. For example, my own State of New York received $2.48 billion in Federal support for its Clean Water State Revolving Fund between 1989 and 2004. It leveraged that money into more than $10 billion of loans to local communities.

For example, State Infrastructure Banks would offer school districts a flexible menu of loan and credit enhancement assistance, such as low interest loans, bond-financing security, loan guarantees, and credit support for financing projects, which result in lower interest rates.

State Infrastructure Banks would not strain Federal Treasury or the American taxpayer. After initial funding, they would require no ongoing federal appropriations. As each loan is repaid, the money can be offered as a new loan.

Passage of this bill would lay the groundwork for a robust system of State Infrastructure Banks that provide immediate aid to the neediest schools and help local communities

fund affordable construction far into the future.

This modest proposal is one piece of the school construction solution. I ask my Senate colleagues to join me today to pass this legislation without delay.

Mr. President, I ask unanimous consent that 2 articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Poughkeepsie Journal, Dec. 9, 2004.]

VENTILATION BLAMED FOR FDR HIGH ILLNESSES

(By John Davis)

Ventilation problems were the cause of a rash of complaints about the air at Franklin D. Roosevelt High School in October and November, according to health officials.

After weeks of testing and monitoring conditions at the Hyde Park high school, Dutchess County Health Commissioner Dr. Michael Caldwell recently relayed his findings in a letter to Hyde Park schools Superintendent Carole Pickering.

''The reported symptoms and effects among students and staff in the school are consistent with those reported in a building with inadequate ventilation,'' Caldwell wrote.

In response to the complaints by students and staff reporting headaches, dizziness and watery eyes, the county health department considered a number of factors as being the source of the problem.

The health department has ruled out mold, toxic agents or germs as being the culprit.

''Recent modifications made to the school's ventilation system appear to have had a beneficial effect upon the FDR high school community,'' Caldwell noted in his letter.

Pickering expressed sympathy Wednesday for those who suffered during the period of the air problem.

''I regret that even one single person was ill due to the air quality problems over the last seven weeks,'' Pickering said in a prepared statement Wednesday. ''We will continue to monitor FDR and to proactively assess heating and ventilation systems in all our buildings.''

[From Daily News (New York), Nov. 21, 2004.]

IT'S A FOUL SCHOOL STEW—FIRINGS, PROBES AND LAWSUITS IN HEMPSTEAD

(By Laura Williams)

It already seemed more than the Hempstead School District could bear. Asbestos and mold forced school closings. The school board abruptly fired the superintendent. Board members were suing each other amid accusations of corruption.

Then last week came word that the State Education Department is launching an investigation into financial hanky-panky by school board members. That revelation, in fact, was welcome news to fed-up parents.

Board members ''cannot get through a school board meeting without arguing about which friend is going to benefit and how they're going to get money back from the district,'' said Ron Mazile, co-chairman of Hempstead Parents Community United.

The investigation will be conducted in addition to an in-depth audit of the district's books being done by State Controller Alan Hevesi.

As if all that weren't enough, a Hempstead High student was stabbed to death near the school Tuesday. A former gang member was arrested, and cops were seeking two more suspects last week.

And there's still more: the school district is facing $100 million worth of lawsuits, included in these are suits filed by school employees making charges of sexual harassment and discrimination. In addition, school board member Thomas Parsley is suing colleague Ralph Schneider over something personal.

Parsley himself was charged in September with stealing an ATM card from a principal, though he has said the charge was politically motivated.

Neither the district superintendent nor any of the five board members returned repeated calls.

The 6,800-student district is struggling with the problems that plague so many financially-strapped communities. Almost three-quarters of the Hempstead district's students qualify for free lunch.

Less than 40% of its high school students graduate, compared to wealthy next-door neighbor Garden City, where 99% graduate. Reading and math scores continue to lag behind the county average.

And school buildings have not been properly maintained.

Prospect Elementary was closed last year after mold was discovered in the cafeteria. Marguerite Golden Rhodes Elementary School also was closed after it appeared the building was shifting dangerously. Both schools' students are attending classes held in trailers.

Last year, a problem with the hot water heater sickened staffers and students at Alverta Bray Schultz Middle School, which also was found to be serving spoiled food in its cafeteria. And Hempstead High was shut down for a week last year after a chalkboard fell, exposing asbestos.

Amid all these problems, the school board last month fired Superintendent Nathaniel Clay, replacing him with Susan Johnson.

Johnson, who was fired as the district's director of personnel just two months before getting the top job, had launched her own lawsuit against the district, charging wrongful termination.

Parents are planning a Dec. 4 rally and march—from Village Hall to school district offices—in an attempt to get local school leaders to perform dutifully.

''Taxpayers, parents and students are fuming,'' Mazile said. ''We're going to hold their feet to fire.''

By Mr. FEINGOLD:

S. 2058. A bill to promote transparency and reduce anti-competitive practices in the radio and concert industries; to the Committee on Commerce, Science, and Transportation.

Mr. FEINGOLD. Mr. President, I am pleased to introduce legislation today that will promote openness and fair competition in the radio and concert industries.

I have followed the changes in the radio and concert industries since the 1996 Telecommunication Act with great concern. For years, I have heard complaints from my constituents about the increasing concentration of ownership in the radio and concert industries and, in turn, the increasingly uneven playing field for small radio stations and independent concert promoters. For consumers this has meant less diversity, less local content and growing dissatisfaction with the radio and concerts they are offered.

Most recently in the last Congress, I introduced broad legislation to address ownership consolidation and the anti-competitive practices common in the industry. These practices include tacit or explicit pay-for-play, or ''payola,'' payments, and corporate radio stations putting untoward pressure on artists to play at the same corporation's venues use affiliated concert promoters. While I continue to be concerned by consolidation and believe this centralization exacerbates the potential for abuse, the bill I introduce today focuses instead on the anti-competitive practices, whether they occur at a radio station group of a handful of stations or one that owns thousands of stations.

Some might question why we need added scrutiny and accountability for the radio and concert industries specifically. Besides the unique role radio plays for communication and entertainment in each American's life, radio also is, in a sense, a public-private partnership. With radio's use of the public airwaves, it also has a responsibility to serve the public good.

The abuses within the radio and concert industry are not entirely new. In fact, problems have occasionally sprung up almost throughout the entire history of the medium. There almost seems to be a cyclical pattern as the payola is rooted out and then several years later is reincarnated in slightly different form to grow to become pervasive again. So while the original payola practices predated the recent rapid consolidation in the industry, the concentration of power has made the problem more widespread and its effects possibly more severe on local stations, promoters, artists and consumers.

While paying a radio station or radio station employee to play a certain song without telling the audience has a long history in radio, this does not make the fraud and bribery any more acceptable. In the 1950s, the practice was relatively simple. Artists, their labels or managers would often directly bribe DJs to play their songs either in cash or through other consideration. When this practice became public, there were investigations and Congress and the Federal Communications Commission (FCC) took actions to block this payola.

The most recent incarnation of payola takes a more complicated and sophisticated—corporate, if you will—approach to skirt the current rules that prevent direct pay-for-play. Indirect payments through independent music promoters have been an open secret, as have more direct payments, as the ground-breaking investigation of New York Attorney General Eliot Spitzer demonstrates. While the Spitzer investigation is ongoing, he has already uncovered significant abuses and this summer reached a $10 million settlement with a record label.

While not traditionally considered payola, there are other abuses of power over airplay decisions by radio stations and their corporate parents, especially when the conglomerate also owns concert promoters and venues. This cross-

ownership sets up a situation where the same corporation that is negotiating a contract for an artist to perform at its concert also controls the lifeblood of that artist's success—airplay of his or her songs. The result can be intense pressure on artists to play radio station-promoted shows and, often, to do so for less than the normal rate. This practice hurts the artist, hurts competing independent stations and promoters and, ultimately, hurts the listening public, which ends up choosing from songs on the radio that have been selected based on where and for whom the artist is performing a concert, and for the songs' artistic merit. Moreover, for any artist who deigns to refuse the direct or implied extortion from the conglomerate, as Don Henley's courageous testimony in a 2003 Commerce Committee hearing clearly explained, there is the risk of retaliation—either immediately or by boycotting the next single or album the artist produces. And with the consolidation in the industry, that boycott might not just be in one station in one market; it could be forty stations in many markets. Facing this kind of potential threat, you can see why even the most popular acts are afraid to speak publicly.

The bill I introduce today proposes a multi-faceted approach to the various entrenched forms of payola. The bill would simultaneously strengthen the FCC's ability to prove and punish violators, close the loophole allowing indirect payola, prevent cross-ownership from hindering fair competition, and, perhaps most importantly, increase transparency through disclosure of the payments to radio stations from artists, labels, promoters and others who may have an interest in improperly influencing airplay decisions.

The bill improves the FCC's ability to enforce payola violations through several means. It requires radio stations to make transactions with entities like record labels that might have an interest in influencing airplay on an ''arm's length basis.'' Moreover the bill requires record-keeping of such transactions and makes the records available to the FCC in the event of an investigation. In addition, the bill significantly increases penalties for payola violations and allows the FCC to consider revoking a station's license. As we have seen in the realm of indecency, multimillion dollar companies do not blink at the current fines of $10,000 per violation, but the prospect of putting a license in jeopardy will get their attention.

As I've already mentioned, the current payola rules were put in place for an earlier, simpler incarnation of the practice—the direct bribing of DJs and stations. Payola has changed, often going through third parties such as independent music promoters or under the guise of a legitimate transaction. The bill broadens the current rules to include these indirect payments, so no matter what tortured path money or other consideration travels, if it is for airplay and not disclosed, it is payola.

Cross-ownership of radio stations and concert promoters or venues poses a serious problem for fair competition. Without controls, the relationship injects the profitability of a concert and not artistic merit into airplay decisions. The bill would either prohibit this, in the case of cross-ownership, or place controls to ensure fair competition in the concert promotion industry.

The final element of the bill—increased transparency—hopefully will have the biggest impact by deterring payola in all its past, present and future incarnations. The bill requires radio stations to disclose all receipts of payments or consideration that could be used as a front for payola along with a list of the songs played every month, broken down by label and artist. While corporations may not fear the current hard-to-prove $10,000 fines, they do understand public relations. The potential for consumers and the media to use these records to connect the dots should have a chilling effect on the practice and may mean that the FCC Enforcement Bureau will rarely even need to be involved. But if problems persist, this bill will provide the Bureau with better powers and evidence to combat payola in all its forms.

Finally let me put this in context and remind my colleagues that radio stations use a public resource, the airwaves, to reach their listeners. With this use comes a responsibility to the public and an understanding that they accept a degree of increased scrutiny. My legislation strives to ensure that the public knows when it hears a song on the radio that it is because the station, the DJ, the public, or even a focus group, believes it has artistic merit and that it is something the listeners will enjoy. Too often, today's radio listeners are left to wonder whether a song was played because the station manager got a new laptop or because the station's parent company is producing the artist's upcoming concert.

It boils down to choices. This bill will reinstate choices, the fundamental basis of competition; choice for the artists to pick which concerts to play and who they want to promote their concerts; choices for the radio stations to play songs based on merit, or at least not based on narrow financial interests; and ultimately choices for consumers as artistic merit instead of the ability to pay carefully disguised bribes broadens the field of artists who can compete.

I am pleased that my bill has been endorsed by the following groups, and I am grateful for the input they have provided about problems in the radio and concert industries: the American Association of Independent Music/A2IM; the American Federation of Television and Radio Artists; the American Federation of Musicians of the United States and Canada; Consumers Union; Free Press; the Future of Music Coalition; the National Academy of Recording Arts and Sciences, Inc.; and the Recording Artists' Coalition. I urge my colleagues to join me and support this legislation to promote fair competition in the radio and concert industries. I urge my colleagues to join me and support this legislation to promote fair competition in the radio and concert industries.

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. 2058

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 ''Radio and Concert Disclosure and Competition Act of 2005''.

SEC. 2. DISCLOSURE REGULATIONS.

(a) MODIFICATION OF REGULATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Federal Communications Commission shall modify its regulations under sections 317 and 507 of the Communications Act of 1934 (47 U.S.C. 317 and 508), to prohibit the licensee or permittee of any radio station, including any employee or affiliate of such licensee or permittee, from receiving money, services, or other valuable consideration, whether directly or indirectly, from a record company, recording artist, concert promoter, music promoter, or music publisher, or an agent or representative thereof, unless the licensee or permittee discloses at least monthly the receipt of such money, services, or other consideration to the Federal Communications Commission (in this Act referred to as the ''Commission'') and the public in a manner that the Commission shall specify.

(2) EXCEPTION.—The Commission in modifying its regulations as required under paragraph (1) may create an exception to the prohibition described under paragraph (1) for—

(A) transactions provided at nominal cost; or

(B) paid broadcasting disclosed under section 317 of the Communications Act of 1934 (47 U.S.C. 317), if the monthly disclosure described in paragraph (1) includes the proportion of total airplay considered paid broadcasting.

(b) PLAYLIST.—The monthly disclosure by a radio station licensee or permittee required under subsection (a) shall include a list of songs and musical recordings aired during the disclosure period, indicating the artist, record label, and number of times the song was aired.

SEC. 3. ARM'S LENGTH TRANSACTIONS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Federal Communications Commission shall modify its regulations under sections 317 and 507 of the Communications Act of 1934 (47 U.S.C. 317 and 508), to require that all transactions between a licensee or permittee of any radio station, including any employee or affiliate of such licensee or permittee, and a record company, recording artist, concert promoter, music promoter, or music publisher, or an agent or representative thereof, shall be conducted at an arm's length basis with any such transaction reduced to writing and retained by the licensee or permittee for the period of the license term or 5 years, whichever is greater.

(b) RECORDS.—A record of each transaction described under subsection (a) shall be—

(1) made available upon request to—

(A) the Commission; and

(B) any State enforcement agency; and

(2) subject to a random audit by the Commission to ensure compliance on a basis to be determined by the Commission.

(c) EXEMPTION.—The Commission may create an exemption to the record keeping requirement described in subsection (b)—

(1) for a transaction that is of a nominal value; and

(2) for a radio station that is a small business, as recognized by the Commission and established by the Small Business Administration under section 121 of title 13, Code of Federal Regulations, if the Commission determines that such record keeping poses an undue burden to that small business.

SEC. 4. COMPETITION REGULATIONS.

Not later than 1 year after the date of the enactment of this Act, the Federal Communications Commission shall modify its regulations under sections 317 and 507 of the Communications Act of 1934 (47 U.S.C. 317 and 508), to accomplish the following:

(1) GENERAL PROHIBITION.—To prohibit the licensee of any radio station, including any parent, subsidiary, or affiliated entity of such licensee, from using its control over any non-advertising matter broadcast by such licensee to extract or receive money or any other form of consideration, whether directly or indirectly, from a record company, artist, concert promoter, or any agent or representative thereof.

(2) RADIO STATION CONCERTS.—

(A) IN GENERAL.—To prohibit a licensee or permittee of a commercial radio station, or affiliate thereof, from—

(i) engaging, receiving, making an offer for, or directly profiting from concert services of any musician or recording artist unless the licensee or permittee does not discriminate, in whole or in part, about the broadcast of non-advertising matter, including any sound recording, by that particular artist upon whether or not that artist performs at the radio station affiliated concert; and

(ii) engaging or receiving concert services of any musician or recording artist unless the licensee or permittee provides the musician or recording artist with compensation for such services at the fair market value for the performance.

(B) DEFINITION.—For purposes of subparagraph (A), the term ''fair market value'' shall include such factors as—

(i) the rate typically charged by the musician or recording artist for a concert of the size being put on for the station;

(ii) the expenses of the musician or recording artist to travel to, and perform at, the concert location; and

(iii) the length of the performance in relation to the standard duration for a concert by the musician or recording artist.

(C) LIMITATIONS AND EXCLUSIONS.—The provisions of this paragraph shall not—

(i) prohibit consideration for the concert services being made in the form of promotional value, cash, or a combination of both; or

(ii) apply to—

(I) a radio station that is a small business, as recognized by the Commission and established by the Small Business Administration under section 121 of title 13, Code of Federal Regulations;

(II) in-studio live interviews and performances; or

(III) concerts whose proceeds are intended and provided for charitable purposes.

(3) RADIO AND CONCERT CROSS-OWNERSHIP.—

(A) IN GENERAL.—To prohibit a licensee or permittee of a radio station, or affiliate thereof, from owning or controlling a concert promoter or venue primarily used for live concert performances.

(B) WAIVER.—The Commission may waive the prohibition required under subparagraph (A) if—

(i) the Commission determines that because of the nature of the cross-ownership and market served—

(I) the affected radio station, concert promoter, or venue would be subjected to undue economic distress or would not be economically viable if such provisions were enforced; and

(II) the anti-competitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the needs of the community to be served; and

(ii) the affected radio station, concert promoter, or venue demonstrates to the Commission that decisions regarding the broadcast of matter, including any sound recording, will be made at arm's length and not based, in whole or in part, upon whether or not the creator, producer, or promoter of such matter engages the services of the licensee or permittee, or an affiliate thereof.

SEC. 5. REVIEW OF TRANSACTIONS.

(a) IN GENERAL.—Upon petition by a musician, recording artist, or interested party, the Commission shall review any transaction entered into under section 3 or section 4.

(b) COPY OF PETITION.—A copy of any petition submitted to Commission under subsection (a) shall be provided by the person filing such petition to the licensee or permittee, or musician or recording artist, as applicable.

(c) PUBLIC DISCLOSURE.—If the Commission, after reviewing a petition submitted under subsection (a) finds a transaction violated any provision of this paragraph or section 3, the Commission shall publicly, after all parties have had a reasonable opportunity to comment, disclose its finding and grant appropriate relief.

SEC. 6. PENALTIES.

The regulations promulgated under sections 2, 3 and 4 shall set forth appropriate penalties for violations including an immediate hearing before the Commission upon the issuance of a notice of apparent liability or violation, with possible penalties to include license revocation.

SEC. 7. REPORT.

Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Commission shall issue a report to Congress and the public that—

(1) summarizes the disclosures made by licensees and permittees as required under section 2;

(2) summarizes the audits conducted by the Commission as required under section 3(b)(2);

(3) summarizes the cross-ownership waivers, if any, awarded by the Commission under section 4(3)(B);

(4) evaluates ownership concentration and market power in the radio industry in a manner similar to the most recent in the discontinued series of FCC reports, ''Radio Industry Review 2002: Trends in Ownership, Format, and Finance''; and

(5) describes any violations of section 2, 3, or 4, and penalty proceedings under section 6, and includes recommendations for any additional statutory authority the Commission determines would improve compliance with regulations issued under this Act.

SEC. 8. LICENSE REVOCATION.

Section 312(a) of the Communications Act of 1934 (47 U.S.C. 312) is amended—

(1) in paragraph (6), by striking ''; or'' and inserting a semicolon;

(2) in paragraph (7), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(8) for violation of or failure to follow any regulation established in accordance with section 2, 3, 4, or 6 of the Radio and Concert Disclosure and Competition Act of 2005.''.

SEC. 9. INCREASED MAXIMUM PENALTIES.

(a) PENALTIES FOR DISCLOSURE OF PAYMENTS TO INDIVIDUALS CONNECTED WITH BROADCASTS.—Section 507(g)(1) of the Communications Act of 1934 (47 U.S.C. 508(g)(1)) is amended by striking ''$10,000'' and inserting ''$50,000''.

(b) PENALTIES FOR PROHIBITED PRACTICES IN CONTESTS OF KNOWLEDGE, SKILL, OR CHANCE.—Section 508(c)(1) of the Communications Act of 1934 (47 U.S.C. 509(c)(1)) is amended—

(1) by striking ''$10,000'' and inserting ''$50,000''; and

(2) by inserting '', for each violation'' before the period.

By Mr. VOINOVICH (for himself and Mr. AKAKA):

S. 2060. A bill to extend the District of Columbia College Access Act of 1999 and make certain improvements; to the Committee on Homeland Security and Governmental Affairs.

Mr. VOINOVICH. Mr. President, today I rise to introduce legislation to reauthorize the District of Columbia Tuition Assistance Grant (D.C. TAG) program for five additional years. This program has had a tremendously beneficial impact on promoting higher education for high school graduates in our Nation's capital.

The aim of this program is to assist District students, who do not have access to state-supported education systems, in attending college. D.C. TAG scholarships are used by District residents to pay the difference between in-State and out-of-State tuition at State universities nationwide, up to $10,000 per student per school year, with a cumulative cap of $50,000 per student. In addition, since March 2002, District students attending private institutions in Maryland and Virginia, as well as Historically Black Colleges and Universities nationwide, started receiving tuition grants under the program of $2,500 per student per school year, with a cumulative cap of $12,500 per student.

Since the first grants were awarded in 2000, the program has dispersed over $98 million to 8,454 District students; many are the first in their family to attend college. Moreover, District high school graduating seniors have seen a 28 percent increase in college attendance. Seventy five percent of District students said that D.C. TAG made a difference in their decision to continue their education beyond high school. Sixty five percent of District students have indicated that D.C. TAG has enabled them to choose a college that best suits their educational needs.

Because of the great success and positive impact of this program, I propose to expand the program to private schools nationwide, thereby creating greater equity between all private colleges, while establishing a cap on program funding at the current appropriation of $33.2 million annually. In addition, this legislation will require the Mayor of the District of Columbia to submit an annual report to Congress on the program's status.

As Chairman of the District of Columbia authorizing subcommittee, leveling the playing field for high school graduates in the District and enhancing their educational opportunities continues to be a top priority. I urge all of my colleagues to support this legislation.

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. 2060

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

SECTION 1. 5-YEAR REAUTHORIZATION OF TUITION ASSISTANCE PROGRAMS.

(a) PUBLIC SCHOOL PROGRAM.—Section 3(i) of the District of Columbia College Access Act of 1999 (sec. 38–2702(i), D.C. Official Code) is amended by striking ''each of the 7 succeeding fiscal years'' and inserting ''each of the 11 succeeding fiscal years''.

(b) PRIVATE SCHOOL PROGRAM.—Section 5(f) of such Act (sec. 38–2704(f), D.C. Official Code) is amended by striking ''each of the 7 succeeding fiscal years'' and inserting ''each of the 11 succeeding fiscal years''.

SEC. 2. EXPANSION TO PRIVATE SCHOOLS NATIONWIDE.

Section 5(c)(1)(A)(i) of the District of Columbia College Access Act of 1999 (sec. 38–2704(c)(1)(A)(i); D.C. Official Code) is amended by striking ''the main campus'' through the end and inserting ''located in the United States;''.

SEC. 3. CAPPED FUNDING.

Section 7 of the District of Columbia College Access Act of 1999 (sec. 38–2706; D.C. Official Code) is amended—

(1) in paragraph (2), by striking ''or'' after the semicolon;

(2) in paragraph (3), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(4) $33,200,000, in the case of the aggregate amount for fiscal year 2006 and each succeeding fiscal year.''.

SEC. 4. MAYOR'S REPORT.

Section 3(g) of the District of Columbia College Access Act of 1999 (sec. 38–2703(g); D.C. Official Code) is amended to read as follows:

''(g) MAYOR'S REPORT.—Not later than August 1, the Mayor shall report to Congress annually regarding:

''(1) The number of students applying for the program and the number of students graduating from the program.

''(2) The number of eligible students attending each eligible institution and the amount of the grant awards paid to those institutions on behalf of the eligible students.

''(3) The extent, if any, to which a ratable reduction was made in the amount of tuition and fee payments made on behalf of eligible students.

''(4) The progress in obtaining recognized academic credentials of the cohort of eligible students for each year.''.

By Mr. ENZI (for himself, Mr. ISAKSON, Mr. CRAIG, Mr. BURR, Mr. ROBERTS, Mr. SESSIONS, Mr. WARNER, and Mr. GREGG):

S. 2065. A bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENZI (for himself, Mr. ISAKSON, Mr. CRAIG, Mr. BURR, Mr. ROBERTS, Mr. SESSIONS, Mr. GREGG, Mr. WARNER, and Mr. DEMINT):

S. 2066. A bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENZI (for himself, Mrs. MURRAY, Mr. ISAKSON, Mr. BURR, Mr. SESSIONS, and Mr. GREGG):

S. 2067. A bill to assist chemical manufacturers and importers in preparing material safety data sheets pursuant to the requirements of the Hazard Communication standard and to establish a Commission to study and make recommendations regarding the implementation of the Globally Harmonized System of Classification and Labeling of Chemicals; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, I am pleased today to announce the introduction of legislation designed to improve our workplace health and safety. The Senate Committee on Health, Education, Labor and Pensions, that I Chair, has a broad range of responsibilities. None of them is more important than the oversight of our occupational safety and health laws.

In the past decade or so we have witnessed steady progress toward safer and healthier workplaces. For example, in 1992, approximately 9 out of every 100 American workers suffered a workplace injury. By 2003, that injury rate had been cut nearly in half. Over the same period we have seen more than a 20 percent decline in the annual rate of fatalities from workplace injuries.

As encouraging as this progress is, however, it should not be cause for anyone to become complacent. The number of work-related deaths and injuries remains unacceptably high. For example, last year, despite the efforts of all concerned, some 4.4 million workers suffered work-related injuries, with 1.3 million of those injuries involving lost work days. Such workplace injuries continue to bring hardship to employees and their families and to impose significant burdens on our economy. We need to continue our efforts to improve workplace safety.

If we are to be successful in our efforts we must be prepared to cast aside old assumptions, be willing to embrace new ideas, and be candid enough to agree on some fundamental realities. First among these realities is that the overwhelming number of employers are concerned about the welfare of their employees and are fully prepared to comply with laws aimed at enhancing their safety on the job. The notion that employers care little about worker safety, or are prepared to sacrifice worker health in the pursuit of higher profits is a dangerously inaccurate myth. It is dangerous because it promotes and perpetuates an adversarial relationship between employers and government safety agencies at the very time that we need precisely the opposite. Cooperation, not confrontation is essential in making our workplaces safer.

It is fortunate that most employers want to do the right thing since without the cooperation of the employer community there is little realistic hope of continuing to improve workplace safety. That is the second fundamental reality we must accept. Where the vast majority of employers are committed to establishing and maintaining a safe workplace, it makes little sense to perpetuate a system built largely on a system of inspections and sanctions. Any system aimed at fostering workplace safety that relies principally on such measures is not only improperly focused; it cannot, as a practical matter, even hope to achieve its intended goal.

Simple mathematics makes it clear that we cannot inspect or sanction our way to greater job safety. Today, the total number of OSHA inspectors, including those employed by the states, as well as those employed by the Federal Government, is less than 2,400. Each of these individuals conducts an average of about 40 inspections a year. In other words, there will be less than 100,000 work sites inspected by State and Federal OSHA combined in any given year. At the present time, there are well over seven million worksites in the United States. At current inspection rates, we would need nearly 170,000 OSHA inspectors in order to inspect all U.S. work sites just once a year. In addition, since most industrial accidents occur in a split second, and since many are caused by unsafe acts rather than unsafe conditions, even an army of inspectors could not adequately address the issue.

It is my view that any practical approach to addressing the issue of workplace safety must recognize these realities and be designed to encourage and assist employers in achieving this end—not merely punish them for failing to do so. For these reasons, the legislation that I have introduced today contains a number of provisions designed to enhance voluntary compliance, and to provide technical assistance to the vast majority of employers that strive every day to ensure the health and safety of their employees. Thus, these bills contain provisions that encourage employers to engage the services of highly qualified third-party safety consultants to assist them in creating safer workplaces. The legislation also seeks to extend the benefits of such worthwhile initiatives as the current Voluntary Protection Plan to smaller employers; and it increases the level of government outreach and technical help to employers seeking assistance in making their workplaces safer. It also provides for increased training of OSHA personnel and fosters a greater understanding of specific workplace

safety issues through a unique cross-training and exchange program between OSHA and the business community. These last two initiatives are predicated on the common sense notion that the more we know and the more we collaborate toward a common goal, the more likely it is that we will achieve the desired result.

While I believe that the interests of workplace safety compel us to dramatically increase our efforts at encouraging voluntary compliance, we cannot be unmindful that the Occupational Safety and Health Act is a regulatory statute; and that, like all regulation, there are points at which the process becomes adversarial. I certainly believe there should be a less adversarial process, however, when it does occur I believe it needs to be fair and regular. In the regulatory context, the power and resources of the Federal Government can be overwhelming, particularly to small businesses. We need to make sure that the adversarial playing field is a level one, and that the legitimate expectations of fairness and regularity of process are adequately met. For this reason, the bills which I have introduced today contain a number of provisions aimed at ensuring this result. Thus, the bill provides for the recovery of attorney's fees by small businesses that prevail in litigation against the government in an OSHA claim, and codifies procedural flexibility and fairness in the issuance and processing of disputed claims. The legislation also recognizes that no one, least of all employees, are well served by lengthy delays in the resolution of contested claims by increasing the size of the Review Commission and making additional changes designed to insure the issuance of more timely decisions. The legislation also returns the Review Commission to the status of a fully independent adjudicatory body as envisioned in the original OSHA legislation by insuring that its decisions are accorded appropriate legal deference. The legislation also injects some much needed flexibility into the administration and enforcement of the statute by permitting the use of alternative, site-specific compliance methods, giving inspectors a degree of compliance discretion, and encouraging the prompt correction of certain non-serious violations.

In addition to these changes that are based upon procedural and regulatory fairness, the legislation also contains provisions designed to address the root cause of many industrial injuries, and others aimed at bringing a much-needed measure of simplicity and uniformity to our workplace safety laws.

In the first instance, for too long we have held the one-dimensional view that work conditions and employer practices are the principal, if not exclusive, factors in workplace safety. The reality is that unsafe individual behavior also has an extraordinary impact. For example, it is estimated that 47 percent of all serious workplace accidents, and 40 percent of all workplace fatalities involve drugs or alcohol. Some 38 to 50 percent of all workers' compensation claims are related to drug or alcohol abuse in the workplace. An industrial accident typically takes only a split second to occur. The safest conceivable conditions and systems can be rendered useless in that instant by an employee whose judgment or reactions are impaired.

Apart from substance abuse, we also cannot ignore the fact that any employer's safety policies and procedures can be rendered useless whenever someone breaks the rules.

If we are serious about workplace safety we have to understand that the employer is not the only factor in the equation. And, if we propose to achieve workplace safety solely by regulating employer conduct, then we fail to adequately address the entire issue. At a minimum, we need to provide employers some tools and encouragement to control the safety-related behavior of others. We cannot mandate that employers take disciplinary action against their employees who violate safety rules, but we can encourage them to enforce such rules appropriately and consistently. We likewise cannot compel employers to institute drug and alcohol testing programs, but we can remove the legal barriers to their doing so. Today's legislation, by codifying the third party misconduct defense, and authorizing the establishment of substance testing, provides exactly the type of tools and encouragement that are necessary.

It may be the employer's workplace, but workplace safety is everybody's job. We need laws that reflect the fact that a safer workplace is everybody's responsibility. For this reason today's legislation also contains a provision that allows OSHA to issue citations and impose limited fines on employees that violate rules and procedures regarding the use of company-supplied personal protective equipment. As noted, the authority here, although limited, is nonetheless intended to make clear the notion that safety is everybody's responsibility.

Lastly, our current law provides that employers must communicate workplace hazards to their employees. This is an important, and appropriate goal. ''Communication,'' however, requires the delivery of clear, and meaningful information to the recipient. Unfortunately, in many respects our hazard communication efforts have become so complicated that the complexity stands in the way of the original notion that employees need plain information about workplace hazards so that they can take adequate precautions to protect themselves. This process has become even more complicated by the globalization of our economy, and the fact that many hazardous substances routinely in use in our workplaces originate outside our borders. These are likewise realities that we must address, and that the legislation offered today does. Thus, the HazCom Simplification and Modernization Act that is a part of the legislative package introduced today provides for the simplification of current hazard communication standards and it creates a commission designed to review and make recommendations regarding the implementation of the global harmonization of chemical labeling, hazard communication and a variety of related issues. I am particularly proud of the fact that this bill is the product of considerable bi-partisan effort, and I am particularly pleased to have Senator MURRAY as its cosponsor. I am deeply grateful for all her efforts in bringing this legislation to this point.

It is my belief that the three bills introduced today reflect the correct and balanced approach to the goal of increased work place safety that all of us want to achieve.

I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2065

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

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''Occupational Safety Partnership Act''.

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

SEC. 2. PURPOSE.

Section 2(b) of the Act (29 U.S.C. 651(b)) is amended—

(1) in paragraph (13), by striking the period and inserting ''; and''; and

(2) by adding at the end the following:

''(14) by increasing the joint cooperation of employers, employees, and the Secretary of Labor in the effort to ensure safe and healthful working conditions for employees.''.

SEC. 3. THIRD PARTY CONSULTATION SERVICES PROGRAM.

(a) PROGRAM.—The Act (29 U.S.C. 651 et seq.) is amended by inserting after section 8 the following:

''SEC. 8A. THIRD PARTY CONSULTATION SERVICES PROGRAM.

''(a) PURPOSE.—It is the purpose of this section to encourage employers to conduct voluntary safety and health audits using the expertise of qualified safety and health consultants and to proactively seek individualized solutions to workplace safety and health concerns.

''(b) ESTABLISHMENT OF PROGRAM.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Secretary shall establish and implement, by regulation, a program that qualifies individuals to provide consultation services to employers to assist employers in the identification and correction of safety and health hazards in the workplaces of employers.

''(2) ELIGIBILITY.—The following individuals shall be eligible to be qualified under this program as certified safety and health consultants:

''(A) An individual who is licensed by a State authority as a physician, industrial hygienist, professional engineer, safety engineer, safety professional, or registered nurse.

''(B) An individual who has been employed as an inspector for a State plan State or as a Federal occupational safety and health inspector for not less than a 5-year period.

''(C) An individual who is qualified in an occupational health or safety field by an organization whose program has been accredited by a nationally recognized private accreditation organization or by the Secretary.

''(D) An individual who has not less than 10 years experience in workplace safety and health.

''(E) Other individuals determined to be qualified by the Secretary.

''(3) GEOGRAPHICAL SCOPE OF CONSULTATION SERVICES.—A consultant qualified under this program may provide consultation services in any State.

''(4) LIMITATION BASED ON EXPERTISE.—A consultant qualified under this program may only provide consultation services to an employer with respect to a worksite if the work performed at that worksite coincides with the particular expertise of the individual.

''(c) SAFETY AND HEALTH REGISTRY.—The Secretary shall develop and maintain a registry that includes all consultants that are qualified under the program under subsection (b)(1) to provide the consultation services described in subsection (b) and shall publish and make such registry readily available to the general public.

''(d) DISCIPLINARY ACTIONS.—The Secretary may revoke the status of a consultant, or the participation of an employer in the third party consultation program, if the Secretary determines that the consultant or employer—

''(1) has failed to meet the requirements of the program; or

''(2) has committed malfeasance, gross negligence, collusion or fraud in connection with any consultation services provided by the qualified consultant.

''(e) PROGRAM REQUIREMENTS.—

''(1) GENERAL REQUIREMENTS.—The consultation services described in subsection (b), and provided by a consultant qualified under this program shall, at a minimum, consist of the following elements:

''(A) A comprehensive, on-site, survey and audit of the participating employer's workplace and operations by the consultant.

''(B) The preparation of a consultation report by the consultant.

The Secretary may, by regulation, prescribe additional requirements for qualifying services.

''(2) CONSULTATION REPORT.—

''(A) IN GENERAL.—Following the consultant's physical survey of the employer's workplace and operations, the consultant shall prepare and deliver to the employer a written report summarizing the consultant's health and safety findings and recommendations. Such consultation report shall, at a minimum, contain the following elements:

''(i) The findings of the consultant's health and safety audit, and, where applicable, appropriate remedial recommendations.

''(ii) A recommended health and safety program and an action plan as described in this paragraph.

The Secretary may, by regulation, prescribe additional required elements for qualifying reports.

''(B) AUDIT AND RECOMMENDATIONS.—The consultation report shall include an evaluation of the workplace of the participating employer to determine if the employer is in compliance with the requirements of this Act, including any regulations promulgated pursuant to this Act. The report shall identify any practice or condition the consultant believes to be a violation of this Act, and will set out any appropriate corrective measures to address such identified practice or condition.

''(C) SAFETY AND HEALTH PROGRAM.—The consultation report shall contain a recommended safety and health plan designed to reduce injuries, illness, and fatalities and to otherwise manage workplace health and safety. Such safety and health program shall—

''(i) be appropriate to the conditions of the workplace involved;

''(ii) be in writing, and contain policies, procedures, and practices designed to recognize and protect employees from occupational safety and health hazards, such procedures to include provisions for the identification, evaluation, and prevention or control of workplace hazards;

''(iii) be based upon the professional judgment of the consultant and include such elements as are necessary to the specific worksite involved as determined by the consultant and employer;

''(iv) contain provisions for the periodic review and modification of the program as circumstances warrant;

''(v) be developed and implemented with the participation of affected employees;

''(vi) make provision for the effective safety and health training of all personnel, and the dissemination of appropriate health and safety information to all personnel; and

''(vii) contain appropriate procedures for the reporting of potential hazards, accidents and near accidents

The Secretary may, by regulation, prescribe additional specific elements that may be required for any qualifying program.

''(D) ACTION PLAN.—The consultation report shall also contain a written action plan that shall—

''(i) outline the specific steps that must be accomplished by the employer prior to receiving a certificate of compliance;

''(ii) be established in consultation with the employer; and

''(iii) address in detail—

''(I) the employer's correction of all identified safety and health conditions or practices that are in violation of this Act, with applicable timeframes; and

''(II) the steps necessary for the employer to implement an effective safety and health program, with applicable timeframes.

''(3) CERTIFICATE OF COMPLIANCE.—Upon completion of the steps described in the Action Plan the qualified consultant shall issue to the employer a Certificate of Compliance in a form prescribed by the Secretary.

''(f) EXEMPTION FROM CIVIL PENALTIES FOR COMPLIANCE.—

''(1) IN GENERAL.—If an employer receives a certificate of compliance, the employer shall be exempt from the assessment of any civil penalty under section 17 for a period of 2 years after the date on which the employer receives such certificate.

''(2) EXCEPTIONS.—An employer shall not be exempt under paragraph (1)—

''(A) if the employer has not made a good faith effort to remain in compliance as required under the certificate of compliance; or

''(B) if there has been a fundamental change in the hazards of the workplace after the issuance of the certificate.

''(g) RIGHT TO INSPECT.—Nothing in this section shall be construed to affect the rights of the Secretary to inspect and investigate worksites covered by a certificate of compliance.

''(h) RENEWAL REQUIREMENTS.—An employer that is granted a certificate of compliance under this section may receive a 2 year renewal of the certificate if a qualified consultant conducts a complete onsite safety and health survey to ensure that the safety and health program has been effectively maintained or improved, workplace hazards are under control, and elements of the safety and health program are operating effectively.

''(i) NON-FIXED WORKSITES.—With respect to employer worksites that do not have a fixed location, a certificate of compliance shall only apply to that worksite which satisfies the criteria under this section and such certificate shall not be portable to any other worksite. This section shall not apply to employers that perform essentially the same work, utilizing the same equipment, at each non-fixed worksite.

''(j) ACCESS TO RECORDS.—Any records relating to consultation services provided by an individual qualified under this program, or records, reports, or other information prepared in connection with safety and health inspections, audits, or reviews conducted by or for an employer and not required under this Act, shall not be admissible in a court of law or administrative proceeding or enforcement proceeding against the employer except that such records may be used as evidence for purposes of a disciplinary action under subsection (d).''.

SEC. 4. PREVENTION OF ALCOHOL AND SUBSTANCE ABUSE.

The Act (29 U.S.C. 651 et seq.) is amended by adding at the end the following:

''SEC. 34. ALCOHOL AND SUBSTANCE ABUSE TESTING.

''(a) PROGRAM PURPOSE.—In order to secure a safe workplace, employers may establish and carry out an alcohol and substance abuse testing program in accordance with subsection (b).

''(b) FEDERAL GUIDELINES.—

''(1) REQUIREMENTS.—An alcohol and substance abuse testing program described in subsection (a) shall meet the following requirements:

''(A) SUBSTANCE ABUSE.—A substance abuse testing program shall permit the use of onsite or offsite testing.

''(B) ALCOHOL.—The alcohol testing component of the program shall take the form of alcohol breath analysis and shall conform to any guidelines developed by the Secretary of Transportation for alcohol testing of mass transit employees under the Department of Transportation and Related Agencies Appropriations Act, 1992.

''(2) DEFINITION.—For purposes of this section the term 'alcohol and substance abuse testing program' means any program under which test procedures are used to take and analyze blood, breath, hair, urine, saliva, or other body fluids or materials for the purpose of detecting the presence or absence of alcohol or a drug or its metabolites. In the case of urine testing, the confirmation tests must be performed in accordance with the mandatory guidelines for Federal workplace testing programs published by the Secretary of Health and Human Services on April 11, 1988, at section 11979 of title 53, Code of Federal Regulations (including any amendments to such guidelines). Proper laboratory protocols and procedures shall be used to assure accuracy and fairness, and, laboratories must be subject to the requirements of subpart B of the mandatory guidelines, State certification, the Clinical Laboratory Improvements Act of the College of American Pathologists.

''(c) TEST REQUIREMENTS.—This section shall not be construed to prohibit an employer from requiring—

''(1) an applicant for employment to submit to and pass an alcohol or substance abuse test before employment by the employer; or

''(2) an employee, including managerial personnel, to submit to and pass an alcohol or substance abuse test—

''(A) on a for-cause basis or where the employer has reasonable suspicion to believe

that such employee is using or is under the influence of alcohol or a controlled substance;

''(B) where such test is administered as part of a scheduled medical examination;

''(C) in the case of an accident or incident, involving the actual or potential loss of human life, bodily injury, or property damage;

''(D) during the participation of an employee in an alcohol or substance abuse treatment program, and for a reasonable period of time (not to exceed 5 years) after the conclusion of such program; or

''(E) on a random selection basis in work units, locations, or facilities.

''(d) CONSTRUCTION.—Nothing in this section shall be construed to require an employer to establish an alcohol and substance abuse testing program for applicants or employees or make employment decisions based on such test results.

''(e) PREEMPTION.—The provisions of this section shall preempt any provision of State law to the extent that such State law is inconsistent with this section.

''(f) INVESTIGATIONS.—The Secretary is authorized to conduct testing of employees (including managerial personnel) of an employer for use of alcohol or controlled substances during any investigations of a work-related fatality or serious injury. Such testing shall be done as soon as practicable after the incident giving rise to such work-related fatality or serious injury.''.

SEC. 5. VOLUNTARY PROTECTION PROGRAMS.

(a) COOPERATIVE AGREEMENTS.—The Secretary of Labor shall establish cooperative agreements with employers to encourage the establishment of comprehensive safety and health management systems that include—

(1) requirements for systematic assessment of hazards;

(2) comprehensive hazard prevention, mitigation, and control programs;

(3) active and meaningful management and employee participation in the voluntary program described in subsection (b); and

(4) employee safety and health training.

(b) VOLUNTARY PROTECTION PROGRAM.—

(1) IN GENERAL.—The Secretary of Labor shall establish and carry out a voluntary protection program (consistent with subsection (a)) to encourage excellence and recognize the achievement of excellence in both the technical and managerial protection of employees from occupational hazards.

(2) PROGRAM REQUIREMENT.—The voluntary protection program shall include the following:

(A) APPLICATION.—Employers who volunteer under the program shall be required to submit an application to the Secretary of Labor demonstrating that the worksite with respect to which the application is made meets such requirements as the Secretary of Labor may require for participation in the program.

(B) ONSITE EVALUATIONS.—There shall be onsite evaluations by representatives of the Secretary of Labor to ensure a high level of protection of employees. The onsite visits shall not result in enforcement of citations under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(C) INFORMATION.—Employers who are approved by the Secretary of Labor for participation in the program shall assure the Secretary of Labor that information about the safety and health program shall be made readily available to the Secretary of Labor to share with employees.

(D) REEVALUATIONS.—Periodic reevaluations by the Secretary of Labor of the employers shall be required for continued participation in the program.

(3) EXEMPTIONS.—A site with respect to which a program has been approved shall, during participation in the program be exempt from inspections or investigations and certain paperwork requirements to be determined by the Secretary of Labor, except that this paragraph shall not apply to inspections or investigations arising from employee complaints, fatalities, catastrophes, or significant toxic releases.

SEC. 6. EXPANDED ACCESS TO VVP FOR SMALL BUSINESSES.

The Secretary of Labor shall establish and implement, by regulation, a program to increase participation by small businesses (as the term is defined by the Administrator of the Small Business Administration) in the voluntary protection program through outreach and assistance initiatives and the development of program requirements that address the needs of small businesses.

SEC. 7. TECHNICAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 21(c) of the Act (29 U.S.C. 670(c)) is amended—

(1) by striking ''(c) The'' and inserting ''(c)(1) The'';

(2) by striking ''(1) provide'' and inserting ''(A) provide'';

(3) by striking ''(2) consult'' and inserting ''(B) consult''; and

(4) by adding at the end the following:

''(2)(A) The Secretary shall, through the authority granted under section 7(c) and paragraph (1), enter into cooperative agreements with States for the provision of consultation services by such States to employers concerning the provision of safe and healthful working conditions.

''(B)(i) As provided in clause (ii), the Secretary shall reimburse a State that enters into a cooperative agreement under subparagraph (A) in an amount that equals 90 percent of the costs incurred by the State for the provision of consultation services under such agreement.

''(ii) A State shall be reimbursed by the Secretary for 90 percent of the costs incurred by the State for the provision of—

''(I) training approved by the Secretary for State personnel operating under a cooperative agreement; and

''(II) specified out-of-State travel expenses incurred by such personnel.

''(iii) A reimbursement paid to a State under this subparagraph shall be limited to costs incurred by such State for the provision of consultation services under this paragraph and the costs described in clause (ii).''.

(b) PILOT PROGRAM.—Section 21 of the Act (29 U.S.C. 670) is amended by adding at the end the following:

''(e)(1) Not later than 90 days after the date of enactment of this subsection, the Secretary shall establish and carry out a pilot program in 3 States to provide expedited consultation services, with respect to the provision of safe and healthful working conditions, to employers that are small businesses (as the term is defined by the Administrator of the Small Business Administration). The Secretary shall carry out the program for a period not to exceed 2 years.

''(2) The Secretary shall provide consultation services under paragraph (1) not later than 4 weeks after the date on which the Secretary receives a request from an employer.

''(3) The Secretary may impose a nominal fee to an employer requesting consultation services under paragraph (1). The fee shall be in an amount determined by the Secretary. Employers paying a fee shall receive priority consultation services by the Secretary.

''(4) In lieu of issuing a citation under section 9 to an employer for a violation found by the Secretary during a consultation under paragraph (1), the Secretary shall permit the employer to carry out corrective measures to correct the conditions causing the violation. The Secretary shall conduct not more than 2 visits to the workplace of the employer to determine if the employer has carried out the corrective measures. The Secretary shall issue a citation as prescribed under section 5 if, after such visits, the employer has failed to carry out the corrective measures.

''(5) Not later than 90 days after the termination of the program under paragraph (1), the Secretary shall prepare and submit a report to the appropriate committees of Congress that contains an evaluation of the implementation of the pilot program.''.

SEC. 8. CONTINUING EDUCATION AND PROFESSIONAL CERTIFICATION FOR CERTAIN OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION PERSONNEL.

Section 8 of the Act (29 U.S.C. 657) is amended by adding at the end the following:

''(i) Any Federal employee responsible for enforcing this Act shall, not later than 2 years after the date of enactment of this subsection or 2 years after the initial employment of the employee involved, meet the eligibility requirements prescribed under subsection (b)(2) of section 8A.

''(j) The Secretary shall ensure that any Federal employee responsible for enforcing this Act who carries out inspections or investigations under this section, receive professional education and training at least every 5 years as prescribed by the Secretary.''.

SEC. 9. OSHA AND INDUSTRY TRAINING EXCHANGE DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Secretary of Labor, acting through the Occupational Safety and Health Administration, is authorized to develop and implement at least one training and educational exchange program with a specialty trade in the construction industry for the purpose of—

(1) facilitating the exchange of expertise and ideas related to the interpretation, application, and implementation of Federal occupational safety and health standards and regulations applicable to the specialty trade involved (referred to in this section as ''OSHA Rules'');

(2) improving collaboration and coordination between the Occupational Safety and Health Administration and such specialty trade regarding OSHA Rules;

(3) identifying OSHA Rules which the specialty trade and Occupational Safety and Health Administration compliance officers have repeatedly found to be difficult to interpret, apply, or implement;

(4) allowing qualified safety directors from the specialty trade to train such compliance officers and others within the Administration responsible for writing and interpreting OSHA Rules, both on the jobsite and off, on the unique nature of the specialty trade and the difficulties contractors and safety directors encounter when attempting to comply with OSHA Rules as well as the best practices within the specialty trade;

(5) seeking the means to ensure greater compliance with the identified OSHA Rules, and reducing the number of citations based on any misunderstanding by such compliance officers as to the scope and application of an OSHA Rule or the unique nature of the workplace construction; and

(6) establishing within the Occupational Safety and Health Administration Training Institute a trade-specific curriculum to be taught jointly by qualified trade safety directors and compliance officers.

(b) INITIAL PROGRAM.—The initial training and educational exchange program shall be established under subsection (a) with the masonry construction industry.

(c) REPORTS.—Upon the expiration of the 2-year program under subsection (a), the Administrator of the Occupational Safety and Health Administration, jointly with specialty trades that participate in programs under such subsection, shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Workforce of the House of Representatives a report on the activities and results of the training and educational exchange program.

(d) DEFINITION.—In this section, the term ''qualified safety director'' means an individual who has, at a minimum, taken the 10-hour Occupational Safety and Health Administration course and been employed a minimum of 5 years as a safety director in the construction industry.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, such sums as may be necessary to carry out this section.

(f) TERMINATION.—The programs established under subsection (a) shall terminate on the date that is 2 years after the date on which the first program is so established.

S. 2066

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

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''Occupational Safety Fairness Act''.

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

SEC. 2. WORKSITE-SPECIFIC COMPLIANCE METHODS.

Section 9 of the Act (29 U.S.C. 658) is amended by adding at the end the following:

''(d) A citation issued under subsection (a) to an employer who violates section 5, any standard, rule, or order promulgated pursuant to section 6, or any regulation promulgated under this Act shall be vacated if such employer demonstrates that the employees of such employer were protected by alternative methods that are substantially equivalent or more protective of the safety and health of the employees than the methods required by such standard, rule, order, or regulation in the factual circumstances underlying the citation.

''(e) Subsection (d) shall not be construed to eliminate or modify other defenses that may exist to any citation.''.

SEC. 3. DISCRETIONARY COMPLIANCE ASSISTANCE.

Subsection (a) of section 9 of the Act (29 U.S.C. 658(a)) is amended—

(1) by striking the last sentence;

(2) by striking ''If, upon'' and inserting ''(1) If, upon''; and

(3) by adding at the end the following:

''(2) Nothing in this Act shall be construed as prohibiting the Secretary or the authorized representative of the Secretary from providing technical or compliance assistance to an employer in correcting a violation discovered during an inspection or investigation under this Act without issuing a citation, as prescribed in this section.

''(3) The Secretary or the authorized representative of the Secretary—

''(A) may issue a warning in lieu of a citation with respect to a violation that has no significant relationship to employee safety or health; and

''(B) may issue a warning in lieu of a citation in cases in which an employer in good faith acts promptly to abate a violation if the violation is not a willful or repeated violation.''.

SEC. 4. EXPANDED INSPECTION METHODS.

(a) PURPOSE.—It is the purpose of this section to empower the Secretary of Labor to achieve increased employer compliance by using, at the Secretary's discretion, more efficient and effective means for conducting inspections.

(b) GENERAL.—Section 8(f) of the Act (29 U.S.C. 657(f) is amended—

(1) by adding at the end the following:

''(3) The Secretary or an authorized representative of the Secretary may, as a method of investigating an alleged violation or danger under this subsection, attempt, if feasible, to contact an employer by telephone, facsimile, or other appropriate methods to determine whether—

''(A) the employer has taken corrective actions with respect to the alleged violation or danger; or

''(B) there are reasonable grounds to believe that a hazard exists.

''(4) The Secretary is not required to conduct an inspection under this subsection if the Secretary believes that a request for an inspection was made for reasons other than the safety and health of the employees of an employer or that the employees of an employer are not at risk.''.

SEC. 5. OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

(a) INCREASE IN NUMBER OF MEMBERS AND REQUIREMENT FOR MEMBERSHIP.—Section 12 of the Act (29 U.S.C. 661) is amended—

(1) in the second sentence of subsection (a)—

(A) by striking ''three members'' and inserting ''five members''; and

(B) by inserting ''legal'' before ''training'';

(2) in the first sentence of subsection (b), by striking ''except that'' and all that follows through the period and inserting the following: ''except that the President may extend the term of a member for no more than 365 consecutive days to allow a continuation in service at the pleasure of the President after the expiration of the term of that member until a successor nominated by the President has been confirmed to serve. Any vacancy caused by the death, resignation, or removal of a member before the expiration of a term for which a member was appointed shall be filled only for the remainder of such term.''; and

(3) by striking subsection (f), and inserting the following:

''(f) For purposes of carrying out its functions under this Act, two members of the Commission shall constitute a quorum and official action can be taken only on the affirmative vote of at least a majority of the members participating but in no case fewer than two.''.

(b) NEW POSITIONS.—Of the two vacancies for membership on the Occupational Safety and Health Review Commission created by subsection (a)(1)(A), one shall be appointed by the President for a term expiring on April 27, 2009, and the other shall be appointed by the President for a term expiring on April 27, 2011.

(c) EFFECTIVE DATE FOR LEGAL TRAINING REQUIREMENT.—The amendment made by subsection (a)(1)(B), requiring a member of the Commission to be qualified by reason of a background in legal training, shall apply beginning with the two vacancies referred to in subsection (b) and all subsequent appointments to the Commission.

SEC. 6. AWARD OF ATTORNEYS' FEES AND COSTS.

The Act (29 U.S.C. 651 et seq.) is amended by redesignating sections 32, 33, and 34 as sections 33, 34, and 35, respectively, and by inserting after section 31 the following new section:

''AWARD OF ATTORNEYS' FEES AND COSTS

''SEC. 32.

''(a) ADMINISTRATIVE PROCEEDINGS.—An employer who—

''(1) is the prevailing party in any adversary adjudication instituted under this Act, and

''(2) had not more than 100 employees and a net worth of not more than $7,000,000 at the time the adversary adjudication was initiated,

shall be awarded fees and other expenses as a prevailing party under section 504 of title 5, United States Code, in accordance with the provisions of that section, but without regard to whether the position of the Secretary was substantially justified or special circumstances make an award unjust. For purposes of this section the term 'adversary adjudication' has the meaning given that term in section 504(b)(1)(C) of title 5, United States Code.

''(b) PROCEEDINGS.—An employer who—

''(1) is the prevailing party in any proceeding for judicial review of any action instituted under this Act, and

''(2) had not more than 100 employees and a net worth of not more than $7,000,000 at the time the action addressed under subsection (1) was filed,

shall be awarded fees and other expenses as a prevailing party under section 2412(d) of title 28, United States Code, in accordance with the provisions of that section, but without regard to whether the position of the United States was substantially justified or special circumstances make an award unjust. Any appeal of a determination of fees pursuant to subsection (a) of this subsection shall be determined without regard to whether the position of the United States was substantially justified or special circumstances make an award unjust.

''(c) APPLICABILITY.—

''(1) COMMISSION PROCEEDINGS.—Subsection (a) shall apply to proceedings commenced on or after the date of enactment of this section.

''(2) COURT PROCEEDINGS.—Subsection (b) shall apply to proceedings for judicial review commenced on or after the date of enactment of this section.''.

SEC. 7. JUDICIAL DEFERENCE.

Section 11(a) of the Act (29 U.S.C. 660(a)) is amended in the sixth sentence by inserting before the period the following: '', and the conclusions of the Commission with respect to questions of law that are subject to agency deference under governing court precedent shall be given deference if reasonable''.

SEC. 8. CONTESTING CITATIONS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970.

(a) IN GENERAL.—Section 10 of the Act (29 U.S.C. 659) is amended—

(1) in the second sentence of subsection (a), by inserting after ''assessment of penalty'' the following: ''(unless such failure results from mistake, inadvertence, surprise, or excusable neglect)''; and

(2) in the second sentence of subsection (b), by inserting after ''assessment of penalty'' the following: ''(unless such failure results from mistake, inadvertence, surprise, or excusable neglect)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to a citation or proposed assessment of penalty issued by the Occupational Safety and Health Administration that is issued on or after the date of the enactment of this Act.

SEC. 9. RIGHT TO CORRECT VIOLATIVE CONDITION.

Section 9 of the Act (29 U.S.C. 658), as amended by section 2, is amended by adding at the end the following:

''(f) The Commission may not assess a penalty under section 17(c) for a non-serious violation that is not repeated or willful if the

employer corrects the violative condition and provides the Secretary an abatement certification within 72 hours.''.

SEC. 10. WRITTEN STATEMENT TO EMPLOYER FOLLOWING INSPECTION.

Section 8 of the Act (29 U.S.C. 657) is amended by adding at the end the following:

''(i) At the closing conference after the completion of an inspection, the inspector shall—

''(1) inform the employer or a representative of the employer of the right of such employer to request a written statement described in paragraph (2); and

''(2) provide to the employer or a representative of the employer, upon the request of such employer or representative, with a written statement that clearly and concisely provides the following information:

''(A) The results of the inspection, including each alleged hazard, if any, and each citation that will be issued, if any.

''(B) The right of the employer to contest a citation, a penalty assessment, an amended citation, and an amended penalty assessment.

''(C) An explanation of the procedure to follow in order to contest a citation and a penalty assessment, including when and where to contest a citation and the required contents of the notice of intent to contest.

''(D) The Commission's responsibility to affirm, modify, or vacate the citation and proposed penalty, if any.

''(E) The informal review process.

''(F) The procedures before the Occupational Safety and Health Review Commission.

''(G) The right of the employer to seek judicial review.

''(j) No monetary penalty may be assessed with respect to any violation not identified in the written statement requested under subsection (i).''.

SEC. 11. TIME PERIODS FOR ISSUING CITATIONS.

Section—

(1) 9(a) of the Act (29 U.S.C. 658(a)) is amended—

(A) by striking ''upon inspection'' and inserting ''upon the initiation of inspection'';

(B) by striking ''with reasonable promptness'' and inserting ''within thirty working days''; and

(C) by inserting after the first sentence, the following: ''Such 30 day period may be waived by the Secretary for good cause shown, including, but not limited to, cases involving death, novel issues, large or complex worksites, or pursuant to an agreement by the parties to extend such period.''; and

(2) 10(a) of the Act (29 U.S.C. 659(a)) is amended—

(B) by striking ''within a reasonable time'' and inserting ''within thirty days''; and

(C) by inserting after the first sentence, the following: ''Such 30 days period may be waived by the Secretary for good cause shown, including, but not limited to, cases involving death, novel issues, large or complex worksites, or pursuant to an agreement by the parties to extend such period.''.

SEC. 12. TIME PERIODS FOR CONTESTING CITATIONS.

Section 10 of the Act (29 U.S.C. 659) is amended by striking ''fifteen'' each place it appears and inserting ''thirty''.

SEC. 13. PENALTIES.

Section 17 of the Act (29 U.S.C. 666) is amended by inserting the following:

''(m) The Secretary shall not use 'other than serious' citations as a basis for issuing repeat or willful citations.''.

SEC. 14. UNANTICIPATED CONDUCT.

Section 9 of the Act (29 U.S.C. 658) is amended by adding at the end the following:

''(d) No citation may be issued under this section for any violation that is the result of actions by any person that are contrary to established, communicated, and enforced work rules that would have prevented the violation. This subsection shall not be construed to eliminate or modify elements of proof currently required to support a citation.''.

SEC. 15. ADOPTION OF NON-GOVERNMENTAL STANDARDS.

The Act (29 U.S.C. 651 et seq.) is amended by adding after section 4 the following:

''SEC. 4A. ADOPTION OF NON-GOVERNMENTAL STANDARDS.

''The Secretary shall not promulgate or enforce any finding, guideline, standard, limit, rule, or regulation that is subject to incorporation by reference, or modification, as the result of a determination reached by any organization, unless the Secretary affirmatively finds that the determination has been made by an organization and procedure that complies with the requirements of section 3(9). Such finding and a summary of its basis shall be published in the Federal Register and shall be deemed a final agency action subject to review by a United States District Court in accordance with section 706 of title 5, United States Code.''.

SEC. 16. EMPLOYEE RESPONSIBILITY.

The Act (29 U.S.C. 651 et seq.) is amended by adding after section 9 the following:

''SEC. 9A. EMPLOYEE RESPONSIBILITY.

''(a) IN GENERAL.—Notwithstanding any other provision of this Act, an employee who, with respect to employer-provided personal protective equipment, willfully violates any requirement of section 5 or any standard, rule, or order promulgated pursuant to section 6, or any regulation prescribed pursuant to this Act, may be assessed a civil penalty, as determined by the Secretary, but not to exceed $50 for each violation.

''(b) CITATIONS.—If, upon inspection or investigation, the Secretary or the authorized representative of the Secretary believes that an employee of an employer has, with respect to employer-provided personal protective equipment, violated any requirement of section 5 or any standard, rule, or order promulgated pursuant to section 6, or any regulation prescribed pursuant to this Act, the Secretary shall within 30 days issue a citation to the employee. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of this Act, standard, rule, regulation, or order alleged to have been violated. No citation may be issued under this section after the expiration of 6 months following the occurrence of any violation.

''(c) NOTIFICATION.—

''(1) IN GENERAL.—The Secretary shall notify an employee—

''(A) by certified mail of a citation under subsection (b) and the proposed penalty; and

''(B) that such employee has 30 working days within which to notify the Secretary that the employee wishes to contest the citation or proposed penalty.

''(2) FINAL ORDER.—If an employee does not file a notification described in paragraph (1)(B) with the Secretary within 30 working days, the citation and proposed penalty shall—

''(A) be deemed a final order of the Commission; and

''(B) not be subject to review by any court or agency.

''(d) CONTESTING OF CITATION.—

''(1) IN GENERAL.—If an employee files a notification described in paragraph (1)(B) with the Secretary within 30 working days, the Secretary shall immediately advise the Commission of such notification, and the Commission shall afford the employee an opportunity for a hearing in accordance with section 554 of title 5, United States Code.

''(2) ISSUANCE OF FINAL ORDER.—The Commission, after a hearing described in paragraph (1), shall issue an order, based on findings of fact, affirming, modifying, or vacating the Secretary's citation or proposed penalty, or directing other appropriate relief. Such order shall become final 30 days after issuance of the order.''.

S. 2067

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 ''HazCom Simplification and Modernization Act of 2005''.

SEC. 2. PURPOSE.

It is the purpose of this Act to assist chemical manufacturers and importers in preparing material safety data sheets pursuant to the requirements of the Hazard Communication standard published at section 1910.1200 of title 29, Code of Federal Regulations, and the Hazard Communication standard published at part 47 of title 30, Code of Federal Regulations, and to improve the accuracy, consistency, and comprehensibility of such material safety data sheets and to establish a Commission for the purpose of studying and making recommendations regarding the implementation of the United Nations' Globally Harmonized System of Classification and Labeling of Chemicals.

SEC. 3. HAZARD COMMUNICATION.

(a) IN GENERAL.—

(1) MODEL MATERIAL SAFETY DATA SHEETS FOR HIGHLY HAZARDOUS CHEMICALS.—The Secretary of Labor shall develop model material safety data sheets for the list of highly hazardous chemicals contained in Appendix A to the Process Safety Management of Highly Hazardous Chemicals standard published at section 1910.119 of title 29, Code of Federal Regulations. Such model material safety data sheets shall—

(A) comply with the requirements of the Hazard Communication standard published at section 1910.100 of such title 29 and the Hazard Communication standard published at part 47 of title 30, Code of Federal Regulations;

(B) be presented in a consistent format that enhances the reliability and comprehensibility of information about chemical hazards in the workplace and protective measures; and

(C) be made available to the public, including through posting on the Occupational Safety and Health Administration's website and the Mine Safety and Health Administration's website, within 18 months after the date of enactment of this Act.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed to—

(A) modify or amend the Hazard Communication standard published at section 1910.1200 of title 29, Code of Federal Regulations, the Process Safety Management of Highly Hazardous Chemicals standard published at section 1910.119 of such title 29, the Hazard Communication standard published at part 47 of title 30, Code of Federal Regulations, or any other provision of law; and

(B) authorize the Secretary of Labor to include in the model material safety data sheet developed under this subsection any suggestion or recommendation as to permissible or appropriate workplace exposure levels for these chemicals, except as required by the Hazard Communication standard published at section 1910.1200 of such title 29, and the Hazard Communication standard published at part 47 of title 30, Code of Federal Regulations.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to

the Department of Labor such sums as may be necessary to carry out this subsection.

(b) GLOBALLY HARMONIZED SYSTEM COMMISSION.—

(1) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, there shall be established a commission, to be known as the Global Harmonization Commission (referred to in this subsection as the ''Commission''), to consider the implementation of the United Nations Globally Harmonized System of Classification and Labeling of Chemicals to improve chemical hazard communication and to make recommendations to Congress.

(2) MEMBERSHIP.—The Commission shall be composed of 17 members of whom—

(A) 1 shall be the Secretary of Labor (referred to in this Act as the ''Secretary'');

(B) 1 shall be the Secretary of Transportation;

(C) 1 shall be the Secretary of Health and Human Services;

(D) 1 shall be the Administrator of the Environmental Protection Agency;

(E) 1 shall be the Chairman of the Consumer Product Safety Commission;

(F) 1 shall be the Chairman of the Chemical Safety and Hazard Investigation Board (or his or her designee);

(F) 11 shall be appointed by the Secretary of Labor, of whom—

(i) 2 shall be representatives of manufacturers of hazardous chemicals, including a representative of small businesses;

(ii) 2 shall be representatives of employers who are extensive users of hazardous chemicals supplied by others, including a representative of small businesses;

(iii) 2 shall be representatives of labor organizations;

(iv) 2 shall be individuals who are qualified in an occupational health or safety field by an organization whose program has been accredited by a nationally recognized private accreditation organization or by the Secretary, who have expertise in chemical hazard communications;

(v) 1 shall be a representative of mining industry employers;

(vi) 1 shall be a representative of mining industry employees; and

(vii) 1 shall be a safety and health professional with expertise in mining.

(3) CHAIR AND VICE-CHAIR.—The members of the Commission shall select a chair and vice-chair from among its members.

(4) DUTIES.—

(A) STUDY AND RECOMMENDATIONS.—The Commission shall conduct a thorough study of, and shall develop recommendations on, the following issues relating to the global harmonization of hazardous chemical communication:

(i) Whether the United States should adopt any or all of the elements of the United Nation's Globally Harmonized System of Classification and Labeling of Chemicals (referred to in this subsection and the ''Globally Harmonized System'').

(ii) How the Globally Harmonized System should be implemented by the Federal agencies with relevant jurisdiction, taking into consideration the role of the States acting under delegated authority.

(iii) How the Globally Harmonized System compares to existing chemical hazard communication laws and regulations, including the Hazard Communication standard published at section 1910.1200 of title 29, Code of Federal Regulations and the Hazard Communication standard published at part 47 of title 30, Code of Federal Regulations.

(iv) The impact of adopting the Globally Harmonized System on the consistency, effectiveness, comprehensiveness, timing, accuracy, and comprehensibility of chemical hazard communication in the United States.

(v) The impact of adopting the Globally Harmonized System on occupational safety and health in the United States.

(vi) The impact of adopting the Globally Harmonized System on tort, insurance, and workers compensation laws in the United States.

(vii) The impact of adopting the Globally Harmonized System on the ability to bring new products to the market in the United States.

(viii) The cost and benefits of adopting the Globally Harmonized System to businesses, including small businesses, in the United States.

(ix) How effective compliance assistance, training, and outreach can be used to help chemical manufacturers, importers, and users, particularly small businesses, understand and comply with the Globally Harmonized System.

(B) REPORT.—Not later than 18 months after the date of enactment of this Act, the Commission shall submit to the appropriate committees of Congress a report containing a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation as the Commission considers appropriate.

(5) POWERS.—

(A) HEARINGS.—The Commission shall hold at least one public hearing, and may hold additional hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section. The Commission shall, to the maximum extent possible, use existing data and research to carry out this section.

(B) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this section. Upon request by the Commission, the head of such department or agency shall promptly furnish such information to the Commission.

(C) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(6) PERSONNEL MATTERS.—

(A) COMPENSATION; TRAVEL EXPENSES.—Each member of the Commission shall serve without compensation but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(B) STAFF AND EQUIPMENT.—The Department of the Labor shall provide all financial, administrative, and staffing requirements for the Commission including—

(i) office space;

(ii) furnishings; and

(iii) equipment.

(7) TERMINATION.—The Commission shall terminate on the date that is 90 days after the date on which the Commission submits the report required under paragraph (3)(B).

(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Labor, such sums as may be necessary to carry out this subsection.

(c) HAZARD COMMUNICATION DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Section 20(a) of the Act (29 U.S.C. 670(a)) is amended by adding at the end the following:

''(8) Subject to the availability of appropriations, the Secretary, after consultation with others, as appropriate, shall award grants to one or more qualified applicants in order to carry out a demonstration project to develop, implement, or evaluate strategies or programs to improve chemical hazard communication in the workplace through the use of technology, which may include electronic or Internet-based hazard communication systems.''.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the amendment made by paragraph (1).

By Ms. COLLINS (for herself, Mr. VOINOVICH, and Mr. AKAKA):

S. 2068. A bill to preserve existing judgeships on the Superior Court of the District of Columbia; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, today I am pleased to introduce legislation that would preserve existing seats on the District of Columbia Superior Court. I am pleased to be joined in this effort by Senators VOINOVICH and AKAKA.

The Superior Court is the trail court of general jurisdiction over local matters in the District of Columbia. The associate judges on the court are selected through a two-step review process. When a vacancy on the court occurs, usually because of a retiring judge, the District of Columbia Judicial Nominations Commission solicits applicants to fill the vacancy. The commission narrows the possible number of candidates to three and sends those three names to the President. The President then selects one of those three candidates and sends the nominee to the Senate for confirmation. Existing law caps the total number of judges on the superior court at 59.

Unfortunately, two nominees currently pending in the Committee on Homeland Security and Governmental Affairs and an additional candidate expected to be nominated in the coming months may not be able to be seated on the court even if they are confirmed by the Senate. The three seats that these candidates are intended to fill were left open by retiring judges, so they are not new seats on the court.

The cause of this unusual problem is the District of Columbia Family Court Act, enacted during the 107th Congress. That act created three new seats for the family court, which is a division of the superior court, but failed to increase the overall cap on the number of judges seated on the court. As a result, the Family Court Act effectively eliminated three existing seats in the other divisions of the court, including the criminal and civil divisions.

As a result of this situation, the Committee on Homeland Security and Governmental Affairs currently has two nominations pending for the superior court but no seats left to fill. I also understand that there is yet another nomination expected in the coming months. Since existing law sets strict requirements on both the DC Judicial Nominations Commission as well as the White House on how quickly they must process potential candidates and make a nomination, it is unclear whether they have legal grounds to halt their processes.

This is a highly unusual situation for this body to have nominations pending

before it for which there are no open positions. The bill I introduce today would rectify this problem by amending the District of Columbia Code to increase the cap on the number of associate judges on the superior court. This is not intended to create new seats on the Court; that was already done when the DC Family Court Act was enacted. Instead, this would preserve existing seats on the court and remedy a problem that is affecting not only the court but the Senate as well.

I believe that it is also important to not only remedy the immediate problem before the Senate but also to ensure that all of the divisions of the superior court are fully staffed. This is more than just a procedural issue. It is also important for the citizens of the District of Columbia to know that all of the divisions, including criminal and civil, are operating at full capacity. Eliminating existing seats in the criminal and civil divisions will not improve the administration of justice in the District, but can only result an increased judicial caseload and delays at the courthouse.

The legislation I introduce today is similar to legislation that was favorably reported by the Committee on Governmental Affairs and subsequently passed by the Senate by unanimous consent during the 108th Congress. I hope that my colleagues will join me in supporting this important legislation.

By Ms. SNOWE (for herself, Mr. BINGAMAN, Ms. COLLINS, Mr. DORGAN, and Mr. ROCKEFELLER):

S. 2071. A bill to amend title XVIII of the Social Security Act to clarify congressional intent regarding the counting of residents in the nonhospital setting under the medicare program; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce the Community and Rural Medical Residency Preservation Act of 2005, which will serve to ensure the continued viability of medical residency training programs in our local communities. I am particularly pleased to introduce this bill with several of my colleagues, Senators BINGAMAN, COLLINS, DORGAN, and ROCKEFELLER, who share my concerns about the need to clarify congressional intent so that teaching hospitals will be able to offer these essential residency training programs in the community and so that medical residents, as well as many who live in these communities, will be able to continue to benefit from these programs.

Many medical residency training programs have traditionally operated in sites located outside the hospital setting for their educational programs. These nonhospital settings are, in fact, where most of this type of physician training occurs. The community and rural sites which operate these programs include physician offices, nursing homes, and community health centers—cornerstones of ambulatory training for graduate medical education, GME, programs. These programs often rely upon volunteer physician faculty to provide educational opportunities in practice settings which are similar to those in which these physicians in training will ultimately practice.

Congress clearly stated support for this concept as part of the Balanced Budget Act of 1997, when they reformed the GME funding formulas to allow funding for residents training in nonhospital settings. However, recent rulemaking, agency interpretations, and guidance issued by the Centers for Medicare and Medicaid Services, CMS, are creating a chilling effect on these training programs. Teaching programs across the Nation are facing audits and scrutiny as a result of confusing and unclear CMS policies and guidance on this issue. This has happened in my State, as well as many others, and is posing a serious threat to our future physician workforce and to teaching hospitals and medical schools which offer these programs.

If these agency policies are not halted and reversed, teaching hospitals throughout the country will be forced to train all residents in the hospital setting or potentially eliminate their residency programs. Not only does this do a disservice to medical residents who are able to obtain practical experience and be exposed to settings where they may ultimately practice, but these programs provide individuals living in medically underserved and rural areas with access to health care which might otherwise not be available.

Training medical residents outside the hospital setting is sound educational policy and a worthwhile public policy goal that Congress clearly mandated in 1997. In an effort to preserve the utilization of nonhospital training sites, I am therefore introducing legislation today which would clarify the meaning of the term ''all, or substantially all, of the costs for the training program,'' a phrase which has been subject to differing, and confusing, interpretations by CMS.

My legislation would clarify that, for teaching hospitals and entities operating training programs outside the hospital setting, the teaching hospital shall not be required to pay the entity operating the nonhospital setting any amounts other than those determined by the hospital and the entity for the hospital to be considered to have incurred all, or substantially all, of the costs for the training program. Medical associations, teaching hospitals, and academic medicine all strongly support this legislation.

This language will also make clear that hospitals shall not be required to pay an entity operating a nonhospital setting for any actual or imputed costs of time voluntarily spent supervising interns or residents as a condition for computing residents for purposes of receiving either direct graduate medical education payments or indirect medical education payments.

We have received strong support from a number of organizations who are in the forefront of training America's future physicians and who have confirmed the critical need for this legislation, including the Association of American Medical Colleges, the Academic Family Medicine Advocacy Alliance, representing the Society of Teachers of Family Medicine, the Association of Departments of Family Medicine, the Association of Family Medicine Residency Directors, and the North American Primary Care Research Group, and the American Osteopathic Association.

I ask unanimous consent that the text of the bill and the letters of support from these organizations printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2071

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 ''Community and Rural Medical Residency Preservation Act of 2005''.

SEC. 2. CLARIFICATION OF CONGRESSIONAL INTENT REGARDING THE COUNTING OF RESIDENTS IN A NONHOSPITAL SETTING.

(a) D–GME.—Section 1886(h)(4)(E) (42 U.S.C. 1395ww(h)(4)(E)) is amended by adding at the end the following new sentences: ''For purposes of the preceding sentence, the term 'all, or substantially all, of the costs for the training program' means the stipends and benefits provided to the resident and other amounts, if any, as determined by the hospital and the entity operating the nonhospital setting. The hospital is not required to pay the entity any amounts other than those determined by the hospital and the entity in order for the hospital to be considered to have incurred all, or substantially all, of the costs for the training program in that setting.''.

(b) IME.—Section 1886(d)(5)(B)(iv) (42 U.S.C. 1395ww(d)(5)(B)(iv)) is amended by adding at the end the following new sentences: ''For purposes of the preceding sentence, the term 'all, or substantially all, of the costs for the training program' means the stipends and benefits provided to the resident and other amounts, if any, as determined by the hospital and the entity operating the nonhospital setting. The hospital is not required to pay the entity any amounts other than those determined by the hospital and the entity in order for the hospital to be considered to have incurred all, or substantially all, of the costs for the training program in that setting.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2005.

AMERICAN OSTEOPATHIC ASSOCIATION,
DEPARTMENT OF GOVERNMENT RELATIONS,
Washington, DC, November 2, 2005.

Hon. OLYMPIA J. SNOWE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SNOWE: As President of the American Osteopathic Association (AOA), I write to express our strong support for the ''Community and Rural Medical Residency Preservation Act of 2005.'' On behalf of the

56,000 osteopathic physicians represented by the AOA, thank you for your tireless efforts to protect and promote quality graduate medical education.

A majority of osteopathic residency programs, in all specialties, use non-hospital settings in their educational programs. These non-hospital sites, which consist of physician offices, nursing homes, community health centers, and other ambulatory settings, provide resident physicians with valuable educational experiences in settings similar to those in which they ultimately will practice. This concept is a cornerstone of osteopathic graduate medical education.

The training of residents in non-hospital settings is sound educational policy and a worthwhile public policy goal that Congress clearly mandated in 1997. It continues to enjoy strong Congressional support. Congress endorsed this concept as part of the Balanced Budget Act of 1997, when the graduate medical education, GME, funding formulas were reformed to allow funding for residents training in non-hospital settings with volunteer faculty.

However, recent rule-making, agency interpretations, and guidance issued by the Centers for Medicare and Medicaid Services, CMS, create a chilling effect on residency training programs. If CMS policy is not halted, hospitals will be forced to train all residents in the hospital setting or potentially eliminate programs. Teaching programs across the nation face audits and scrutiny as a result of confusing and unclear CMS policy on this issue.

Your legislation establishes, in statute, clear and concise guidance on the use of ambulatory sites in teaching programs. If enacted, it will preserve the quality education of resident physicians originally envisioned by Congress in 1997. The AOA and our members stand ready to use all available resources to ensure enactment of this important legislation.

Sincerely,

PHILIP SHETTLE, D.O.,
President.

ASSOCIATION OF AMERICAN MEDICAL COLLEGES,
Washington, DC, November 18, 2005.

Hon. OLYMPIA SNOWE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SNOWE: On behalf of the Association of the American Medical Colleges, AAMC, I write to endorse the ''Community and Rural Medical Residency Preservation Act of 2005.'' The AAMC represents 125 accredited U.S. medical schools; approximately 400 major teaching hospitals and health systems, 94 academic and professional societies, representing 109,000 faculty members; and the nation's 67,000 medical students and 104,000 residents.

Your bill would ensure that CMS regulations and guidance no longer impede the ability of teaching programs to train resident physicians in ambulatory and rural settings. As you know, ambulatory training is a vital aspect of every resident's training and is designed to expose residents to a variety of rural, suburban and urban settings in which they ultimately choose to practice such as physicians offices, nursing homes, and community health centers. Such training is coordinated by program directors at teaching hospitals in conjunction with community physicians—many of whom volunteer their time as a professional commitment to train the next generation of physicians.

Specifically, your bill clarifies that supervising physicians in non-hospital settings would be allowed to volunteer their teaching time. It also ensures that any teaching costs associated with supervising physicians who are not volunteers would be based on negotiations between the hospital and the non-hospital setting, rather than a complicated formula requiring unreasonable administrative burdens on both the teaching programs and nonhospital training settings.

We appreciate your continued interest in this issue and your efforts to ensure the viability of community and rural residency training. The AAMC looks forward to continuing to work with you and your staff to advance this important legislation.

Sincerely,

JORDAN COHEN, M.D.

ACADEMIC FAMILY MEDICINE ADVOCACY ALLIANCE,
November 11, 2005.

Hon. OLYMPIA J. SNOWE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SNOWE: On behalf of the undersigned academic family medicine organizations I would like to commend you for introducing the ''Community and Rural Medical Residency Preservation Act of 2005'', legislation intended to solve a longstanding problem in Medicare regulations that deals with volunteer teachers of residents in non-hospital settings.

We have appreciated your support through the years on this issue, and value your continued efforts to find a solution to the problem. As you know, the Balanced Budget Act, BBA, included a change in statute that allowed forthe counting of training time in non-hospital settings to be included in Medicare cost reports forboth IME and DME FTE counts. As part of that change, the statute, stated that a hospital must incur ''all pr substantially all'' the costs ofthe training in that setting. In the implementing regulations CMS (then HCFA) added the faculty costs to the already included residents' salary and benefits, and required a written agreement between the hospital and the non hospital site.

This change in regulation, and the interpretations of it that CMS has used during audits have caused many hospitals to lose the ability to count residents that train in non-hospital settings, and required them to refund large sums of IMEand DME money to CMS.

Congress made the change in statute. to encourage training in rural and underserved settings. Unfortunately. CMS's, actions have had just the opposite effect. It has had a dampening effect on training in the non-hospital setting—including rural rotations. It has resulted in much training being brought back into the hospital, ironically both at a time when accrediting bodies are requiring more training outside the hospital, and contrary to the wishes of Congress.

As you are well aware, several of the Family Medicine residency programs in Maine are at risk of closing due to the financial implications of CMS's interpretations. We are also aware of similar situations throughout the United States. For example, if the current situation continues, we have heard that in Iowa, four of the eight Family Medicine training programs are at risk of closing in the next couple of years. In Oregon, several residencies are at risk of losing many FTE's, including Internal Medicine, Surgery, OB-Gyn, and Emergency Medicine. In Montana, the only Family Medicine residency program in the state is in danger of losing funding oJ all it's outside rotations due to CMS's unreasonable requirements related to non-hospital rotations. Across the country, residency programs are at risk. CMS has had several years to solve the problem. The report of the Office of Inspector General (OIG) that was required by Congress in the MMA has given CMS several options, and yet nothing has been done.

We appreciate your efforts to put an end to this war of attrition. Please count on us to support your efforts at resolving this situation legislatively. Thank you for your help in this area. We look forward to your moving this legislation forward.

Sincerely,

WILLIAM K. MYGDAL, EdD,
President, Society of Teachers of Family Medicine.

PENNY TENZER, MD,
President, Association of Family Practice Residency Directors.

WARREN NEWTON, MD,
President, Association of Departments of Family Medicine.

PERRY DICKINSON, MD,
President, North American Primary Care Research Group.

By Mr. REID:

S. 2072. A bill to provide for the conveyance of certain public lands in and around historic mining townsites in Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today to introduce the Nevada Mining Townsite Conveyance Act, which addresses an important public land issue in rural Nevada. As you may know, the Federal Government controls more than 87 percent of the land in Nevada. That is more than 61 million acres of land. This fact makes it necessary for our State and our communities to pursue Federal remedies for problems that in other States can be handled in a much more expeditious manner.

The residents of Ione and Gold Point in Nevada have asked for our help in settling longstanding trespass issues that affect these historic mining communities. These communities have been continuously occupied for over 100 years. Many residents live on land that their families have ostensibly owned for several decades. These citizens have paid their property taxes and made improvements to their properties, rehabilitated historic structures and built new ones.

The documents by which many of these people claim possession of the properties date back many years. In fact, some of the deeds are historic documents themselves. Yet because many of these documents do not satisfy modern requirements for demonstrating land title, they have been deemed invalid. In other words, the Bureau of Land Management has determined that some of the residents of Ione and Gold Point are trespassing on Federal land. This unfortunate situation puts the BLM at odds with the local residents and county governments and is hampering efforts to improve basic community services such as fire protection, and water supply and treatment facilities.

Nye County, Esmeralda County, and the BLM have worked together for nearly a decade to solve this problem. All of these parties support the legislation that we offer today as a solution to these land ownerships conflicts, and

as a means of promoting responsible resource management. All of the land included in this bill has been identified by the BLM for disposal.

This legislation represents the first of a two-part solution. Under this bill, specified lands within the historic mining townsites of Ione and Gold Point would be conveyed to the respective counties. Under the provisions of a State law passed several years ago in Nevada, the counties will then reconvey the land to these people or entities who can demonstrate ownership or longstanding occupancy of specific land parcels.

My bill conveys, for no consideration, approximately 760 acres in the communities of Ione and Gold Point from the BLM to Nye and Esmeralda Counties. As a condition of the conveyance, all historic and cultural resources contained in the townsites shall be preserved and protected under applicable Federal and State law. It should also be noted that approximately 145 acres of the total land conveyed to Nye County will stay in county hands in order to simplify management of a cemetery, a landfill and an airstrip. These conveyances will benefit the agencies that manage Nevada's vast Federal lands as well as the proud citizens of our rural communities.

I sincerely hope that my colleagues will support this legislation. It is a practical solution that deserves swift passage. We salute the Bureau of Land Management, the counties, and the local residents for their cooperation and hard work in crafting a reasonable solution to this problem.

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. 2072

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 ''Nevada Mining Townsite Conveyance Act''.

SEC. 2. DISPOSAL OF PUBLIC LANDS IN MINING TOWNSITES, ESMERALDA AND NYE COUNTIES, NEVADA.

(a) FINDINGS.—Congress finds the following:

(1) The Federal Government owns real property in and around historic mining townsites in the counties of Esmeralda and Nye in the State of Nevada.

(2) While the real property is under the jurisdiction of the Secretary of the Interior, acting through the Bureau of Land Management, some of the real property land has been occupied for decades by persons who took possession by purchase or other documented and putatively legal transactions, but whose continued occupation of the real property constitutes a ''trespass'' upon the title held by the Federal Government.

(3) As a result of the confused and conflicting ownership claims, the real property is difficult to manage under multiple use policies and creates a continuing source of friction and unease between the Federal Government and local residents.

(4) All of the real property is appropriate for disposal for the purpose of promoting administrative efficiency and effectiveness, and the Bureau of Land Management has already identified certain parcels of the real property for disposal.

(5) Some of the real property contains historic and cultural values that must be protected.

(6) To promote responsible resource management of the real property, certain parcels should be conveyed to the county in which the property is situated in accordance with land use management plans of the Bureau of Land Management so that the county can, among other things, dispose of the property to persons residing on or otherwise occupying the property.

(b) MINING TOWNSITE DEFINED.—In this section, the term ''mining townsite'' means real property in the counties of Esmeralda and Nye, Nevada, that is owned by the Federal Government, but upon which improvements were constructed because of a mining operation on or near the property and based upon the belief that—

(1) the property had been or would be acquired from the Federal Government by the entity that operated the mine; or

(2) the person who made the improvement had a valid claim for acquiring the property from the Federal Government.

(c) CONVEYANCE AUTHORITY.—

(1) IN GENERAL.—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary of the Interior, acting through the Bureau of Land Management, shall convey, without consideration, all right, title, and interest of the United States in and to mining townsites (including improvements thereon) identified for conveyance on the maps entitled ''Original Mining Townsite, Ione, Nevada'' and ''Original Mining Townsite, Gold Point, Nevada'' and dated October 17, 2005.

(2) AVAILABILITY OF MAPS.—The maps referred to in paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Secretary of the Interior, including the office of the Bureau of Land Management located in the State of Nevada.

(d) RECIPIENTS.—

(1) ORIGINAL RECIPIENT.—Subject to paragraph (2), the conveyance of a mining townsite under subsection (c) shall be made to the county in which the mining townsite is situated.

(2) RECONVEYANCE TO OCCUPANTS.—In the case of a mining townsite conveyed under subsection (c) for which a valid interest is proven by one or more persons, under the provisions of Nevada Revised Statutes Chapter 244, the county that received the mining townsite under paragraph (1) shall reconvey the property to that person or persons by appropriate deed or other legal conveyance as provided in that State law. The county is not required to recognize a claim under this paragraph submitted more than 10 years after the date of the enactment of this Act.

(e) PROTECTION OF HISTORIC AND CULTURAL RESOURCES.—As a condition on the conveyance or reconveyance of a mining townsite under subsection (c), all historic and cultural resources (including improvements) on the mining townsite shall be preserved and protected in accordance with applicable Federal and State law.

(f) VALID EXISTING RIGHTS.—The conveyance of a mining townsite under this section shall be subject to valid existing rights, including any easement or other right-of-way or lease in existence as of the date of the conveyance. All valid existing rights and interests of mining claimants shall be maintained, unless those rights or interests are deemed abandoned and void or null and void under—

(1) section 2320 of the Revised Statutes (30 U.S.C. 21 et seq.);

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); or

(3) subtitle B of title X of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28(f)–(k)), including regulations promulgated under section 3833.1 of title 43, Code of Federal Regulations or any successor regulation.

(g) SURVEY.—A mining townsite to be conveyed by the United States under this section shall be sufficiently surveyed to legally describe the land for patent conveyance.

(h) RELEASE.—On completion of the conveyance of a mining townsite under subsection (c), the United States shall be relieved from liability for, and shall be held harmless from, any and all claims arising from the presence of improvements and materials on the conveyed property.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior such amounts as may be necessary to carry out the conveyances required by this section, including funds to cover the costs of cadastral and mineral surveys, mineral potential reports, hazardous materials, biological, cultural and archaeological clearances, validity examinations and other expenses incidental to the conveyances.

By Mrs. CLINTON:

S. 2073. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for property owners who remove lead-based paint hazards; to the Committee on Finance.

Mrs. CLINTON. Mr. President, I rise today to discuss a serious, persistent, and entirely preventable threat to the health and well-being of our children.

Lead is highly toxic and continues to be a major environmental health problem in the United States, especially for infants, children, and pregnant women. A CDC survey conducted between 1999–2002, estimated that 310,000 American children under 6 were at risk for exposure to harmful lead levels in United States. Childhood lead poisoning has been linked to impaired growth and function of vital organs and problems with intellectual and behavioral development. A study from the New England Journal of Medicine also found that children suffered up to a 7.4-percent decrease in IQ at lead levels that CDC considers safe. At very high levels, lead poisoning can cause seizures, coma, and even death.

The most common source of lead exposure for children today is lead paint in older housing and the contaminated lead dust it generates. Despite a ban on lead paint in 1978, there are still over 24 million housing units in the United States that have lead paint hazards, with about 1.2 million in New York State alone. According to 2000 census data, New York State has over 37 percent of homes that were built prior to 1950 and more pre-1950 housing units available for occupancy than any other State.

Though New York State has made considerable progress in prevention and early identification of childhood lead poisoning, more needs to be done to minimize the risk of lead exposure in the home, by our kids. About 5 percent of New York children screened for lead

poisoning at age 2 were found to have elevated levels of lead in the blood, more than twice the national average. Minority and poor children are disproportionately at risk, as these groups are more likely to live in older housing with poor building maintenance, where the risk of lead paint hazards are greater. Low-income children are eight times more likely to develop lead poisoning than more affluent children, and African-American and Mexican-American children are five and two times more likely, respectively, to have toxic blood lead levels than white children. In New York City, about 95 percent of children with elevated blood levels were African American, Hispanic or Asian.

I am glad that the U.S. Department of Health and Human Services considers lead poisoning to be a priority, and established a national goal of ending childhood lead poisoning by 2010. However, Federal programs only have resources to remove lead-based paint hazards from less than 0.1 percent of the 24 million housing units that have these hazards. At this pace, we will not be able to end childhood lead poisoning by 3010, let alone 2010.

We will never stop childhood lead poisoning unless we get lead out of the buildings in which children live, work, and play. In Brooklyn, more than a third of the buildings in one community have a lead-based paint hazard. Parents of children with lead poisoning are being told that nothing can be done until their children's lead poisoning becomes worse. How can we ask parents to watch and wait while their sons and daughters suffer from lead poisoning before we remove the lead from their homes?

That is why today, I am proud to introduce the Home Lead Safety Tax Credit Act of 2005 with my colleagues, Senators DEWINE, OBAMA, and SMITH. This legislation would provide a tax credit to aide and encourage homeowners and landlords to engage in the safe removal of lead-based paint hazards from their homes and rental units. Specifically, it would change the IRS Code of 1986 to provide a tax credit for 50 percent of the allowable costs paid by the taxpayer, up to a maximum of $3000 and $1000 for lead abatement and interim control measures, respectively. Interim control measures, which can include replacement of windows, specialized maintenance, safe repainting and renovation work practices to eliminate lead hazards, are a cost-effective means of protecting the largest number of children in the near term. While total elimination of lead paint in housing is the most desirable, interim control measures typically cost three to nine times less and can be equally effective at removing the lead hazard.

The credit is targeted to homes that contain children less than 6 years of age or a woman of childbearing age, low-income residents, and to buildings built before 1960, as these include more than 96 percent of all units where lead-based paint is prevalent. In Massachusetts, a similar tax credit helped reduce the number of new cases of childhood lead poisoning by almost two-thirds in a decade.

The Home Lead Safety Tax Credit Act of 2005 would help homeowners make over 80,000 homes each year safe from lead, which is more than 10 times the number of homes made lead safe by current Federal programs. It would greatly accelerate our progress in ridding our Nation of the significant problem of childhood lead poisoning. I ask my colleagues to join me in supporting this legislation, which will provide needed incentives for property owners to ensure that our homes are safeguarded against environmental hazards that detrimentally affect the health and safety of our children.

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. 2073

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

SECTION 1. SHORT TITLE; FINDINGS; PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the ''Home Lead Safety Tax Credit Act of 2005''.

(b) FINDINGS.—Congress finds that:

(1) Of the 98,000,000 housing units in the United States, 38,000,000 have lead-based paint.

(2) Of the 38,000,000 housing units with lead-based paint, 25,000,000 pose a hazard, as defined by Environmental Protection Agency and Department of Housing and Urban Development standards, due to conditions such as peeling paint and settled dust on floors and windowsills that contain lead at levels above Federal safety standards.

(3) Though the number of children in the United States ages 1 through 5 with blood levels higher than the Centers for Disease Control action level of 10 micrograms per deciliter has declined to 300,000, lead poisoning remains a serious, entirely preventable threat to a child's intelligence, behavior, and learning.

(4) The Secretary of Health and Human Services has established a national goal of ending childhood lead poisoning by 2010.

(5) Current Federal lead abatement programs, such as the Lead Hazard Control Grant Program of the Department of Housing and Urban Development, only have resources sufficient to make approximately 7,000 homes lead-safe each year. In many cases, when State and local public health departments identify a lead-poisoned child, resources are insufficient to reduce or eliminate the hazards.

(6) Old windows typically pose significant risks because wood trim is more likely to be painted with lead-based paint, moisture causes paint to deteriorate, and friction generates lead dust. The replacement of old windows that contain lead based paint significantly reduces lead poisoning hazards in addition to producing significant energy savings.

(7) Childhood lead poisoning can be dramatically reduced by the abatement or complete removal of all lead-based paint. Empirical studies also have shown substantial reductions in lead poisoning when the affected properties have undergone so-called ''interim control measures'' that are far less costly than abatement.

(c) PURPOSE.—The purpose of this section is to encourage the safe removal of lead hazards from homes and thereby decrease the number of children who suffer reduced intelligence, learning difficulties, behavioral problems, and other health consequences due to lead-poisoning.

SEC. 2. HOME LEAD HAZARD REDUCTION ACTIVITY TAX CREDIT.

(a) 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. HOME LEAD HAZARD REDUCTION ACTIVITY.

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the lead hazard reduction activity cost paid or incurred by the taxpayer during the taxable year for each eligible dwelling unit.

''(b) LIMITATION.—The amount of the credit allowed under subsection (a) for any eligible dwelling unit for any taxable year shall not exceed—

''(1) either—

''(A) $3,000 in the case of lead hazard reduction activity cost including lead abatement measures described in clauses (i), (ii), (iv) and (v) of subsection (c)(1)(A), or

''(B) $1,000 in the case of lead hazard reduction activity cost including interim lead control measures described in clauses (i), (iii), (iv), and (v) of subsection (c)(1)(A), reduced by

''(2) the aggregate lead hazard reduction activity cost taken into account under subsection (a) with respect to such unit for all preceding taxable years.

''(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section:

''(1) LEAD HAZARD REDUCTION ACTIVITY COST.—

''(A) IN GENERAL.—The term 'lead hazard reduction activity cost' means, with respect to any eligible dwelling unit—

''(i) the cost for a certified risk assessor to conduct an assessment to determine the presence of a lead-based paint hazard,

''(ii) the cost for performing lead abatement measures by a certified lead abatement supervisor, including the removal of paint and dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of painted surfaces, windows, or fixtures, or the removal or permanent covering of soil when lead-based paint hazards are present in such paint, dust, or soil,

''(iii) the cost for performing interim lead control measures to reduce exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards, and the establishment and operation of management and resident education programs, but only if such measures are evaluated and completed by a certified lead abatement supervisor using accepted methods, are conducted by a qualified contractor, and have an expected useful life of more than 10 years,

''(iv) the cost for a certified lead abatement supervisor, those working under the supervision of such supervisor, or a qualified contractor to perform all preparation, cleanup, disposal, and clearance testing activities associated with the lead abatement measures or interim lead control measures, and

''(v) costs incurred by or on behalf of any occupant of such dwelling unit for any relocation which is necessary to achieve occupant protection (as defined under section 35.1345 of title 24, Code of Federal Regulations).

''(B) LIMITATION.—The term 'lead hazard reduction activity cost' does not include any cost to the extent such cost is funded by any grant, contract, or otherwise by another person (or any governmental agency).

''(2) ELIGIBLE DWELLING UNIT.—

''(A) IN GENERAL.—The term 'eligible dwelling unit' means, with respect to any taxable year, any dwelling unit—

''(i) placed in service before 1960,

''(ii) located in the United States,

''(iii) in which resides, for a total period of not less than 50 percent of the taxable year, at least 1 child who has not attained the age of 6 years or 1 woman of child-bearing age, and

''(iv) each of the residents of which during such taxable year has an adjusted gross income of less than 185 percent of the poverty line (as determined for such taxable year in accordance with criteria established by the Director of the Office of Management and Budget).

''(B) DWELLING UNIT.—The term 'dwelling unit' has the meaning given such term by section 280A(f)(1).

''(3) LEAD-BASED PAINT HAZARD.—The term 'lead-based paint hazard' has the meaning given such term by section 745.61 of title 40, Code of Federal Regulations.

''(4) CERTIFIED LEAD ABATEMENT SUPERVISOR.—The term 'certified lead abatement supervisor' means an individual certified by the Environmental Protection Agency pursuant to section 745.226 of title 40, Code of Federal Regulations, or an appropriate State agency pursuant to section 745.325 of title 40, Code of Federal Regulations.

''(5) CERTIFIED INSPECTOR.—The term 'certified inspector' means an inspector certified by the Environmental Protection Agency pursuant to section 745.226 of title 40, Code of Federal Regulations, or an appropriate State agency pursuant to section 745.325 of title 40, Code of Federal Regulations.

''(6) CERTIFIED RISK ASSESSOR.—The term 'certified risk assessor' means a risk assessor certified by the Environmental Protection Agency pursuant to section 745.226 of title 40, Code of Federal Regulations, or an appropriate State agency pursuant to section 745.325 of title 40, Code of Federal Regulations.

''(7) QUALIFIED CONTRACTOR.—The term 'qualified contractor' means any contractor who has successfully completed a training course on lead safe work practices which has been approved by the Department of Housing and Urban Development and the Environmental Protection Agency.

''(8) DOCUMENTATION REQUIRED FOR CREDIT ALLOWANCE.—No credit shall be allowed under subsection (a) with respect to any eligible dwelling unit for any taxable year unless—

''(A) after lead hazard reduction activity is complete, a certified inspector or certified risk assessor provides written documentation to the taxpayer that includes—

''(i) evidence that—

''(I) the eligible dwelling unit passes the clearance examinations required by the Department of Housing and Urban Development under part 35 of title 40, Code of Federal Regulations,

''(II) the eligible dwelling unit does not contain lead dust hazards (as defined by section 745.227(e)(8)(viii) of such title 40), or

''(III) the eligible dwelling unit meets lead hazard evaluation criteria established under an authorized State or local program, and

''(ii) documentation showing that the lead hazard reduction activity meets the requirements of this section, and

''(B) the taxpayer files with the appropriate State agency and attaches to the tax return for the taxable year—

''(i) the documentation described in subparagraph (A),

''(ii) documentation of the lead hazard reduction activity costs paid or incurred during the taxable year with respect to the eligible dwelling unit, and

''(iii) a statement certifying that the dwelling unit qualifies as an eligible dwelling unit for such taxable year.

''(9) BASIS REDUCTION.—The basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit (determined without regard to subsection (d)).

''(10) NO DOUBLE BENEFIT.—Any deduction allowable for costs taken into account in computing the amount of the credit for lead-based paint abatement shall be reduced by the amount of such credit attributable to such costs.

''(d) 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 the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(2) the sum of the credits allowable under subpart A and sections 27, 29, 30, 30A, 30B, and 30C for the taxable year.

''(e) CARRYFORWARD ALLOWED.—

''(1) IN GENERAL.—If the credit amount allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (d) for such taxable year (referred to as the 'unused credit year' in this subsection), such excess shall be allowed as a credit carryforward for each of the 20 taxable years following the unused credit year.

''(2) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryforward under paragraph (1).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) of the Internal Revenue Code of 1986 is amended by striking ''and'' in paragraph (36), by striking the period and inserting '', and'' in paragraph (37), and by inserting at the end the following new paragraph:

''(38) in the case of an eligible dwelling unit with respect to which a credit for any lead hazard reduction activity cost was allowed under section 30D, to the extent provided in section 30D(c)(9).''.

(2) 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. Home lead hazard reduction activity.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to lead hazard reduction activity costs incurred after December 31, 2005, in taxable years ending after that date.

By Mr. BINGAMAN (for himself, Mr. BAUCUS, Mr. DORGAN, Mrs. MURRAY, Ms. CANTWELL, and Mr. JOHNSON):

S. 2074. A bill to amend title XIX of the Social Security Act to provide for fair treatment of services furnished to Indians under the medicaid program, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I am pleased to be introducing the Indian Medicaid Health Act of 2005 with Senators BAUCUS, DORGAN, MURRAY, CANTWELL and JOHNSON.

This legislation addresses a number of technical but critically important provisions within the Medicaid Program that devote special attention to Native Americans, the Indian Health Service, IHS, tribal health organizations, and urban Indian health organizations. These provisions would:

No. 1, codify protections that American Indians and Alaska Natives have obtained over the years in the Medicaid program, such as the requirement that states consult with tribes and tribal health organizations prior to seeking a federal Medicaid waiver;

No. 2, clarify that American Indians and Alaska Natives are not subject to additional cost sharing or benefit limitations within Medicaid that will result in nothing more than a cost-shift from the Medicaid program to IHS or tribal health providers;

No. 3, codify critically important provisions that provide protections against states or the federal government taking Indian property or tribal lands in exchange for medical services delivered through Medicaid; and,

No. 4, eliminate certain inequities such as the lack of 100 percent federal matching payments within Medicaid for care delivered to Native Americans at urban Indian health clinics.

American Indians and Alaska Natives continue to suffer enormous disparities in the health and medical care they receive. It should not come as a surprise to anyone at the Federal level that health care funding for American Indians and Alaska Natives, AI/AN, is well below what it should be and, consequently, Native Americans received rationed health care services that deny them access to the quality and medically necessary health care services.

However, year after year, budget and appropriations amendments are offered to more fully fund health care for Native Americans but both the administration and Congress routinely fail to provide adequate funding. The result is a continued and growing divide between the health of American Indians and Alaska Natives compared to that of the general population.

The U.S. Commission on Civil Rights, USCCR, held meetings in Albuquerque, NM, and visited the Gallup Indian Medical Center in 2003 as part of a fact-finding mission to review the current disparities in the health status and outcomes of Native Americans. What they found served as a basis for the release of their report in September 2004 entitled Broken Promises: Evaluating the Native American Health Care System. The opening line in that report reads, ''Today, in Indian Country, health-related problems and the lack of adequate health care are the enemy.''

This is in large part due to the fact that the IHS operates on just 57 percent of the budget it needs and had more than $3 billion in unmet needs in 2003. USCCR cites estimates by the Department of Health and Human Services, HHS, that per capita health spending for all Americans at $4,065, while IHS spent about $1,914 per person and average spending on Navajo patients is just $1,187.

The USCCR adds, ''In fact, the federal government spends nearly twice as much money for a federal prisoner's health care than it does for an American Indian or Alaska Native.''

Consequently and not surprisingly, this disparity in funding translates into severe health disparities for Native Americans. For example, life expectancy is 6 years less than the rest of the U.S. citizens. Tuberculosis rates are four times the national average. Complications due to diabetes are almost three times the national average and death rates exceed the Healthy People 2010 targets by 233 percent. Infant mortality rates are 1.7 times higher than the rate for white infants.

In recognition of these facts, the National Indian Health Board has said, ''The travesty in looking at the deplorable health of American Indians and Alaska Natives is recognizing that the poor health indicators could be improved if funding was available to provide even a basic level of care.''

The U.S. Commission on Civil Rights adds, ''In this light, this report should be considered a clarion call to those who inexplicably fail to acknowledge the present state of Native American health care and to those who lack a commitment necessary to address the overwhelming need for clear and decisive action. Such a call is certainly appropriate for our political leadership and the message is clear—it is finally time to honor our nation's commitment to protecting the health of Native Americans.''

Such an agenda is actually a fairly simple one. It would include:

No. 1, full funding for the Indian Health Service and tribal health organizations, which should include conversion of IHS into an entitlement program;

No. 2, increased numbers and funding of urban Indian health organizations;

No. 3, reauthorization of the Indian Health Care Improvement Act;

No. 4, coverage of as many American Indians and Alaska Natives who qualify for federal health programs, such as Medicare and Medicaid, as possible to ensure they are enrolled and receiving benefits in order to augment funding to IHS facilities; and,

No. 5, targeted efforts to address health disparities in Indian Country, such as diabetes.

For this reason, I strongly support the annual budget and appropriations efforts, which have been led by Senator Daschle in the past and Senator DORGAN this year, to increase funding for the Indian Health Service. Unfortunately, those efforts continue to be voted down in the Congress.

I also strongly support reauthorization of the Indian Health Care Improvement Act, IHCIA, which is led by Senators MCCAIN and DORGAN. This effort has been ongoing for 6 years and it is long past time for the Congress to take up and pass IHCIA. Unfortunately, due to continued opposition to certain provisions by the administration, the legislation continues to be bottled up in the Congress and has not even been reintroduced in the House of Representatives.

As a member of the Senate Finance Committee, one area that I have been able to focus on in recent years is to improve coverage for Native Americans in both Medicare and Medicaid. I was able to pass legislation, the Native American Breast and Cervical Cancer Treatment Technical Amendment Act of 2001 or Public Law 107–121, to correct problems whereby Native American women had previously been wrongly denied coverage under Medicaid's breast and cervical cancer treatment option. After a year of work, we were able to pass legislation to correct that outrageous and discriminatory error.

I was also able to pass two provisions in 2003 from my bill, the Medicare Indian Health Fairness Act of 2003, that expanded reimbursement to IHS and tribal health providers for all Medicare Part B services and limited the amount that providers outside the IHS system can charge for services delivered to Native Americans through the contract health services, CHS, program. As with anything related to Native Americans in this Administration, the Department of Health and Human Services, HHS, continues to fail to publish regulations necessary to implement the latter provision, even though the law required publishing of those regulations in December 2004.

Although most involved in Indian health feel frustrated and argue that we are taking one step forward and two steps back with respect to Indian health care policy, it is in the area of Medicare, Medicaid and the State Children's Health Insurance Program, SCHIP, policy that we have been making some progress. The legislation I am introducing today, the Medicaid Indian Health Care Act of 2005, seeks to protect the gains that have been made and to take another few steps forward.

For one, while IHS funding continues to fall further and further behind what is needed, the one bright spot is that collections from third party payers has increased over time with Medicaid playing a fundamental role in that growth.

IHS was first authorized to seek Medicaid payment for services delivered in Indian health facilities, whether operated by the IHS directly or by tribes as part of the Indian Health Care Improvement Act of 1976 or Public Law 94–437.

As Indian health experts Mim Dixon and Kris Locke said, ''This entitlement funding was expected to provide critical resources to improve the quality of health care for AI/AN and to reduce the health status disparities. To support this outcome, there is an additional provision in the IHCIA that Medicaid and Medicare revenues shall not offset Congressional appropriations for the IHS, so that the total amount of funding for Indian health care would increase and not merely be shifted from one funding stream to another.''

With regard to that requirement, however, the U.S. Commission on Civil Rights adds, ''. . . Congress included language to articulate the express intent that increased collections not be used to justify lower appropriations levels. Congress has failed to abide by this clear mandate. Only enhanced collection efforts have made up for shortfalls created by inflation and population growth, and prevented a continuous decline from 1991 until today.''

Growth in Medicaid collections has been used to partially offset the dramatic decline in IHS purchasing power over the years, despite the Federal provision stating that such revenues should not reduce overall IHS spending.

The U.S. Commission on Civil Rights noted that '' . . . collections from third parties increased 453 percent from 1991 to 2003.'' Without that increase, the fate of IHS and health care services for Native Americans would even be more severe.

According to the Government Accountability Office, GAO, in its August 2005 report entitled ''Indian Health Service: Health Care Services Are Not Always Available to Native Americans'', ''In fiscal year 2004, IHS-funded facilities obtained approximately $628 million in reimbursements, with 92 percent collected from Medicare and Medicaid and 8 percent from private insurance.''

Medicaid collections, alone, have by 2004 ''grown to $446 million, which is 71 percent of the total third party collections reported by IHS In FY 2004, . . . Medicaid collections provided about 16.8 percent of the IHS budget for clinical services,'' according to Dixon and Locke.

Consequently, the administration's own congressional justification document for its IHS budget proposes just a 2.1-percent increase, or $62.9 million, in additional IHS funding in fiscal year 2006 while noting that the IHS will increase their Medicare and Medicaid collections by another $8.4 million in fiscal year 2006. The Northwest Portland Area Indian Health Board estimates it will take $371 million to maintain current services for IHS and tribally operated health programs. Therefore, the administration's ridiculously low proposed increase for IHS combined with their estimated increase in Medicare and Medicaid collections will still fall $300 million short of providing current services.

Whether intentional or not, as direct IHS funding continues to fail to cover inflation or population growth year after year, Medicaid collections are now a growing and critical component to providing basic health care services by IHS and tribal health organizations. Yet, while Medicaid has become critically important to the health of American Indians and Alaska Natives, Native Americans constitute a small share of overall Medicaid costs. As the Northwest Portland Area Indian Health Board has found, Medicaid accounts for almost 20 percent of the IHS

budget but less than 0.5 percent of Medicaid expenditures go to Indian health.

Consequently, the legislation I am introducing today with Senators Baucus, Dorgan, Murray, Cantwell, and Johnson entitled the ''Medicaid Indian Health Act of 2005'' is primarily an attempt to prevent the Federal Government and States from inflicting harm on the health and well-being of American Indians and Alaska Natives, but it also seeks to take a few steps forward as well.

What is at stake? First, from the ''do no harm'' prescriptive, both the National Governors' Association, NGA, and the House of Representatives budget reconciliation legislation contemplate major changes to the Medicaid program to achieve $10 billion or more in proposed budget cuts to Medicaid and Medicare. Unfortunately, it is clear that neither the NGA nor the House of Representatives considered the tremendous impact that the cuts they are proposing will have on the health and well-being of Native Americans across this Nation.

For example, both the NGA and the House budget reconciliation package provide for States being able to impose additional premiums, copayments, and other forms of cost-sharing on low-income Medicaid beneficiaries, including Native Americans. Such changes can have enormous consequences for AI/ANs as well as the Indian Health Service, tribal, and urban Indian, I/T/U providers from whom many Native Americans receive health services.

As Andy Schneider of Medicaid Policy, LLC, stated at a meeting in August of this year on Medicaid and Indian health care, ''Regrettably, the NGA recommendations [which have been adopted as part of the House budget reconciliation package] could well make matters even worse for AI/ANs and the I/T/U providers that serve them. The NGA proposal to increase beneficiary cost-sharing could impose additional financial burdens on IHS and tribal health budgets. The NGA proposal for more benefits package 'flexibility' could result in significant reimbursement losses to I/T/U providers.''

How would this occur? With respect to additional cost sharing, evidence shows that additional cost sharing either results in reduced use of medical services, which could result in further a decline in the health status of AI/ANs, or that the I/T/U providers will pick up the added cost sharing burden. As Schneider points out, ''These costs include not only the amounts of the copayments and deductibles but also the administrative expense of processing them and tracking the cumulative out-of-pocket payments, particularly if the services subject to cost-sharing are delivered by a non-I/T/U provider.''

Even if you subscribe to the ideology that Medicaid beneficiaries should pay more for their health care, as Dixon and Locke point out, ''The intended outcome of enrollee cost sharing is not achieved in the Indian health system and actually acts to further deplete funding.''

Put simply, added copayments in Medicaid would result in the unintended effect of shifting Medicaid costs directly upon the already horribly underfunded IHS system. In other words, the imposition of consumer cost-sharing provisions by Medicaid on Native American populations would effectively reduce the level and quality of health care services in Indian communities.

With respect to benefit flexibility as proposed by NGA and adopted in the House budget reconciliation package, according to Schneider, ''The effect of reducing Medicaid coverage will be to reduce Medicaid revenues to the I/T/U providers that furnish covered services to this population. Services for which the I/T/U could previously collect Medicaid revenues will no longer be reimburseable because the patient is no longer eligible for Medicaid.''

To address these concerns, the Northwest Portland Area Indian Health Board has recommended, ''The Medicaid program could be a more effective means of financial Indian health programs if it would exempt American Indians and Alaska Natives from cost sharing including co-pays, premiums and any form of cost sharing. It makes little sense to Indian people to sign up for a health program that charges them for health care services that their tribe gave up lands and others considerations to secure for all generations. The practical effect is that they will not sign up for Medicaid and the IHS funded programs will end up paying all the costs of their health care. If this becomes the case, CMS will save the federal government millions of dollars, but renege on rights guaranteed by law and treaties.''

In order to address these important points, one need look no further than the State Children's Health Insurance Program, SCHIP, rules and regulations. As Schneider adds, ''Federal regulations prohibit states from imposing premiums, deductibles, coinsurance, or copayments or AI/AN children enrolled in their SCHIP programs. There is no comparable regulatory protection for AI/AN children or adults enrolled in Medicaid.''

Consequently, to prevent harm to the health and well-being of Native Americans, section 3 of the Medicaid Indian Health Act of 2005 would explicitly prohibit imposing such things as premiums or other forms of cost sharing on Native Americans within Medicaid, just as SCHIP already does. Section 4 adds a prohibition on the recovery of the estates of AI/AN Medicaid beneficiaries or tribal property by States through the Medicaid Program. Furthermore, section 8 of the legislation allows States to include special provisions exempting Native Americans from additional cost sharing or from benefit reductions in recognition of the special circumstances of Native Americans in the Medicaid Program.

In light of the failure of the NGA to consider the special circumstances of American Indians and Alaska Natives with respect to Medicaid policy, section 5 of the legislation recognizes the Federal trust responsibility and requires the Secretary, prior to the approval of any State Medicaid waivers, to assure that there has been consultation with tribes whose members or tribal health programs could be adversely affected by the waiver. Otherwise, the current waiver process can result in the approval of waivers that may include reductions in Medicaid eligibility, benefits and/or reimbursement or increases in cost sharing that can have a negative impact on Native Americans or tribal health programs.

In short, sections 3, 4, 5, and 8 seek to adopt a policy of ''do no harm'' by preventing changes in Medicaid policy from having negative consequences for Native Americans. Meanwhile, sections 2, 6, and 7 in the bill seek to make some additional progress on behalf of Native Americans through the Medicaid Program.

Foremost among those provisions in section 2, which provides for 100 percent Federal Medicaid matching funds for services delivered to AI/AN Medicaid beneficiaries at urban Indian health programs. Although the Medicaid statute currently provides for 100 percent Federal Medicaid matching funds for Medicaid services delivered to AI/ANs through IHS facilities and a subsequent Memorandum of Agreement, MOA, in 1996 clarified those payments also apply to services provided through tribally owned facilities, the 100 Percent Federal Medical Assistance Percentage, FMAP, does not apply to urban Indian clinics.

In short, if an AI/AN Medicaid beneficiary received services from an IHS or tribal facility, the Federal Government is paying 100 percent of the cost, but if the same individual received the same services from an urban Indian health program funded by the IHS, the Federal Government shifts part of the costs of that care to the State in proportion to the State's share of the FMAP. There is no justification for this cost shift. Just as IHS and tribal facilities are part of the I/T/U delivery system for Native Americans, so are urban Indian health programs and, as part of the ''Federal trust responsibility,'' States should not be required to subsidize any element of this system.

Section 6 of the legislation would simply ensure that I/T/U providers that do not have the status of federally qualified health centers, FQHCs, receive the same level of reimbursement from Medicaid managed care organizations, MCOs, as they would if they were a FQHC. If Medicaid MCOs are continued to be allowed to pay I/T/U providers less for the same services that they pay other network providers, the I/T/U providers will, effectively, be subsidizing the MCO or other network providers, which is not an appropriate use of limited federal IHS resources.

And finally, section 7 of the Medicaid Indian Health Act of 2005 ensures that IHS spending on behalf of a Native American does not disqualify them for Medicaid coverage under the ''medically needy option.'' Current policy prohibits such care from counting toward the ''spend down'' requirements for qualifying as ''medically needy'' in Medicaid. Receiving services at an IHS facility should certainly not disqualify anybody from Medicaid coverage and, once again, IHS should not be subsidizing the Medicaid program.

In total, the provisions in the Medicaid Indian Health Act of 2005 might at first glance appear to be a hodge podge set of provisions related to both Medicaid and Indian health. However, they are not. They reflect a concerted effort on behalf of Native American people to protect the gains that have already been made within the Medicaid Program for American Indians and Alaska Natives and the need to make additional strides to improve the delivery of health services throughout to Native people, including those in urban areas, through Medicaid.

Furthermore, this is just the first in a series of bills addressing Indian issues within the Medicaid and Medicare Programs. The next two will focus, respectively, on improving the Medicare Program and fixing problems with respect to the Medicare prescription drug program for Native Americans and Indian health providers.

As part of the Indian Health Care Improvement Act of 1976 report, the Congress said, ''The most basic human right must be the right to enjoy decent health. Certainly, any effort to fulfill Federal responsibilities to the Indian people must begin with the provision of health services. In fact, health services must be the cornerstone upon which rest all the other Federal programs for the benefit of Indians. Without a proper health status, the Indian people will be unable to fully avail themselves of the many economic, educational, and social programs already directed to them or which this Congress and future Congresses will provide them.''

The Federal Government has a ''Federal trust responsibility'' to Indian people that it is simple not fulfilling. This administration and this Congress can and simply must do better. Part of that multipronged agenda should include passage of the Medicaid Indian Health Act of 2005.

This could occur in a variety of ways. First, the provision from this bill could be incorporated in any budget reconciliation conference report package. Consequently, during Finance Committee consideration of the Senate's version of the budget reconciliation package on October 25, 2005, I offered an amendment that included a number of the provisions from this bill. Opponents of the amendment, which failed on a 9-to-11 party-line vote with Democrats in favor and Republicans opposing it, argued at the time that the budget reconciliation package was not the right vehicle but that we should look to the reauthorization bill for the Indian Health Care Improvement Act to attach these provisions instead.

Two days later, on October 27, 2005, the Committee on Indian Affairs took up and passed S. 1057, the Indian Health Care Improvement Act Amendments of 2005, but did not include any of the Medicaid provisions I have been discussing as part of this bill. They were told that inclusion of Medicaid provisions within IHCIA was objected to by both the administration and the Senate Finance Committee. However, in light of the Senate Finance Committee's failure to take up the amendment earlier this month, another possible vehicle should be the reauthorization bill for the Indian Health Care Improvement Act when it comes to the Senate floor.

And finally, if we fail to get these provisions included in either of those legislative vehicles, we will push to get the Medicaid Indian Health Act of 2005 passed as a free standing piece of legislation. Medicaid has become such a crucial and necessary piece in maintaining and improving the health and well-being of American Indians and Alaska Natives that it is unacceptable that the various Senate committees point to each other as being in charge while not taking the necessary responsibility to get this important protections for Native Americans passed into law.

The Federal Government and the States also point figures at each other as to who is in charge. As Jim Crouch, executive director of the California Rural Indian Health Board, has said, ''The joint operation of the Medicaid program by federal and state authorities often ignores the governmental status of Tribes and the unique needs of Tribal citizens. It is always appropriate for the federal government to establish special provisions that are in the best interest of Tribes and American Indians due to the governmental status of federally recognized tribes.''

Mr. President, it is well past time to enact legislative initiatives such as the Medicaid Indian Health Act of 2005 and reauthorization of IHCIA. Years of broken promises to Indian Country must come to an end. Passage of the provisions in both the Medicaid Indian Health Act of 2005 and IHCIA reauthorization are just two of the pieces that the Federal Government must take in order to fulfill the Federal trust responsibility and make real progress at providing the full array of medically necessary health services that have been long promised to American Indians.

I ask unanimous consent that the text of the bill and a fact sheet describing the various provisions in the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2074

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 ''Medicaid Indian Health Act of 2005''.

SEC. 2. APPLICATION OF 100 PERCENT FMAP FOR SERVICES FURNISHED TO AN INDIAN BY AN URBAN INDIAN HEALTH PROGRAM.

(a) IN GENERAL.—The third sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), is amended by inserting before the period at the end the following: '', or through an urban Indian health program receiving funds under title V of the Indian Health Care Improvement Act''.

(b) CONFORMING AMENDMENT.—Section 1911(c) of such Act (42 U.S.C. 1396j(c)), is amended by inserting '', or through an urban Indian health program receiving funds under title V of the Indian Health Care Improvement Act'' after ''facilities''.

SEC. 3. PROHIBITION ON IMPOSITION OF PREMIUMS, DEDUCTIBLES, COPAYMENTS, AND OTHER COST-SHARING ON INDIANS.

Section 1916 of the Social Security Act (42 U.S.C. 1396o) is amended—

(1) in subsection (a)(3), by inserting ''(other than such individuals who are Indians (as defined in section 4 of the Indian Health Care Improvement Act)'' after ''other such individuals'';

(2) in subsection (b), in the matter preceding paragraph (1), by inserting ''or who are Indians (as defined in section 4 of the Indian Health Care Improvement Act)'' after ''section 1902(a)(10)''; and

(3) in subsection (c)(1), by inserting ''(other than such an individual who is an Indian (as defined in section 4 of the Indian Health Care Improvement Act))'' after ''section 1902(l)(1)''.

SEC. 4. PROHIBITION ON RECOVERY AGAINST ESTATES OF INDIANS.

Section 1917(b)(1) of the Social Security Act (42 U.S.C. 1396p(b)(1)) is amended, in the matter preceding subparagraph (A), by inserting '' who is not an Indian (as defined in section 4 of the Indian Health Care Improvement Act)'' after ''an individual'' the second place it appears.

SEC. 5. REQUIREMENT FOR CONSULTATION WITH INDIAN TRIBES PRIOR TO APPROVAL OF SECTION 1115 WAIVERS.

Section 1115 of the Social Security Act (42 U.S.C. 1315) is amended by adding at the end the following:

''(g) In the case of an application for a waiver of compliance with the requirements of section 1902 (or a renewal or extension of such a waiver) that is likely to affect members of an Indian tribe (as defined in section 4 of the Indian Health Care Improvement Act) or a tribal health program (whether operated by an Indian tribe or a tribal organization (as so defined) serving such members, the Secretary shall, prior to granting such a waiver under subsection (a) or renewing or extending such a waiver under subsection (e), consult with each such Indian tribe.''.

SEC. 6. REQUIREMENT FOR FAIR PAYMENT BY MEDICAID MANAGED CARE ENTITIES TO INDIAN HEALTH PROGRAM PROVIDERS.

Section 1903(m)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1396b(m)(2)(A)(ii)) is amended to read as follows:

''(ii) such contract provides, in the case of entity that has entered into a contract for the provision of services with a facility or program of the Indian Health Service, whether operated by the Service or an Indian tribe or tribal organization (as defined in

section 4 of the Indian Health Care Improvement Act) or an urban Indian health program receiving funds under title V of the Indian Health Care Improvement Act , that is not a Federally-qualified health center or a rural health clinic, that the entity shall provide payment that is not less than the highest level and amount of payment that the entity would make for the services if the services were furnished by a provider that is not a facility or program of the Indian Health Service;''.

SEC. 7. TREATMENT OF MEDICAL EXPENSES PAID BY OR ON BEHALF OF AN INDIAN BY AN INDIAN HEALTH PROGRAM AS COSTS INCURRED FOR MEDICAL CARE FOR PURPOSES OF DETERMINING MEDICALLY NEEDY ELIGIBILITY.

Section 1902(a)(17)(D) of the Social Security Act (42 U.S.C. 1396a(a)(17)(D)) is amended by inserting ''or by the Indian Health Service or an Indian tribe or tribal organization (as defined in section 4 of the Indian Health Care Improvement Act)'' after ''political subdivision thereof''.

SEC. 8. STATE OPTION TO EXEMPT INDIANS FROM REDUCTIONS IN ELIGIBILITY OR BENEFITS.

Section 1902 of the Social Security Act (42 U.S.C. 1396a)) is amended by inserting after subsection (j) the following:

''(k) The Secretary shall not disapprove a State plan amendment, or deny a State request for a waiver under section 1115 (or a renewal or extension of such a waiver), on the grounds that the amendment or waiver would exempt Indians (as defined in section 4 of the Indian Health Care Improvement Act) eligible for medical assistance from—

''(1) any restriction on eligibility for medical assistance under this title that would otherwise apply under the amendment or waiver;

''(2) any imposition of premiums, deductibles, copayments, or other cost-sharing that would otherwise apply under the amendment or waiver; or

''(3) any reduction in covered services or supplies that would otherwise apply under the amendment or waiver.''.

SEC. 9. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act apply to items or services furnished on or after January 1, 2006.

(b) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by a provision of this Act, the State plan shall not be regarded as failing to comply with the requirements of this Act solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

FACT SHEET—''MEDICAID INDIAN HEALTH ACT OF 2005''

Senators Bingaman, Baucus, Dorgan, Murray, Cantwell, and Johnson are introducing legislation entitled the ''Medicaid Indian Health Act of 2005'' that would make technical but important changes to the Medicaid program to address the unique issues confronting Native Americans and Indian Health Service (IHS) providers within that program.

The provisions within this legislation are as follows:

SEC. 2. 100% FMAP FOR SERVICES TO AI/AN MEDICAID PATIENTS OF URBAN INDIAN HEALTH PROGRAMS

Current Law

The cost of covered services to AI/AN Medicaid beneficiaries is matched by the federal government at a 100% rate if the services are received through an IHS facility, whether operated by the IHS or a tribe or tribal organization. However, the federal government matches the cost of covered services furnished to AI/AN Medicaid beneficiaries by urban Indian health programs funded by the IHS only at a state's regular federal matching rate, which varies from 50% to 77%. Thus, states must pay a share of the cost of Medicaid services furnished to AI/AN beneficiaries by urban Indian health programs.

Proposed Change

Extend the 100% federal matching rate to services received through an urban Indian health program receiving funds under Title V of the Indian Health Care Improvement Act.

Justification

Under current policy, if an AI/AN Medicaid beneficiary receives covered services from an IHS or tribal hospital or clinic, the federal government pays 100% of the cost, but if the same individual receives covered services from an urban Indian health program funded by the IHS, the federal government shifts part of the costs to the state in proportion to the state's share of Medicaid spending generally. There is no principled justification for this cost shift. Just as IHS and tribal facilities receive IHS funds, so do urban Indian health programs. The urban Indian health programs are part of the same ''I/T/U'' delivery system as are IHS and tribal facilities. States should not be required to subsidize any element of this system.

SEC. 3. PROHIBITING IMPOSITION OF MEDICAID PREMIUMS ON AI/AN MEDICAID BENEFICIARIES

Current Law

State Medicaid programs are allowed to impose premiums only on certain categories of Medicaid beneficiaries—principally those who qualify as ''medically needy'' by incurring high medical expenses that, when applied against their income, enable them to ''spend down'' into eligibility. Any premiums imposed on this group must be income-related, as specified in federal regulations. In contrast, State SCHIP programs are prohibited by regulation from imposing premiums on AI/AN beneficiaries.

Proposed Change

Prohibit states from imposing any premiums, enrollment fees, or similar charges in any amount on AI/AN beneficiaries, regardless of the basis of eligibility for Medicaid.

Justification

The Federal government, through the IHS, has the responsibility for providing health care free of charge to AI/ANs eligible for its services. Thus, if a state imposes a premium requirement as a condition of Medicaid enrollment, in the case of an AI/AN the premium must be paid by the IHS or the contracting tribe from the limited federal funds allocated to it. The effect is to reduce the appropriated funds available to the IHS or tribal facility for serving patients who are eligible for IHS services but are not eligible for Medicaid. In this respect, Medicaid policy should be conformed to SCHIP policy.

SEC. 3. PROHIBITING IMPOSITION OF MEDICAID COPAYMENTS OR OTHER COST-SHARING ON AI/AN MEDICAID BENEFICIARIES

Current Law

States Medicaid programs may impose deductibles, copayments, or co-insurance requirements on certain services with respect to certain populations. Any cost-sharing imposed must be ''nominal'' in amount, as defined in federal regulations. States are prohibited from imposing any cost-sharing, nominal or otherwise, on certain services (e.g., emergency services and family planning services and supplies) and certain populations (e.g., children under 18). In contrast, State SCHIP programs are prohibited by regulation from imposing deductibles, copayments, or co-insurance requirements on AI/AN beneficiaries.

Proposed Change

Prohibit states from imposing deductibles, copayments, or co-insurance requirements in any amount on AI/AN Medicaid beneficiaries.

Justification

The Federal government, through the IHS, has the responsibility for providing health care free of charge to AI/ANs eligible for its services. Thus, if a state imposes deductibles, copayments, or co-insurance requirements, in the case of an AI/AN beneficiary cost-sharing amount must be paid by the IHS or the contracting tribe from the limited federal funds allocated to it. The effect is to reduce the appropriated funds available to the IHS or tribal facility for serving patients who are eligible for IHS services but are not eligible for Medicaid. In this respect, Medicaid policy should be conformed to SCHIP policy.

SEC. 4. PROHIBITING RECOVERY AGAINST THE ESTATES OF AI/AN MEDICAID BENEFICIARIES

Current Law

States are required to recover from the estates of deceased Medicaid beneficiaries the costs of long-term care services (nursing facility services, home and community-based services, and related hospital services and prescription drugs) paid for by Medicaid when the individual was age 55 or over. The state may not recover against an individual's estate until the death of any surviving spouse and so long as there is not a child under 21 or an adult child who is blind or disabled. Under federal administrative guidance, certain AI/AN property is exempt from estate recovery.

Proposed Change

Exempt the property/estates of deceased AI/AN beneficiaries from recovery for costs correctly paid by Medicaid.

Justification

The Federal government, through the IHS, has the responsibility for providing health care to AI/ANs eligible for its services. Because the IHS, due to funding limitations, generally does not have the capacity to furnish long-term care services, low-income AI/ANs who are eligible for IHS services must turn to Medicaid for coverage for this care. To recover Medicaid costs correctly paid from the estates of these individuals violates the Federal government's responsibility to them. Tribal lands and property should not be threatened by federal or state governments.

SEC. 5. REQUIRING TRIBAL CONSULTATION PRIOR TO APPROVAL OF SECTION 1115 WAIVERS

Current Law

Under section 1115 of the Social Security Act, the Secretary of HHS has the authority to waive certain requirements of federal Medicaid law to enable states to conduct demonstrations that, in his judgment, ''is likely to assist in promoting the objectives of'' the Medicaid program. Section 1115 contains no requirement that the Secretary consult with Indian tribes prior to approval of Medicaid demonstration waivers that may adversely affect their members or their tribal health programs. The January 2005 HHS

tribal consultation policy does not specify that consultation is required in these specific circumstances, although the previous July 2001 guidance had.

Proposed Change

Require the Secretary, prior to approval of any new section 1115 waiver or renewal of any existing section 1115 waiver to consult with tribes whose members or tribal health programs could be affected by the waiver.

Justification

Section 1115 waivers are commonly negotiated by the Secretary (acting through CMS) and the Governor of the state seeking the waiver (through his Medicaid or Budget director). Affected Indian tribes have no formal role in these negotiations, even when those negotiations result in reductions in Medicaid eligibility, benefits, and/or reimbursement or increases in premiums and cost-sharing that have an adverse impact on tribal members or tribal health programs.

SEC. 6. REQUIRE FAIR PAYMENT BY MEDICAID MCOS TO I/T/U PROVIDERS

Current Law

Managed care organizations (MCOs) contracting with Medicaid on a risk basis are required to pay health care providers, whether in- or out-of-network, on a timely basis for covered services furnished to Medicaid beneficiaries. Although there are generally no minimum payment requirements, in the case of federally qualified health centers (FQHCs) and rural health clinics (RHCs), MCOs are required to pay the same amount for a covered service as they would if the provider were not an FQHC or RHC. In addition, the State Medicaid agency is required to pay the difference, if any, between: (1) the MCO's payment to the FQHC or RHC; and, (2) the prospective payment amount to which the FQHC or RHC is entitled under Medicaid law. There is no similar protection for I/T/U providers that are not FQHCs or RHCs.

Proposed Change

Require that MCOs to pay I/T/U providers that are not FQHCs or RHCs the same amount that the MCO would pay for the same service to a non-I/T/U provider.

Justification

Current law protects I/T/U providers that are FQHCs or Rural Health Clinics against underpayment by Medicaid MCOs. This provision extends some of these protections to other I/T/U providers. If Medicaid MCOs are allowed to pay I/T/U providers less for the same services than they pay other network providers, the I/T/U providers will, in effect, be subsidizing the MCO or other network providers. This is not an appropriate use of limited federal IHS resources.

SEC. 7. TREATMENT OF IHS OR TRIBAL PAYMENTS AS INCURRED MEDICAL EXPENSES

Current Law

States have the option of extending Medicaid coverage to individuals who are ''medically needy''—that is, individuals who ''spend-down'' by incurring high medical expenses that, when subtracted from their incomes, reduce their incomes to below the state eligibility threshold. If the IHS or a Tribe pays the health care costs of an AI/AN, that individual is not considered to have ''incurred'' the cost for purposes of meeting the ''spend-down'' requirements for qualifying as ''medically needy.''

Proposal

Allow medical expenses paid by the IHS or a Tribe or tribal organization on behalf of an AI/AN to count as costs ''incurred'' for medical care for purposes of establishing eligibility for Medicaid in states with ''medically needy'' programs.

Justification

Current policy has the effect of disqualifying AI/ANs from Medicaid eligibility as ''medically needy'' individuals. This, in turn, results in IHS, Tribes, and tribal organizations paying for services that Medicaid would otherwise cover once these individuals established ''medically needy'' eligibility. Subsidizing Medicaid is not an appropriate use of limited IHS and Tribal resources.

SEC. 8. OPTION FOR STATES TO EXEMPT INDIANS FROM REDUCTIONS IN ELIGIBILITY OR BENEFITS

Current Law

CMS policy has been to acknowledge the federal government's unique responsibilities under the trust obligation and to take into account special circumstances of American Indians and Alaska Natives in Medicaid and SCHIP programs. As such, states have historically been allowed to include special provisions with respect to Tribes and Indian people in their Medicaid and SCHIP programs. However, in 2004, CMS informed Oregon and Washington that it would not approve waiver amendments containing special provisions for Indian participation in the Medicaid program.

Proposed Change

Secretary shall not disapprove a state Plan amendment, or deny a state request for a waiver under section 1115, on the grounds that the amendment or waiver would exempt eligible Indians (as defined in section 4 of the Indian Health Care Improvement Act) from:

(1) any restriction on eligibility for medical assistance under this Title that would otherwise apply under the amendment or waiver;

(2) any imposition of premiums, deductibles, copayments or other cost-sharing that would otherwise apply under the amendment or waiver; or

(3) any reduction in covered services or supplies that would otherwise apply under the amendment or waiver.''

Justification

The federal government should continue to acknowledge the federal government's unique responsibilities under the trust obligation and to take into account and allow states to take into account the special circumstances of American Indians and Alaska Natives in Medicaid and SCHIP programs.

By Mr. DURBIN (for himself, Mr. HAGEL, Mr. LUGAR, Mr. KENNEDY, Mr. MCCAIN, Mr. LEAHY, Mr. COLEMAN, Mr. LIEBERMAN, Mr. CRAIG, Mr. FEINGOLD, Mr. DEWINE, Mr. OBAMA, and Mr. CRAPO):

S. 2075. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes; to the Committee on the Judiciary.

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. 2075

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 ''Development, Relief, and Education for Alien Minors Act of 2005'' or the ''DREAM Act of 2005''.

SEC. 2. DEFINITIONS.

In this Act:

(1) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) UNIFORMED SERVICES.—The term ''uniformed services'' has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 3. RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.

(a) IN GENERAL.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is repealed.

(b) EFFECTIVE DATE.—The repeal under subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

SEC. 4. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as otherwise provided in this Act, the Secretary of Homeland Security may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, subject to the conditional basis described in section 5, an alien who is inadmissible or deportable from the United States, if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this Act, and had not yet reached the age of 16 years at the time of initial entry;

(B) the alien has been a person of good moral character since the time of application;

(C) the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(B), (6)(C), (6)(E), (6)(F), or (6)(G) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), or, if inadmissible solely under subparagraph (C) or (F) of paragraph (6) of such subsection, the alien was under the age of 16 years at the time the violation was committed; and

(ii) is not deportable under paragraph (1)(E), (1)(G), (2), (3)(B), (3)(C), (3)(D), (4), or (6) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)), or, if deportable solely under subparagraphs (C) or (D) of paragraph (3) of such subsection, the alien was under the age of 16 years at the time the violation was committed;

(D) the alien, at the time of application, has been admitted to an institution of higher education in the United States, or has earned a high school diploma or obtained a general education development certificate in the United States; and

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien has remained in the United States under color of law or received the order before attaining the age of 16 years.

(2) WAIVER.—The Secretary of Homeland Security may waive the grounds of ineligibility under section 212(a)(6) of the Immigration and Nationality Act and the grounds of deportability under paragraphs (1), (3), and (6) of section 237(a) of that Act for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) PROCEDURES.—The Secretary of Homeland Security shall provide a procedure by

regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(b) TERMINATION OF CONTINUOUS PERIOD.—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(1) IN GENERAL.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) EXTENSIONS FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary of Homeland Security may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension should be no less compelling than serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child.

(d) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

(e) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) INTERIM, FINAL REGULATIONS.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary of Homeland Security shall publish final regulations implementing this section.

(f) REMOVAL OF ALIEN.—The Secretary of Homeland Security may not remove any alien who has a pending application for conditional status under this Act.

SEC. 5. CONDITIONAL PERMANENT RESIDENT STATUS.

(a) IN GENERAL.—

(1) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of law, and except as provided in section 6, an alien whose status has been adjusted under section 4 to that of an alien lawfully admitted for permanent residence shall be considered to have obtained such status on a conditional basis subject to the provisions of this section. Such conditional permanent resident status shall be valid for a period of 6 years, subject to termination under subsection (b).

(2) NOTICE OF REQUIREMENTS.—

(A) AT TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an alien obtains permanent resident status on a conditional basis under paragraph (1), the Secretary of Homeland Security shall provide for notice to the alien regarding the provisions of this section and the requirements of subsection (c) to have the conditional basis of such status removed.

(B) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Secretary of Homeland Security to provide a notice under this paragraph—

(i) shall not affect the enforcement of the provisions of this Act with respect to the alien; and

(ii) shall not give rise to any private right of action by the alien.

(b) TERMINATION OF STATUS.—

(1) IN GENERAL.—The Secretary of Homeland Security shall terminate the conditional permanent resident status of any alien who obtained such status under this Act, if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 4(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the uniformed services.

(2) RETURN TO PREVIOUS IMMIGRATION STATUS.—Any alien whose conditional permanent resident status is terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional permanent resident status under this Act.

(c) REQUIREMENTS OF TIMELY PETITION FOR REMOVAL OF CONDITION.—

(1) IN GENERAL.—In order for the conditional basis of permanent resident status obtained by an alien under subsection (a) to be removed, the alien must file with the Secretary of Homeland Security, in accordance with paragraph (3), a petition which requests the removal of such conditional basis and which provides, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph (2)(A).

(2) ADJUDICATION OF PETITION TO REMOVE CONDITION.—

(A) IN GENERAL.—If a petition is filed in accordance with paragraph (1) for an alien, the Secretary of Homeland Security shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien.

(C) TERMINATION IF ADVERSE DETERMINATION.—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional permanent resident status of the alien as of the date of the determination.

(3) TIME TO FILE PETITION.—An alien may petition to remove the conditional basis to lawful resident status during the period beginning 180 days before and ending 2 years after either the date that is 6 years after the date of the granting of conditional permanent resident status or any other expiration date of the conditional permanent resident status as extended by the Secretary of Homeland Security in accordance with this Act. The alien shall be deemed in conditional permanent resident status in the United States during the period in which the petition is pending.

(d) DETAILS OF PETITION.—

(1) CONTENTS OF PETITION.—Each petition for an alien under subsection (c)(1) shall contain information to permit the Secretary of Homeland Security to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional permanent resident.

(B) The alien is in compliance with section 4(a)(1)(C).

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien has completed at least 1 of the following:

(i) The alien has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States.

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of all of the secondary educational institutions that the alien attended in the United States.

(2) HARDSHIP EXCEPTION.—

(A) IN GENERAL.—The Secretary of Homeland Security may, in the Secretary's discretion, remove the conditional status of an alien if the alien—

(i) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to complete the requirements described in paragraph (1)(D); and

(iii) demonstrates that the alien's removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) EXTENSION.—Upon a showing of good cause, the Secretary of Homeland Security may extend the period of the conditional resident status for the purpose of completing the requirements described in paragraph (1)(D).

(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence. However, the conditional basis must be removed before the alien may apply for naturalization.

SEC. 6. RETROACTIVE BENEFITS UNDER THIS ACT.

If, on the date of enactment of this Act, an alien has satisfied all the requirements of subparagraphs (A) through (E) of section 4(a)(1) and section 5(d)(1)(D), the Secretary of Homeland Security may adjust the status of the alien to that of a conditional resident in accordance with section 4. The alien may petition for removal of such condition at the end of the conditional residence period in accordance with section 5(c) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 5(d)(1) during the entire period of conditional residence.

SEC. 7. EXCLUSIVE JURISDICTION.

(a) IN GENERAL.—The Secretary of Homeland Security shall have exclusive jurisdiction to determine eligibility for relief under this Act, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for relief under this Act, in which case the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary

until proceedings are terminated, or if a final order of deportation, exclusion, or removal is entered the Secretary shall resume all powers and duties delegated to the Secretary under this Act.

(b) STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY SCHOOL.—The Attorney General shall stay the removal proceedings of any alien who—

(1) meets all the requirements of subparagraphs (A), (B), (C), and (E) of section 4(a)(1);

(2) is at least 12 years of age; and

(3) is enrolled full time in a primary or secondary school.

(c) EMPLOYMENT.—An alien whose removal is stayed pursuant to subsection (b) may be engaged in employment in the United States, consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.), and State and local laws governing minimum age for employment.

(d) LIFT OF STAY.—The Attorney General shall lift the stay granted pursuant to subsection (b) if the alien—

(1) is no longer enrolled in a primary or secondary school; or

(2) ceases to meet the requirements of subsection (b)(1).

SEC. 8. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.

Whoever files an application for relief under this Act and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

SEC. 9. CONFIDENTIALITY OF INFORMATION.

(a) PROHIBITION.—No officer or employee of the United States may—

(1) use the information furnished by the applicant pursuant to an application filed under this Act to initiate removal proceedings against any persons identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under this Act can be identified; or

(3) permit anyone other than an officer or employee of the United States Government or, in the case of applications filed under this Act with a designated entity, that designated entity, to examine applications filed under this Act.

(b) REQUIRED DISCLOSURE.—The Attorney General or the Secretary of Homeland Security shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. 10. EXPEDITED PROCESSING OF APPLICATIONS; PROHIBITION ON FEES.

Regulations promulgated under this Act shall provide that applications under this Act will be considered on an expedited basis and without a requirement for the payment by the applicant of any additional fee for such expedited processing.

SEC. 11. HIGHER EDUCATION ASSISTANCE.

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this Act shall be eligible only for the following assistance under such title:

(1) Student loans under parts B, D, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

SEC. 12. GAO REPORT.

Seven years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives setting forth—

(1) the number of aliens who were eligible for cancellation of removal and adjustment of status under section 4(a);

(2) the number of aliens who applied for adjustment of status under section 4(a);

(3) the number of aliens who were granted adjustment of status under section 4(a); and

(4) the number of aliens whose conditional permanent resident status was removed under section 5.

By Mr. LEAHY (for himself, Mr. HATCH, Ms. MIKULSKI, Mr. DURBIN, Mr. DEWINE, Mr. BIDEN, Mrs. FEINSTEIN, Mr. FEINGOLD, Mr. SMITH, Mr. DODD, Mr. CHAMBLISS, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mrs. BOXER, Mr. WYDEN, Mr. NELSON of Florida, and Mr. CORZINE):

S. 2076. A bill to amend title 5, United States Code, to provide to assistant United States attorneys the same retirement benefits as are afforded to Federal law enforcement officers; to the Committee on Homeland Security and Governmental Affairs.

Mr. LEAHY. I am pleased to join with Senator HATCH in introducing the Assistant United States Attorney Retirement Benefit Equity Act of 2005. This bill was previously introduced in the 107th and 108th Congresses. A House companion bill, H.R. 3183, has already been introduced and currently has 43 bipartisan cosponsors.

Fairness is the driving force behind this legislation. The bill would correct an inequity that exists under current law, whereby AUSAs receive substantially less favorable retirement benefits than nearly all other people involved in the Federal criminal justice system. The bill would increase the retirement benefits given to AUSAs, as well as other designated attorneys employed by DOJ who act primarily as criminal prosecutors, by including them in the Civil Service Retirement System. This change would bring their retirement benefits inline with thousands of other employees involved in the Federal criminal justice system.

Enhanced retirement benefits will allow us to attract and retain the best and the brightest for these vital positions in Government. As a former prosecutor, I know that experienced prosecutors are needed to bring ever more sophisticated cases under increasingly complex federal criminal laws. The Government's success in combating the threats posed by organized crime, drug cartels, terrorist groups, and other sophisticated criminals depends upon representation by skilled, experienced litigators.

Because of the lure of higher salaries and benefits, the average assistant U.S. attorney remains with the Department of Justice only 8 years. The hours are long, the pay is low, and they place themselves in harm's way by prosecuting criminals. Surveys of assistant U.S. attorneys have shown that a fair retirement benefit is the foremost incentive that would increase their tenure with the Department of Justice. Creating an enticement for them to remain with the Department of Justice for the length of their careers would be a tremendous victory for the American people. This legislation would improve public safety for us all by ensuring a strong, knowledgeable, and experienced crop of prosecutors at the federal level.

I want to thank Senators HATCH, MIKULSKI, DURBIN, DEWINE, BIDEN, FEINSTEIN, FEINGOLD, SMITH, DODD, CHAMBLISS, ROCKEFELLER, LIEBERMAN, BOXER, WYDEN, NELSON, AND CORZINE, for cosponsoring this important legislation.

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. 2076

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 ''Assistant United States Attorney Retirement Benefit Equity Act of 2005''.

SEC. 2. RETIREMENT TREATMENT OF ASSISTANT UNITED STATES ATTORNEYS.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) ASSISTANT UNITED STATES ATTORNEY DEFINED.—Section 8331 of title 5, United States Code, is amended—

(A) in paragraph (28), by striking ''and'' at the end;

(B) in the first paragraph (29), by striking the period and inserting a semicolon;

(C) in the second paragraph (29)—

(i) by striking ''(29)'' and inserting ''(30)''; and

(ii) by striking the period and inserting ''; and''; and

(D) by adding at the end the following:

''(31) 'assistant United States attorney' means—

''(A) an assistant United States attorney under section 542 of title 28; and

''(B) any other attorney employed by the Department of Justice occupying a position designated by the Attorney General upon finding that the position—

''(i) involves routine employee responsibilities that are substantially similar to those of assistant United States attorneys; and

''(ii) is critical to the Department's successful accomplishment of an important mission.''.

(2) RETIREMENT TREATMENT.—Chapter 83 of title 5, United States Code, is amended by adding after section 8351 the following:

"§ 8352. Assistant United States attorneys

''Except as provided under the Assistant United States Attorneys Retirement Benefit Equity Act of 2005 (including the provisions relating to the non-applicability of mandatory separation requirements under section 8335(b) and 8425(b) of this title), an assistant United States attorney shall be treated in the same manner and to the same extent as a law enforcement officer for purposes of this chapter.''.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—(A) The table of sections for chapter 83 of title 5, United States Code, is amended by inserting after the item relating to section 8351 the following:

''8352. Assistant United States attorneys.''

(B) Section 8335(a) of such title is amended by striking ''8331(29)(A)'' and inserting ''8331(30)(A)''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) ASSISTANT UNITED STATES ATTORNEY DEFINED.—Section 8401 of title 5, United States Code, is amended—

(A) in paragraph (34), by striking ''and'' at the end;

(B) in paragraph (35), by striking the period and inserting ''; and'' ; and

(C) by adding at the end the following:

''(36) 'assistant United States attorney' means—

''(A) an assistant United States attorney under section 542 of title 28; and

''(B) any other attorney employed by the Department of Justice occupying a position designated by the Attorney General upon finding that the position—

''(i) involves routine employee responsibilities that are substantially similar to those of assistant United States attorneys; and

''(ii) is critical to the Department's successful accomplishment of an important mission.''.

(2) RETIREMENT TREATMENT.—Section 8402 of title 5, United States Code, is amended by adding at the end the following:

''(h) Except as provided under the Assistant United States Attorneys Retirement Benefit Equity Act of 2005 (including the provisions relating to the non-applicability of mandatory separation requirements under section 8335(b) and 8425(b) of this title), an assistant United States attorney shall be treated in the same manner and to the same extent as a law enforcement officer for purposes of this chapter.''.

(c) MANDATORY SEPARATION.—Sections 8335(b) and 8425(b) of title 5, United States Code, are amended by adding at the end the following: ''The preceding provisions of this subsection shall not apply in the case of an assistant United States attorney as defined under section 8331(31) or 8401(36).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period beginning on or after 120 days after the date of enactment of this Act.

SEC. 3. PROVISIONS RELATING TO INCUMBENTS.

(a) DEFINITIONS.—In this section—

(1) the term ''assistant United States attorney'' means—

(A) an assistant United States attorney under section 542 of title 28, United States Code; and

(B) any other attorney employed by the Department of Justice occupying a position designated by the Attorney General upon finding that the position—

(i) involves routine employee responsibilities that are substantially similar to those of assistant United States attorneys; and

(ii) is critical to the Department's successful accomplishment of an important mission; and

(2) the term ''incumbent'' means an individual who is serving as an assistant United States attorney on the effective date of this section.

(b) DESIGNATED ATTORNEYS.—If the Attorney General makes any designation of an attorney to meet the definition under subsection (a)(1)(B) for purposes of being an incumbent under this section—

(1) such designation shall be made before the effective date of this section; and

(2) the Attorney General shall submit to the Office of Personnel Management before that effective date—

(A) the name of the individual designated; and

(B) the period of service performed by that individual as an assistant United States attorney before that effective date.

(c) NOTICE REQUIREMENT.—Not later than 9 months after the date of enactment of this Act, the Department of Justice shall take measures reasonably designed to provide notice to incumbents on—

(1) their election rights under this Act; and

(2) the effects of making or not making a timely election under this Act.

(d) ELECTION AVAILABLE TO INCUMBENTS.—

(1) IN GENERAL.—An incumbent may elect, for all purposes, to be treated—

(A) in accordance with the amendments made by this Act; or

(B) as if this Act had never been enacted.

(2) FAILURE TO ELECT.—Failure to make a timely election under this subsection shall be treated in the same way as an election under paragraph (1)(A), made on the last day allowable under paragraph (3).

(3) TIME LIMITATION.—An election under this subsection shall not be effective unless the election is made not later than the earlier of—

(A) 120 days after the date on which the notice under subsection (c) is provided; or

(B) the date on which the incumbent involved separates from service.

(e) LIMITED RETROACTIVE EFFECT.—

(1) EFFECT ON RETIREMENT.—In the case of an incumbent who elects (or is deemed to have elected) the option under subsection (d)(1)(A), all service performed by that individual as an assistant United States attorney and, with respect to (B) below, including any service performed by such individual pursuant to an appointment under sections 515, 541, 543, and 546 of title 28, United States Code, shall—

(A) to the extent performed on or after the effective date of that election, be treated in accordance with applicable provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, as amended by this Act; and

(B) to the extent performed before the effective date of that election, be treated in accordance with applicable provisions of subchapter III of chapter 83 or chapter 84 of such title, as if the amendments made by this Act had then been in effect.

(2) NO OTHER RETROACTIVE EFFECT.—Nothing in this Act (including the amendments made by this Act) shall affect any of the terms or conditions of an individual's employment (apart from those governed by subchapter III of chapter 83 or chapter 84 of title 5, United States Code) with respect to any period of service preceding the date on which such individual's election under subsection (d) is made (or is deemed to have been made).

(f) INDIVIDUAL CONTRIBUTIONS FOR PRIOR SERVICE.—

(1) IN GENERAL.—An individual who makes an election under subsection (d)(1)(A) shall, with respect to prior service performed by such individual, deposit, with interest, to the Civil Service Retirement and Disability Fund the difference between the individual contributions that were actually made for such service and the individual contributions that would have been made for such service if the amendments made by section 2 of this Act had then been in effect.

(2) EFFECT OF NOT CONTRIBUTING.—If the deposit required under paragraph (1) is not paid, all prior service of the incumbent shall remain fully creditable as law enforcement officer service, but the resulting annuity shall be reduced in a manner similar to that described in section 8334(d)(2)(B) of title 5, United States Code. This paragraph shall not apply in the case of a disability annuity.

(3) PRIOR SERVICE DEFINED.—For purposes of this section, the term ''prior service'' means, with respect to any individual who makes an election (or is deemed to have made an election) under subsection (d)(1)(A), all service performed as an assistant United States attorney, but not exceeding 20 years, performed by such individual before the date as of which applicable retirement deductions begin to be made in accordance with such election.

(g) REGULATIONS.—Except as provided under section 4, the Office of Personnel Management shall prescribe regulations necessary to carry out this Act, including provisions under which any interest due on the amount described under subsection (e) shall be determined.

(h) EFFECTIVE DATE.—This section shall take effect 120 days after the date of enactment of this Act.

SEC. 4. DEPARTMENT OF JUSTICE ADMINISTRATIVE ACTIONS.

(a) REGULATIONS.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Attorney General, in consultation with the Office of Personnel Management, shall promulgate regulations for designating attorneys described under section 3(a)(1)(B).

(2) CONTENTS.—Any regulation promulgated under paragraph (1) shall ensure that attorneys designated as assistant United States attorneys described under section 3(a)(1)(B) have routine employee responsibilities that are substantially similar to those of assistant United States attorneys.

(b) DESIGNATIONS.—The designation of any attorney as an assistant United States attorney described under section 3(a)(1)(B) shall be at the discretion of the Attorney General.

By Mr. MCCAIN:

S. 2078. A bill to amend the Indian Gaming Regulatory Act to clarify the authority of the National Indian Gaming Commission to regulate class III gaming, to limit the lands eligible for gaming, and for other purposes; to the Committee on Indian Affairs.

Mr. MCCAIN. Mr. President, I am introducing today a bill to amend regulatory provisions of the Indian Gaming Regulatory Act (IGRA). The bill clarifies that the National Indian Gaming Commission (NIGC) has authority to promulgate and enforce Minimum Internal Control Standards as to Class III gaming; grants the NIGC Chairman authority to approve contracts, and expands contract approval to include contracts not only for management contracts but also for gaming operation development contracts and consulting services, as well as for any contract the fees for which are to be paid as a percentage of gaming revenue; tightens restrictions on off-reservation gaming;

gives the NIGC authority to issue complaints against any individual or entity, not just against tribes or management contractors, that violate IGRA or federal regulations; and requires all tribes to pay fees to the NIGC.

When IGRA was enacted in 1988, Indian gaming was a $200 million dollar industry. Today, the industry earns $19 billion a year and is spread throughout the nation. The amendments reflect the need to re-evaluate what constitutes appropriate regulation of this vastly changed enterprise. I have always been and continue to be a supporter of the rights of Indian tribes to conduct gaming, a right guaranteed by the Supreme Court in the California v. Cabazon decision and codified in IGRA, but I also continue to believe that effective regulation of these enterprises are critical to tribes' continued success.

Ensuring that the NIGC is able to continue its oversight of Class ill gaming is necessary to this effective regulation. On August 24, 2005, the U.S. District Court for the District of Columbia issued its decision in Colorado River Indian Tribes v. NIGC (''CRIT''), ruling that the National Indian Gaming Commission (NIGC) did not have jurisdiction to issue Class ill Minimum Internal Controls Standards (MICS). These standards regulate day-to-day operations of gaming operations. Specifically, they provide rules that designate how cash is handled by the gaming operation, prescribe surveillance over game play, and provide auditing procedures.

Until the Court's decision, the NIGC had been regulating Class ill gaming through MICS since 1999. The regulations applied both to Class II gaming—that is, bingo and games similar to bingo—and to Class III gaming—including slot machines and table games—which represents the largest source of revenue in Indian gaming. Following to CRIT decision this summer, however, some tribes have challenged NIGC's authority to issue or enforce the MICS. Although without NIGC authority, oversight of Class ill gaming may be provided by tribal-State compacts, States' roles in enforcement varies widely and many have left such regulation to NIGC. In a Nationwide industry, uniform federal minimum internal control standards are appropriate. This amendment makes clear that NIGC continues to have the authority it has exercised until now to issue and enforce MICS, including the ability to inspect facilities and audit premises in order to assure compliance.

Protecting the integrity of Indian gaming also requires that the NIGC's authority to review manager contracts be expanded. IGRA originally identified only one kind of contract that was subject to NIGC approval: management contracts. History has shown, however, that in order to avoid NIGC review, some contracts have been fashioned as ''consulting'' contracts or ''development'' contracts, i.e., something other than ''management'' contracts that require NIGC review. In these cases, tribes run the risk that contractors will enforce unfair contract terms, and tribes and patrons run the risk that the tribe will contract with unsuitable partners. This amendment extends NIGC approval to all significant gaming operation related contracts so that the Indian gaming industry remains, as far as possible, free from unscrupulous and unsuitable contractors.

Related to protecting the integrity of Indian gaming is the issue of off-reservation gaming. When enacted in 1988, IGRA generally banned Indian gaming that was not located on reservations, however, in the interest of fairness, several exceptions to this ban were provided. Exploitation of these exceptions, not anticipated at the time IGRA was enacted, has led to a burgeoning practice by unscrupulous developers seeking to profit off Indian tribes desperate for economic development. Predictably, these ill-advised deals have invited a backlash against Indian gaming generally. These amendments to IGRA will put an end to the most troublesome of these proposals by eliminating the authority of the Secretary to take land into trust off-reservation pursuant to the so-called ''two-part determination'' provisions of Section 20.

In addressing concerns about other exceptions in Section 20 for land claims, initial reservations and restored reservations, these amendments strike a balance by curbing potential abuses of these exceptions, while not unfairly penalizing those who lost their lands through no fault of their own, or even had them taken illegally—often by force. Thus, newly recognized and restored tribes may still obtain lands, and conduct gaming on them, but such lands must be in the area where the particular tribe has its most significant ties. This has been the case for most newly recognized and restored tribes, and surely is not unfair to impose on all similarly situated tribes. For tribes that successfully reclaim lands taken illegally and want to conduct gaming on them, these amendments will require congressional confirmation and the lands must be within the state where the tribe has or had its last reservation. This provision does not impair any tribe's legal rights to reclaim lands, but will discourage attempts by creative non-Indian developers to turn a tribe's legal rights into a form of extortion.

Ensuring that penalties are appropriate and can be brought against the responsible party is another means of protecting the integrity of Indian gaming. To this end the bill clarifies that civil penalties can be imposed on any violator of IGRA, not just Indian tribes or management contractors.

Finally, this bill will ensure fairness in the regulation of Indian gaming by assuring that all tribes bear their appropriate share of the cost of regulation so that the industry, as a whole, continues to prosper. 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. 2078

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 ''Indian Gaming Regulatory Act Amendments of 2005''.

SEC. 2. DEFINITIONS.

Section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703) is amended—

(1) in paragraph (7)(E), by striking ''of the Indian Gaming Regulatory Act (25 U.S.C. 2710(d)(3))''; and

(2) by adding at the end the following:

''(11) GAMING-RELATED CONTRACT.—The term 'gaming-related contract' means—

''(A) a contract or other agreement relating to the management and operation of an Indian tribal gaming activity, including a contract for services under which the gaming-related contractor—

''(i) exercises material control over the gaming activity (or any part of the gaming activity); or

''(ii) advises or consults with a person that exercises material control over the gaming activity (or any part of the gaming activity);

''(B) an agreement relating to the development or construction of a facility to be used for an Indian tribal gaming activity (including a facility that is ancillary to such an activity) the cost of which is greater than $250,000; or

''(C) an agreement that provides for compensation or fees based on a percentage of the net revenues of an Indian tribal gaming activity.

''(12) GAMING-RELATED CONTRACTOR.—The term 'gaming-related contractor' means an entity or an individual, including an individual who is an officer, or who serves on the board of directors, of an entity, or a stockholder that directly or indirectly holds at least 5 percent of the issued and outstanding stock of an entity, that enters into a gaming-related contract with—

''(A) an Indian tribe; or

''(B) an agent of an Indian tribe.

''(13) MATERIAL CONTROL.—The term 'material control', with respect to a gaming activity, means the exercise of authority or supervision over a matter that substantially affects a financial or management aspect of an Indian tribal gaming activity.''.

SEC. 3. NATIONAL INDIAN GAMING COMMISSION.

Section 5 of the Indian Gaming Regulatory Act (25 U.S.C. 2704) is amended—

(1) in subsection (c)—

(A) by striking ''(c) Vacancies'' and inserting the following:

''(c) VACANCIES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a vacancy'';

(B) by striking the second sentence and inserting the following:

''(3) EXPIRATION OF TERM.—Unless a member has been removed for cause under subsection (b)(6), the member may—

''(A) serve after the expiration of the term of office of the member until a successor is appointed; or

''(B) be reappointed to serve on the Commission.''; and

(C) by inserting after paragraph (1) (as designated by subparagraph (A)) the following:

''(2) VICE CHAIRMAN.—The Vice Chairman shall act as Chairman in the absence or disability of the Chairman.''; and

(2) in subsection (e), in the second sentence, by inserting ''or disability'' after ''in the absence''.

SEC. 4. POWERS OF THE CHAIRMAN.

Section 6 of the Indian Gaming Regulatory Act (25 U.S.C. 2705) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking ''and'' at the end;

(B) by striking paragraph (4) and inserting the following:

''(4) approve gaming-related contracts for class II gaming and class III gaming under section 12; and''; and

(C) by adding at the end the following:

''(5) conduct a background investigation and make a determination with respect to the suitability of a gaming-related contractor, as the Chairman determines to be appropriate.''; and

(2) by adding at the end the following:

''(c) DELEGATION OF AUTHORITY.—

''(1) IN GENERAL.—The Chairman may delegate any authority under this section to any member of the Commission, as the Chairman determines to be appropriate.

''(2) REQUIREMENT.—In carrying out an activity pursuant to a delegation under paragraph (1), a member of the Commission shall be subject to, and act in accordance with—

''(A) the general policies formally adopted by the Commission; and

''(B) the regulatory decisions, findings, and determinations of the Commission pursuant to Federal law.''.

SEC. 5. POWERS OF THE COMMISSION.

Section 7(b) of the Indian Gaming Regulatory Act (25 U.S.C. 2706(b)) is amended—

(1) in paragraphs (1) and (4), by inserting ''and class III gaming'' after ''class II gaming'' each place it appears;

(2) in paragraph (2), by inserting ''or class III gaming'' after ''class II gaming''; and

(3) in paragraph (10), by inserting '', including regulations addressing minimum internal control standards for class II gaming and class III gaming activities'' before the period at the end.

SEC. 6. COMMISSION STAFFING.

(a) GENERAL COUNSEL.—Section 8(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2707(a)) is amended by striking ''basic'' and all that follows through the end of the subsection and inserting the following: ''pay payable for level IV of the Executive Schedule under chapter 11 of title 2, United States Code, as adjusted by section 5318 of title 5, United States Code.''.

(b) OTHER STAFF.—Section 8(b) of the Indian Gaming Regulatory Act (25 U.S.C. 2707(b)) is amended by striking ''basic'' and all that follows through the end of the subsection and inserting the following: ''pay payable for level IV of the Executive Schedule under chapter 11 of title 2, United States Code, as adjusted by section 5318 of title 5, United States Code.''.

(c) TEMPORARY AND INTERMITTENT SERVICES.—Section 8(c) of the Indian Gaming Regulatory Act (25 U.S.C. 2707(c)) is amended by striking ''basic'' and all that follows through the end of the subsection and inserting the following: ''pay payable for level IV of the Executive Schedule under chapter 11 of title 2, United States Code, as adjusted by section 5318 of title 5, United States Code.''.

SEC. 7. TRIBAL GAMING ORDINANCES.

Section 11 of the Indian Gaming Regulatory Act (25 U.S.C. 2710) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by striking '', and'' and inserting ''; and'';

(B) in paragraph (2)(F)—

(i) by striking clause (i) and inserting the following:

''(i) ensures that background investigations and ongoing oversight activities are conducted with respect to—

''(I) tribal gaming commissioners and key tribal gaming commission employees, as determined by the Chairman;

''(II) primary management officials and other key employees of the gaming enterprise, as determined by the Chairman; and

''(III) any person that is a party to a gaming-related contract; and''; and

(ii) in clause (ii)(I), by striking ''primary'' and all that follows through ''with'' and inserting ''the individuals and entities described in clause (i), including'';

(C) in paragraph (3)—

(i) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(ii) by striking subparagraph (B) and inserting the following:

''(B) the plan is approved by the Secretary after the Secretary determines that—

''(i) the plan is consistent with the uses described in paragraph (2)(B);

''(ii) the plan adequately addresses the purposes described in clauses (i) and (iii) of paragraph (2)(B); and

''(iii) a per capita payment is a reasonable method of providing for the general welfare of the Indian tribe and the members of the Indian tribe;

''(C) the Secretary determines that the plan provides an adequate mechanism for the monitoring and enforcement, by the Secretary and the Chairman, of the compliance of the plan (including any amendment, revision, or rescission of any part of the plan);''; and

(D) in paragraph (4)(B)(i)—

(i) in subclause (I), by striking ''of the Act,'' and inserting a semicolon;

(ii) in subclause (II), by striking ''of this subsection'' and inserting a semicolon;

(iii) in subclause (III), by striking '', and'' and inserting ''; and''; and

(iv) in subclause (IV), by striking ''National Indian Gaming'';

(2) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in clause (i), by striking ''lands,'' and inserting ''lands;'';

(II) in clause (ii), by striking '', and'' and inserting ''; and''; and

(III) in clause (iii), by striking the comma at the end and inserting a semicolon; and

(ii) in subparagraph (B), by striking '', and'' and inserting ''; and'';

(B) in paragraph (2)—

(i) in subparagraph (B)(i), by striking '', or'' and inserting ''; or''; and

(ii) in subparagraph (D)(iii)(I), by striking '', and'' and inserting ''; and'';

(C) in paragraph (7)(B)—

(i) in clause (ii)(I), by striking '', and'' and inserting ''; and'';

(ii) in clause (iii)(I), by striking '', and'' and inserting ''; and''; and

(iii) in clause (vii)(I), by striking '', and'' and inserting ''; and'';

(D) in paragraph (8)(B)—

(i) in clause (i), by striking the comma at the end and inserting a semicolon; and

(ii) in clause (ii), by striking '', or'' and inserting ''; or''; and

(E) by striking paragraph (9); and

(3) by adding at the end the following:

''(f) PROVISION OF INFORMATION TO CHAIRMAN.—Immediately after approving a plan (including any amendment, revision, or recision of any part of a plan) under subsection (b)(3), the Secretary shall provide to the Chairman—

''(1) a notice of the approval; and

''(2) any information used by the Secretary in approving the plan.''.

SEC. 8. GAMING-RELATED CONTRACTS.

Section 12 of the Indian Gaming Regulatory Act (25 U.S.C. 2711) is amended to read as follows:

''SEC. 12. GAMING-RELATED CONTRACTS.

''(a) IN GENERAL.—To be enforceable under this Act, a gaming-related contract shall be—

''(1) in writing; and

''(2) approved by the Chairman under subsection (c).

''(b) CONTRACT REQUIREMENTS.—

''(1) IN GENERAL.—A gaming-related contract under this Act shall provide for the Indian tribe, at a minimum, provisions relating to—

''(A) accounting and reporting procedures, including, as appropriate, provisions relating to verifiable financial reports;

''(B) the access required to ensure proper performance of the gaming-related contract, including access to, with respect to a gaming activity—

''(i) daily operations;

''(ii) real property;

''(iii) equipment; and

''(iv) any other tangible or intangible property used to carry out the activity;

''(C) assurance of performance of each party to the gaming-related contract, including the provision of bonds under subsection (d), as the Chairman determines to be necessary; and

''(D) the reasons for, and method of, terminating the gaming-related contract.

''(2) TERM.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term of a gaming-related contract shall not exceed 5 years.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), a gaming-related contract may have a term of not to exceed 7 years if—

''(i) the Indian tribal party to the gaming-related contract submits to the Chairman a request for such a term; and

''(ii) the Chairman determines that the term is appropriate, taking into consideration the circumstances of the gaming-related contract.

''(3) FEES.—

''(A) IN GENERAL.—Notwithstanding the payment terms of a gaming-related contract, and except as provided in subparagraph (B), the fee of a gaming-related contractor or beneficiary of a gaming-related contract shall not exceed an amount equal to 30 percent of the net revenues of the gaming operation that is the subject of the gaming-related contract.

''(B) EXCEPTION.—The fee of a gaming-related contractor or beneficiary of a gaming-related contract may be in an amount equal to not more than 40 percent of the net revenues of the gaming operation that is the subject of the gaming-related contract if the Chairman determines that such a fee is appropriate, taking into consideration the circumstances of the gaming-related contract.

''(c) APPROVAL BY CHAIRMAN.—

''(1) GAMING-RELATED CONTRACTS.—

''(A) IN GENERAL.—An Indian tribe shall submit each gaming-related contract of the tribe to the Chairman for approval by not later than the earlier of—

''(i) the date that is 90 days after the date on which the gaming-related contract is executed; or

''(ii) the date that is 90 days before the date on which the gaming-related contract is scheduled to be completed.

''(B) FACTORS FOR CONSIDERATION.—In determining whether to approve a gaming-related contract under this subsection, the Chairman may take into consideration any information relating to the terms, parties, and beneficiaries of—

''(i) the gaming-related contract; and

''(ii) any other agreement relating to the Indian gaming activity, as determined by the Chairman.

''(C) DEADLINE FOR DETERMINATION.—

''(i) IN GENERAL.—The Chairman shall approve or disapprove a gaming-related contract under this subsection by not later than 90 days after the date on which the Chairman makes a determination regarding the suitability of each gaming-related contractor under paragraph (2).

''(ii) EXPEDITED REVIEW.—

''(I) IN GENERAL.—If each gaming-related contractor has been determined by the Chairman to be suitable under paragraph (2) on or before the date on which the gaming-related contract is submitted to the Chairman, the Chairman shall approve or disapprove the gaming-related contract by not later than 30 days after the date on which the gaming-related contract is submitted.

''(II) FAILURE TO DETERMINE.—If the Chairman fails to make a determination by the date described in subclause (I), a gaming-related contract described in that subclause shall be considered to be approved.

''(III) AMENDMENTS.—The Chairman may require the parties to a gaming-related contract considered to be approved under subclause (II) to amend the gaming-related contract, as the Chairman considers to be appropriate to meet the requirements under subsection (b).

''(iii) EARLY OPERATION.—

''(I) IN GENERAL.—On approval of the Chairman under subclause (II), a gaming-related contract may be carried out before the date on which the gaming-related contract is approved by the Chairman under clause (i).

''(II) APPROVAL BY CHAIRMAN.—The Chairman may approve the early operation of a gaming-related contract under subclause (I) if the Chairman determines that—

''(aa) adequate bonds have been provided under paragraph (2)(G)(iii) and subsection (d); and

''(bb) the gaming-related contract will be amended as the Chairman considers to be appropriate to meet the requirements under subsection (b).

''(D) REQUIREMENTS FOR DISAPPROVAL.—The Chairman shall disapprove a gaming-related contract under this subsection if the Chairman determines that—

''(i) the gaming-related contract fails to meet any requirement under subsection (b);

''(ii) a gaming-related contractor is unsuitable under paragraph (2);

''(iii) a gaming-related contractor or beneficiary of the gaming-related contract—

''(I) unduly interfered with or influenced, or attempted to interfere with or influence, a decision or process of an Indian tribal government relating to the gaming activity for the benefit of the gaming-related contractor or beneficiary; or

''(II) deliberately or substantially failed to comply with—

''(aa) the gaming-related contract; or

''(bb) a tribal gaming ordinance or resolution adopted and approved pursuant to this Act;

''(iv) the Indian tribe with jurisdiction over the Indian lands on which the gaming activity is located will not receive the primary benefit as sole proprietor of the gaming activity, taking into consideration any agreement relating to the gaming activity;

''(v) a trustee would disapprove the gaming-related contract, in accordance with the duties of skill and diligence of the trustee, because the compensation or fees under the gaming-related contract do not bear a reasonable relationship to the cost of the goods or the benefit of the services provided under the gaming-related contract; or

''(vi) a person or an Indian tribe would violate this Act—

''(I) on approval of the gaming-related contract; or

''(II) in carrying out the gaming-related contract.

''(2) GAMING-RELATED CONTRACTORS.—

''(A) IN GENERAL.—Not later than 90 days after the date on which the Chairman receives a gaming-related contract, the Chairman shall make a determination regarding the suitability of each gaming-related contractor to carry out any gaming activity that is the subject of the gaming-related contract.

''(B) REQUIREMENTS.—The Chairman shall make a determination under subparagraph (A) that a gaming-related contractor is unsuitable if, as determined by the Chairman—

''(i) the gaming-related contractor—

''(I) is an elected member of the governing body of an Indian tribe that is a party to the gaming-related contract;

''(II) has been convicted of—

''(aa) a felony; or

''(bb) any offense relating to gaming;

''(III)(aa) knowingly and willfully provided any materially important false statement or other information to the Commission or an Indian tribe that is a party to the gaming-related contract; or

''(bb) failed to respond to a request for information under this Act;

''(IV) poses a threat to the public interest or the effective regulation or conduct of gaming under this Act, taking into consideration the behavior, criminal record, reputation, habits, and associations of the gaming-related contractor;

''(V) unduly interfered, or attempted to unduly interfere, with any determination or governing process of the governing body of an Indian tribe relating to a gaming activity, for the benefit of the gaming-related contractor; or

''(VI) deliberately or substantially failed to comply with the terms of—

''(aa) the gaming-related contract; or

''(bb) a tribal gaming ordinance or resolution approved and adopted under this Act; or

''(ii) a trustee would determine that the gaming-related contractor is unsuitable, in accordance with the duties of skill and diligence of the trustee.

''(C) FAILURE TO DETERMINE.—If the Chairman fails to make a suitability determination with respect to a gaming-related contractor by the date described in subparagraph (A), each gaming-related contractor shall be considered to be suitable to carry out the gaming activity that is the subject of the applicable gaming-related contract.

''(D) REVOCATION.—At any time, based on a showing of good cause, the Chairman may—

''(i) make a determination that a gaming-related contractor is unsuitable under this subsection; or

''(ii) revoke a suitability determination under this subsection.

''(E) TEMPORARY SUITABILITY.—

''(i) IN GENERAL.—For purposes of meeting a deadline under paragraph (1)(C), the Chairman may determine that a gaming-related contractor is temporarily suitable if—

''(I) the Chairman determined the gaming-related contractor to be suitable with respect to another gaming-related contract being carried out on the date on which the Chairman makes a determination under this paragraph; and

''(II) the gaming-related contractor has not otherwise been determined to be unsuitable by the Chairman.

''(ii) FINAL DETERMINATION.—The Chairman shall make a suitability determination with respect to a gaming-related contractor that is the subject of a temporary suitability determination under clause (i) by the date described in subparagraph (A), in accordance with subparagraph (F).

''(F) UPDATING DETERMINATIONS.—The Chairman, as the Chairman determines to be appropriate, may limit an investigation of the suitability of a gaming-related contractor that—

''(i) has been determined to be suitable by the Chairman with respect to another gaming-related contract being carried out on the date on which the Chairman makes a determination under this paragraph; and

''(ii) certifies to the Chairman that the information provided during a preceding suitability determination has not materially changed.

''(G) RESPONSIBILITY OF GAMING-RELATED CONTRACTOR.—A gaming-related contractor shall—

''(i) pay the costs of any investigation activity of the Chairman in carrying out this paragraph;

''(ii) provide to the Chairman a notice of any change in information provided during a preceding investigation on discovery of the change; and

''(iii) during an investigation of suitability under this paragraph, provide to the Chairman such bonds under subsection (d) as the Chairman determines to be appropriate to shield an Indian tribe from liability resulting from an action of the gaming-related contractor.

''(H) REGISTRY.—The Chairman shall establish and maintain a registry of each suitability determination made under this paragraph.

''(3) ADDITIONAL REVIEWS.—Notwithstanding an approval under paragraph (1), or a determination of suitability under paragraph (2), if the Chairman determines that a gaming-related contract, or any party to such a contract, is in violation of this Act, the Chairman may—

''(A) suspend performance under the gaming-related contract;

''(B) require the parties to amend the gaming-related contract; or

''(C) revoke a determination of suitability under paragraph (2)(D).

''(4) TERMINATION.—Termination of a gaming-related contract shall not require the approval of the Chairman.

''(d) BONDS.—

''(1) IN GENERAL.—The Chairman may require a gaming-related contractor to provide to the Chairman a bond to ensure the performance of the gaming-related contractor under a gaming-related contract.

''(2) REGULATIONS.—The Chairman, by regulation, shall establish the amount of a bond required under this subsection.

''(3) METHOD OF PAYMENT.—A bond under this subsection may be provided—

''(A) in cash or negotiable securities;

''(B) through a surety bond guaranteed by a guarantor acceptable to the Chairman; or

''(C) through an irrevocable letter of credit issued by a banking institution acceptable to the Chairman.

''(4) USE OF BONDS.—The Chairman shall use a bond provided under this subsection to pay the costs of a failure of the gaming-related contractor that provided the bond to perform under a gaming-related contract.

''(e) APPEAL OF DETERMINATION.—

''(1) IN GENERAL.—An Indian tribe or a gaming-related contractor may submit to the Commission a request for an appeal of a determination of the Chairman under subsection (c) or (d).

''(2) DETERMINATION OF COMMISSION.—

''(A) HEARINGS.—The Commission shall schedule a hearing relating to an appeal under paragraph (1) by not later than 30 days after the date on which a request for the appeal is received.

''(B) DEADLINE FOR DETERMINATION.—The Commission shall make a determination, by majority vote of the Commission, relating to an appeal under this subsection by not later than 5 days after the date of the hearing relating to the appeal under subparagraph (A).

''(C) CONCURRENCE.—If the Commission concurs with a determination of the Chairman under this subsection, the determination shall be considered to be a final agency action.

''(D) DISSENT.—

''(i) IN GENERAL.—If the Commission dissents from a determination of the Chairman under this subsection, the Chairman may—

''(I) rescind the determination of the Chairman; or

''(II) on a finding of immediate and irreparable harm to the Indian tribe that is the subject of the determination, maintain the determination.

''(ii) FINAL AGENCY ACTION.—A decision by the Chairman to maintain a determination under clause (i)(II) shall be considered to be a final agency action.

''(3) APPEAL OF COMMISSION DETERMINATION.—An Indian tribe, a gaming-related contractor, or a beneficiary of a gaming-related contract may appeal a determination of the Commission under paragraph (2) to the United States District Court for the District of Columbia.

''(f) CONVEYANCE OF REAL PROPERTY.—No gaming-related contract under this Act shall transfer or otherwise convey any interest in land or other real property unless the transfer or conveyance—

''(1) is authorized under law; and

''(2) is specifically described in the gaming-related contract.

''(g) CONTRACT AUTHORITY.—The authority of the Secretary under section 2103 of the Revised Statutes (25 U.S.C. 81) relating to contracts under this Act is transferred to the Commission.

''(h) NO EFFECT ON TRIBAL AUTHORITY.—This section does not expand, limit, or otherwise affect the authority of any Indian tribe or any party to a Tribal-State compact to investigate, license, or impose a fee on a gaming-related contractor.''.

SEC. 9. CIVIL PENALTIES.

Section 14 of the Indian Gaming Regulatory Act (25 U.S.C. 2713) is amended—

(1) by striking the section designation and heading and all that follows through subsection (a) and inserting the following:

''SEC. 14. CIVIL PENALTIES.

''(a) PENALTIES.—

''(1) VIOLATION OF ACT.—

''(A) IN GENERAL.—An Indian tribe, individual, or entity that violates any provision of this Act (including any regulation of the Commission and any Indian tribal regulation, ordinance, or resolution approved under section 11 or 13) in carrying out a gaming-related contract may be subject to, as the Chairman determines to be appropriate—

''(i) an appropriate civil fine, in an amount not to exceed $25,000 per violation per day; or

''(ii) an order of the Chairman for an accounting and disgorgement, including interest.

''(B) APPLICATION TO INDIAN TRIBES.—An Indian tribe shall not be subject to disgorgement under subparagraph (A)(ii) unless the Chairman determines that the Indian tribe grossly violated a provision of this Act.

''(2) APPEALS.—The Chairman shall provide, by regulation, an opportunity to appeal a determination relating to a violation under paragraph (1).

''(3) WRITTEN COMPLAINTS.—

''(A) IN GENERAL.—If the Commission has reason to believe that an Indian tribe or a party to a gaming-related contract may be subject to a penalty under paragraph (1), the final closure of an Indian gaming activity, or a modification or termination order relating to the gaming-related contract, the Chairman shall provide to the Indian tribe or party a written complaint, including—

''(i) a description of any act or omission that is the basis of the belief of the Commission; and

''(ii) a description of any action being considered by the Commission relating to the act or omission.

''(B) REQUIREMENTS.—A written complaint under subparagraph (A)—

''(i) shall be written in common and concise language;

''(ii) shall identify any statutory or regulatory provision relating to an alleged violation by the Indian tribe or party; and

''(iii) shall not be written only in statutory or regulatory language.'';

(2) in subsection (b)—

(A) by striking ''(b)(1) The Chairman'' and inserting the following:

''(b) TEMPORARY CLOSURES.—

''(1) IN GENERAL.—The Chairman'';

(B) in paragraph (1)—

(i) by striking ''Indian game'' and inserting ''Indian gaming activity, or any part of such a gaming activity,''; and

(ii) by striking ''section 11 or 13 of this Act'' and inserting ''section 11 or 13''; and

(C) in paragraph (2)—

(i) by striking ''(2) Not later than thirty'' and inserting the following:

''(2) HEARINGS.—

''(A) IN GENERAL.—Not later than 30'';

(ii) in subparagraph (A) (as designating by clause (i))—

(I) by striking ''management contractor'' and inserting ''party to a gaming-related contract''; and

(II) by striking ''permanent'' and inserting ''final''; and

(iii) in the second sentence—

(I) by striking ''Not later than sixty'' and inserting the following:

''(B) DETERMINATION OF COMMISSION.—Not later than 60''; and

(II) by striking ''permanent'' and inserting ''final'';

(3) in subsection (c), by striking ''(c) A decision'' and inserting the following:

''(c) APPEAL OF FINAL DETERMINATIONS.—A determination''; and

(4) in subsection (d), by striking ''(d) Nothing'' and inserting the following:

''(d) EFFECT ON REGULATORY AUTHORITY OF INDIAN TRIBES.—Nothing''.

SEC. 10. GAMING ON LATER-ACQUIRED LAND.

Section 20(b) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking '' (A) the Secretary, after consultation'' and inserting the following:

''(A)(i) before November 18, 2005, the Secretary reviewed, or was in the process of reviewing, at the Central Office of the Bureau of Indian Affairs, Washington, DC, the petition of an Indian tribe to have land taken into trust for purposes of gaming under this Act; and

''(ii) the Secretary, after consultation''; and

(B) in subparagraph (B)—

(i) in clause (i), by striking the comma at the end and inserting the following: ''under Federal statutory law, if the land is within a State in which is located—

''(I) the reservation of such Indian tribe; or

''(II) the last recognized reservation of such Indian tribe;'';

(ii) in clause (ii), by striking '', or'' and inserting ''if, as determined by the Secretary, the Indian tribe has a temporal, cultural, and geographic nexus to the land; or''; and

(iii) in clause (iii), by inserting before the period at the end the following: ''if, as determined by the Secretary, the Indian tribe has a temporal, cultural, and geographic nexus to the land''; and

(2) by adding at the end the following:

''(4) EFFECT OF SUBSECTION.—Notwithstanding any other provision of this subsection, land that, before the date of enactment of the Indian Gaming Regulatory Act Amendments of 2005, was determined by the Secretary or the Chairman to be eligible to be used for purposes of gaming shall continue to be eligible for those purposes.''.

SEC. 11. CONFORMING AMENDMENT.

(a) IN GENERAL.—Section 123(a)(2) of the Department of the Interior and Related Agencies Appropriations Act, 1998 (Public Law 105–83; 111 Stat. 1566) is amended—

(1) in subparagraph (A), by adding ''and'' at the end;

(2) in subparagraph (B), by striking ''; and'' and inserting a period; and

(3) by striking subparagraph (C).

(b) APPLICABILITY.—Notwithstanding any other provision of law, section 18(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)) shall apply to all Indian tribes.

By Mr. SMITH (for himself, Mr. THUNE, Mr. ALLARD, Mr. BURNS, and Mr. THOMAS):

S. 2079. A bill to improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting the natural resources of Forest Service land and Bureau of Land Management Land, respectively, to support the recovery of non-Federal land damaged by catastrophic events, to assist impacted communities, to revitalize Forest Service experimental forests, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BURNS. Mr. President, I rise today in support of the Forests for Future Generations Act, because it addresses a very serious problem in our National Forests. I am not sure how many people in this body have witnessed the devastation of a catastrophic wildfire, but I recommend that everyone tour a burned over forest. It is a sobering reality, often resembling a moonscape.

The worst fire year in recent Montana history was the summer of 2000, when we burned 945,000 acres of productive Montana land. After months of smoke-filled air, we were left with decimated wildlife habitat, charred hillsides, sediment-filled streams, and millions of board feet of dead, standing timber. Active forest management would require that restoration of these fragile soils and ecosystems begin as soon as possible, but that is almost never the case on national forest land. Instead, we spend millions of dollars and thousands of hours writing a plan to restore the burned area, which is inevitably appealed, challenged, and litigated by an environmental group. We end up arguing in the courtroom when we should be working in the forest.

I have seen side-by-side sections of land where private landowners or even the State of Montana has taken quick action and removed some dead or dying timber then replanted the forest. News are growing on the private land before any of the Federal timber is even harvested. It is amazing to me, and it makes absolutely no sense. For that

reason I am happy to cosponsor this bill, because it is time to reintroduce some common sense into a system that has gone far off the tracks.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 320—CALLING ON THE PRESIDENT TO ENSURE THAT THE FOREIGN POLICY OF THE UNITED STATES REFLECTS APPROPRIATE UNDERSTANDING AND SENSITIVITY CONCERNING ISSUES RELATED TO HUMAN RIGHTS, ETHNIC CLEANSING, AND GENOCIDE DOCUMENTED IN THE UNITED STATES RECORD RELATING TO THE ARMENIAN GENOCIDE

Mr. ENSIGN (for himself and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES 320

Whereas the Armenian Genocide was conceived and carried out by the Ottoman Empire from 1915 to 1923, resulting in the deportation of nearly 2,000,000 Armenians, of whom 1,500,000 men, women, and children were killed, 500,000 survivors were expelled from their homes, and which succeeded in the elimination of more than 2,500-year presence of Armenians in their historic homeland;

Whereas, on May 24, 1915, the Allied Powers issued the joint statement of England, France, and Russia that explicitly charged, for the first time ever, another government of committing ''a crime against humanity'';

Whereas that joint statement stated ''the Allied Governments announce publicly to the Sublime Porte that they will hold personally responsible for these crimes all members of the Ottoman Government, as well as those of their agents who are implicated in such massacres'';

Whereas the post-World War I Turkish Government indicted the top leaders involved in the ''organization and execution'' of the Armenian Genocide and in the ''massacre and destruction of the Armenians'';

Whereas in a series of courts-martial, officials of the Young Turk Regime were tried and convicted on charges of organizing and executing massacres against the Armenian people;

Whereas the officials who were the chief organizers of the Armenian Genocide, Minister of War Enver, Minister of the Interior Talaat, and Minister of the Navy Jemal, were tried by military tribunals, found guilty, and condemned to death for their crimes, however, the punishments imposed by the tribunals were not enforced;

Whereas the Armenian Genocide and the failure to carry out the death sentence against Enver, Talaat, and Jemal are documented with overwhelming evidence in the national archives of Austria, France, Germany, Russia, the United Kingdom, the United States, the Vatican, and many other countries, and this vast body of evidence attests to the same facts, the same events, and the same consequences;

Whereas the National Archives and Records Administration of the United States holds extensive and thorough documentation on the Armenian Genocide, especially in its holdings for the Department of State under Record Group 59, files 867.00 and 867.40, which are open and widely available to the public and interested institutions;

Whereas the Honorable Henry Morgenthau, United States Ambassador to the Ottoman Empire from 1913 to 1916, organized and led protests by officials of many countries, among them the allies of the Ottoman Empire, against the Armenian Genocide;

Whereas Ambassador Morgenthau explicitly described to the Department of State the policy of the Government of the Ottoman Empire as ''a campaign of race extermination'', and was instructed on July 16, 1915, by Secretary of State Robert Lansing that the ''Department approves your procedure . . . to stop Armenian persecution'';

Whereas Senate Concurrent Resolution 12, 64th Congress, agreed to July 18, 1916, resolved that ''the President of the United States be respectfully asked to designate a day on which the citizens of this country may give expression to their sympathy by contributing funds now being raised for the relief of the Armenians'', who, at that time, were enduring ''starvation, disease, and untold suffering'';

Whereas President Woodrow Wilson agreed with such Concurrent Resolution and encouraged the formation of the organization known as Near East Relief, which was incorporated by the Act of August 6, 1919, 66th Congress (41 Stat. 273, chapter 32);

Whereas, from 1915 through 1930, Near East Relief contributed approximately $116,000,000 to aid survivors of the Armenian Genocide, including aid to approximately 132,000 Armenian orphans;

Whereas Senate Resolution 359, 66th Congress, agreed to May 11, 1920, stated in part, ''the testimony adduced at the hearings conducted by the subcommittee of the Senate Committee on Foreign Relations have clearly established the truth of the reported massacres and other atrocities from which the Armenian people have suffered'';

Whereas such Senate Resolution followed the report to the Senate of the American Military Mission to Armenia, which was led by General James Harbord, dated April 13, 1920, that stated ''[m]utilation, violation, torture, and death have left their haunting memories in a hundred beautiful Armenian valleys, and the traveler in that region is seldom free from the evidence of this most colossal crime of all the ages'';

Whereas, as displayed in the United States Holocaust Memorial Museum, Adolf Hitler, on ordering his military commanders to attack Poland without provocation in 1939, dismissed objections by saying ''[w]ho, after all, speaks today of the annihilation of the Armenians?'' and thus set the stage for the Holocaust;

Whereas Raphael Lemkin, who coined the term ''genocide'' in 1944, and who was the earliest proponent of the Convention on the Prevention and Punishment of Genocide, invoked the Armenian case as a definitive example of genocide in the 20th century;

Whereas the first resolution on genocide adopted by the United Nations, United Nations General Assembly Resolution 96(1), dated December 11, 1946, (which was adopted at the urging of Raphael Lemkin), and the Convention on the Prevention and Punishment of Genocide, done at Paris December 9, 1948, recognized the Armenian Genocide as the type of crime the United Nations intended to prevent and punish by codifying existing standards;

Whereas, in 1948, the United Nations War Crimes Commission invoked the Armenian Genocide as ''precisely . . . one of the types of acts which the modern term 'crimes against humanity' is intended to cover'' and as a precedent for the Nuremberg tribunals;

Whereas such Commission stated that ''[t]he provisions of Article 230 of the Peace Treaty of Sevres were obviously intended to cover, in conformity with the Allied note of 1915 . . . offenses which had been committed on Turkish territory against persons of Turkish citizenship, though of Armenian or Greek race. This article constitutes therefore a precedent for Article 6c and 5c of the Nuremberg and Tokyo Charters, and offers an example of one of the categories of 'crimes against humanity' as understood by these enactments'';

Whereas House Joint Resolution 148, 94th Congress, adopted by the House of Representatives on April 8, 1975, resolved that ''April 24, 1975, is hereby designated as 'National Day of Remembrance of Man's Inhumanity to Man', and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day as a day of remembrance for all the victims of genocide, especially those of Armenian ancestry'';

Whereas Proclamation 4838 of April 22, 1981 (95 Stat. 1813) issued by President Ronald Reagan, stated, in part, that ''[l]ike the genocide of the Armenians before it, and the genocide of the Cambodians which followed it—and like too many other persecutions of too many other people—the lessons of the Holocaust must never be forgotten'';

Whereas House Joint Resolution 247, 98th Congress, adopted by the House of Representatives on September 10, 1984, resolved that ''April 24, 1985, is hereby designated as 'National Day of Remembrance of Man's Inhumanity to Man', and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day as a day of remembrance for all the victims of genocide, especially the one and one-half million people of Armenian ancestry'';

Whereas, in August 1985, after extensive study and deliberation, the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities voted 14 to 1 to accept a report entitled ''Study of the Question of the Prevention and Punishment of the Crime of Genocide'', which stated ''[t]he Nazi aberration has unfortunately not been the only case of genocide in the 20th century. Among other examples which can be cited as qualifying are . . . the Ottoman massacre of Armenians in 1915–1916'';

Whereas such report also explained that ''[a]t least 1,000,000, and possibly well over half of the Armenian population, are reliably estimated to have been killed or death marched by independent authorities and eyewitnesses and this is corroborated by reports in United States, German, and British archives and of contemporary diplomats in the Ottoman Empire, including those of its ally Germany'';

Whereas the United States Holocaust Memorial Council, an independent Federal agency that serves as the board of trustees of the United States Holocaust Memorial Museum pursuant to section 2302 of title 36, United States Code, unanimously resolved on April 30, 1981, that the Museum would exhibit information regarding the Armenian Genocide and the Museum has since done so;

Whereas, reviewing an aberrant 1982 expression by the Department of State (which was later retracted) that asserted that the facts of the Armenian Genocide may be ambiguous, the United States Court of Appeals for the District of Columbia in 1993, after a review of documents pertaining to the policy record of the United States, noted that the assertion on ambiguity in the United States record about the Armenian Genocide ''contradicted longstanding United States policy and was eventually retracted'';

Whereas, on June 5, 1996, the House of Representatives adopted an amendment to H.R. 3540, 104th Congress (the Foreign Operations,

Export Financing, and Related Programs Appropriations Act, 1997), to reduce aid to Turkey by $3,000,000 (an estimate of its payment of lobbying fees in the United States) until the Turkish Government acknowledged the Armenian Genocide and took steps to honor the memory of its victims;

Whereas President William Jefferson Clinton, on April 24, 1998, stated, ''[t]his year, as in the past, we join with Armenian-Americans throughout the nation in commemorating one of the saddest chapters in the history of this century, the deportations and massacres of a million and a half Armenians in the Ottoman Empire in the years 1915–1923'';

Whereas President George W. Bush, on April 24, 2004, stated, ''[o]n this day, we pause in remembrance of one of the most horrible tragedies of the 20th century, the annihilation of as many as 1,500,000 Armenians through forced exile and murder at the end of the Ottoman Empire''; and

Whereas, despite the international recognition and affirmation of the Armenian Genocide, the failure of the domestic and international authorities to punish those responsible for the Armenian Genocide is a reason why similar genocides have recurred and may recur in the future, and that a just resolution will help prevent future genocides: Now, therefore, be it

Resolved, That the Senate—

(1) calls on the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide and the consequences of the failure to realize a just resolution; and

(2) calls on the President, in the President's annual message commemorating the Armenian Genocide issued on or about April 24 to accurately characterize the systematic and deliberate annihilation of 1,500,000 Armenians as genocide and to recall the proud history of United States intervention in opposition to the Armenian Genocide.

Mr. DURBIN. Mr. President, I rise today to recall and to honor the 1.5 million Armenians killed by the Ottoman government between 1915 and 1923. Genocides claimed the lives of some 60 million people in the century just past, 16 million after the end of the Second World War, when we told ourselves, ''Never again.'' The Armenian Genocide was the 20th century's first genocide, a vicious, organized crime against humanity that included murder, deportation, torture, and slave labor.

Some would ignore the Armenian victims and forget how they died. We need to fight against such forgetfulness.

An Armenian named Vahram Dadrian was a survivor of the genocide and wrote about his experiences in a moving memoir. But by the 1940s, he had begun to lose hope. ''Everything has been forgotten,'' he wrote, ''our . . . dead could never have imagined, even for a fraction of a moment, that they would have been forgotten so soon.''

We must restore that lost hope. We must not forget. To do so would dishonor the memories of the dead and send a message to the world that we might tolerate genocide.

We will not tolerate the intolerable. We will remember, and in doing so, cultivate the knowledge—and the wisdom—necessary to act to prevent a repetition of these terrible crimes. Because the problem isn't simply a matter of knowing, but about knowing when and how to act.

Senator ENSIGN and I have submitted a resolution that acknowledges the suffering of those destroyed by the Armenian genocide.

It calls on the President to remember the hard lessons of the Armenian genocide in the conduct of U.S. foreign policy and to assure that our knowledge of this terrible crime informs our human rights policies.

As I said, the Armenian genocide was the first genocide of the 20th century. It was also the first time that the American public found itself confronting such a cruel, man-made catastrophe.

America closely followed the crisis. In 1915, the New York Times alone published 145 articles on the Armenian massacres, roughly one every 2½ days.

Dedicated and courageous American diplomats tried to end the carnage. Our ambassador to Constantinople, Henry Morgenthau, played an important role in bringing the massacres to the attention of the outside world.

Americans, such as Mark Twain, Henry Adams, and Clara Barton, spoke out against the massacres and a broad-based American humanitarian movement sought to provide relief to the desperate Armenians and pushed the U.S. Government to protect the victims from further violence. It was the birth of the American international human rights movement.

The Near East Relief Organization, founded in 1919 to assist Armenian refugees, provided more than $116 million for the cause during its 10-year lifetime—the equivalent of more than $1 billion in today's money.

We need to recapture that energy and determination because the best way to honor those who died is to recognize their suffering and dedicate ourselves to preventing such a destruction of entire communities in the future.

Recognizing the Armenian genocide takes on added importance in the face of the genocide occurring right now in the Darfur region of Sudan. As we pause to reflect upon this grievous example of man's inhumanity to man, let us honor the victims of the Armenian genocide and all crimes against humanity not only by acknowledging their suffering, but also by acting to halt similar atrocities that are occurring now before our very eyes.

SENATE RESOLTUION 321—COMMEMORATING THE LIFE, ACHIEVEMENTS, AND CONTRIBUTIONS OF ALAN A. REICH

Mr. DEWINE (for himself and Mr. HARKIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 321

Whereas Alan Reich devoted his life to civic involvement and efforts to improve the quality of life for individuals with disabilities;

Whereas Alan Reich was born in Pearl River, New York, was a well-respected and beloved member of his family, and served as an inspirational figure in the disability community;

Whereas Alan Reich—

(1) graduated from Dartmouth College in 1952, where he was an all-American track and field athlete;

(2) received a Master's degree in Russian literature from Middlebury College in 1953;

(3) was awarded a diploma in Slavic languages and Eastern European studies from the University of Oxford;

(4) received an M.B.A. from Harvard University in 1959; and

(5) was a brilliant linguist who spoke 5 languages;

Whereas Alan Reich served in the Army from 1953 to 1957 as an infantry officer and Russian language interrogation officer in Germany, and was named as a member of the United States Army Infantry Officer Candidate School Hall of Fame;

Whereas Alan Reich married Gay Forsythe Reich, and shared with her 50 years of marriage and a deep commitment to each other and their three children, James, Jeffery, and Elizabeth;

Whereas from 1960 to 1970, Alan Reich was employed as an executive at Polaroid Corporation when, at age 32, he became a quadriplegic due to a swimming accident, and used a wheelchair as a result of his injury;

Whereas although Alan Reich was told he would not drive or write again, he relearned both skills and returned to work at Polaroid Corporation;

Whereas Alan Reich—

(1) served in the Department of State from 1970 to 1975 as a Deputy Assistant Secretary for Educational and Cultural Affairs;

(2) later served as Director of the Bureau of East-West Trade for the Department of Commerce;

(3) was named the President of the United States Council for the International Year of Disabled Persons in 1978; and

(4) was the first person to address the United Nations General Assembly from a wheelchair when the United Nations opened the International Year of the Disabled in 1981;

Whereas in 1982, Alan Reich transformed the Council for the International Year of Disabled Persons into the National Organization on Disability, an organization that actively seeks on national, State, and local levels full and equal participation for individuals with disabilities in all aspects of life;

Whereas Alan Reich—

(1) founded the Bimillennium Foundation in 1984 to encourage national leaders to set goals aimed at improving the lives of people with disabilities for the year 2000;

(2) served as past Chairman of the People-to-People Committee on Disability; and

(3) worked to advance research in regeneration of the central nervous system as Chairman of the Paralysis Cure Research Foundation and as President of the National Paraplegia Foundation;

Whereas Alan Reich, who used a wheelchair for 43 years, led an effort that raised $1,650,000 to add the statue of Franklin Delano Roosevelt in a wheelchair to the memorial of the former President in Washington, D.C.;

Whereas Alan Reich stated in 2001, ''The unveiling is a major national moment, the removal of the shroud of shame that cloaks disability. The statue will become a shrine to people with disabilities, but it will also inspire everyone to overcome obstacles. When you see the memorial that follows the statue, what will be in your mind is that he did all this from a wheelchair.'';

Whereas in July 2005, Alan Reich received the George H. W. Bush Medal, an award established to honor outstanding service under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

Whereas Alan Reich is survived by his wife, partner, and best friend, Gay, their 2 sons James and Jeffery, their daughter Elizabeth, and 11 grandchildren; and

Whereas Alan Reich passed away on November 8, 2005, and the contributions he made to his family, his community, and his Nation will not be forgotten: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life, achievements, and contributions of Alan Reich;

(2) extends its deepest sympathies to the family of Alan Reich for their loss of this great and generous man; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the family of Alan Reich.

Mr. DEWINE. Mr. President, I am pleased today join with Senator HARKIN to submit a resolution commemorating the many contributions and achievements of Alan Reich, who was an inspirational figure in the disability community. Alan Reich devoted his own life to the improving the quality of life for so many others—especially individuals with disabilities. He recently passed away on November 8, 2005, at the age of 75.

Alan Reich was the founder of the National Organization on Disability. This organization is active on a local, State, and national level in efforts to seek full and equal participation for people with disabilities in all aspects of life. You see, at the young age of 32, Alan became a quadriplegic following a swimming accident. He used a wheelchair as a result of this injury. While Alan was told he would not drive or write again, he relearned both skills and went on to become an inspiration for all those in the disability community. In 1990, he received the George H.W. Bush Medal for outstanding service under the Americans with Disabilities Act.

Alan Reich is probably best known for leading an effort that raised $1.65 million to add the statue of FOR in a wheelchair to the former President's memorial here in Washington, DC. As Alan said in 2001:

The unveiling is a major national moment, the removal of the shroud of shame that cloaks disability. The statue will become a shrine to people with disabilities, but it will also inspire everyone to overcome obstacles. When you see the memorial that follows the statue, what will be in your mind is that he did all this from a wheelchair.

Alan Reich married his best friend and partner in life, Gay Forsythe Reich. They shared 50 years of marriage and were deeply committed to each other and to their 3 children—James, Jeffery, and Elizabeth–as well as their 11 grandchildren.

Alan Reich's contributions to his family, his community, and to this Nation will never be forgotten. As Chesterton said many years ago, ''Great men do great things even when they're gone.'' That is certainly true of Alan Reich. His legacy will live on always.

My wife Fran and I extend our deepest sympathy to Alan Reich's family for their loss.

Mr. HARKIN. Mr. President, I am honored to be the lead Democratic cosponsor of this resolution to commemorate the life, achievements and contributions of Alan Reich.

I was greatly saddened, last week, to hear about the passing of this great and passionate advocate for the rights of people with disabilities. As many Senators know very well, Alan was the founder and president emeritus of the National Organization on Disability. Over the past 25 years, both he and the National Organization on Disability have been tremendously effective advocates for the full and equal participation of persons with disabilities in all aspects of American life.

The achievements of Alan Reich, and the sheer breadth of his activism and leadership, are simply remarkable. While president of the National Organization on Disability, he built a broad coalition of disability groups that successfully fought for the inclusion of a statue of President Roosevelt in a wheelchair at the FDR Memorial. He spearheaded critical research to track the progress of Americans with disabilities in key areas of life. He founded and chaired the Paralysis Cure Research Foundation; was president of what became the National Spinal Cord Injury Association; and he founded the National Task Force on Disability. Alan also led the way in taking the disability rights movement into the international arena. He chaired the World Committee on Disability, and was the first individual using a wheelchair to address the United Nations General Assembly. For these and many other achievements, Alan was awarded the George Bush Medal this past July.

I want to express my own profound respect for this remarkable individual and for all that he accomplished in his life. He played a pivotal role in the disability rights revolution that has transformed this country in important ways in recent decades. He improved the lives of countless individuals with disabilities, both in this country and throughout the world. And, perhaps best of all, he has left a living legacy in the form of the advocacy organizations he founded, which will now continue his work into the future.

Alan Reich was a wonderful advocate and a great American. He fought with all his heart to win equity, access, and opportunity for people with disabilities. He changed countless lives, and made America a much better and fairer society. For all these reasons, the United States Senate honors Alan Reich, today, with this resolution expressing our respect and appreciation.

SENATE RESOLUTION 322—EXPRESSING THE SENSE OF THE SENATE ON THE TRIAL, SENTENCING, AND IMPRISONMENT OF MIKHAIL KHODORKOVSKY AND PLATON LEBEDEV

Mr. BIDEN (for himself, Mr. MCCAIN, and Mr. OBAMA) submitted the following resolution; which was considered and agreed to:

S. RES. 322

Whereas the United States supports the development of democracy, civil society, and the rule of law in the Russian Federation;

Whereas the rule of law and the guarantee of equal justice under the law are fundamental attributes of democratic societies;

Whereas the trial, sentencing, and imprisonment of Mikhail Khodorkovsky and Platon Lebedev have raised troubling questions about the impartiality and integrity of the judicial system in Russia;

Whereas the Department of State 2004 Country Report on Human Rights Practices in Russia stated that the arrest of Mr. Khodorkovsky was ''widely believed to have been prompted, at least in part, by the considerable financial support he provided to opposition groups;''

Whereas Secretary of State Condoleezza Rice has remarked that the arrest of Mr. Khodorkovsky and the dismantling of his company have ''raised significant concerns'' about the independence of the judiciary in Russia;

Whereas the independent non-governmental organization Freedom House has asserted that the conviction of Mr. Khodorkovsky ''underscores the serious erosion of the rule of law and growing intolerance for political dissent in Russia'';

Whereas upon concluding an investigation of the facts surrounding the case of Mr. Khodorkovsky and Mr. Lebedev, the Human Rights Committee of the Parliamentary Assembly of the Council of Europe determined that the two men were ''arbitrarily singled out'' by the Russia authorities, violating the principle of equality before the law;

Whereas in May 2005, a Moscow court sentenced Mr. Khodorkovsky to serve 9 years in prison;

Whereas Article 73 of the Russian Criminal Penitentiary Code stipulates that except under extraordinary circumstances, prisoners serve their terms of deprivation of liberty on the territory of subjects of the Russian Federation where they reside or were convicted;

Whereas on or about October 16, 2005, Mr. Khodorkovsky was sent to prison camp YG 14/10 in the Chita Region of Siberia;

Whereas on or about October 16, 2005, Mr. Lebedev was sent to penal camp number 98/3 in the arctic region of Yamal-Nenets;

Whereas the transfer of Mr. Khodorkovsky and Mr. Lebedev constitutes an apparent violation of Russia law and hearkens back to the worst practices and excesses of the Soviet era;

Whereas a broad coalition of human rights advocates and intellectuals in Russia have appealed to Vladimir Lukin, the Human Rights Commissioner of the Russian Federation, to investigate and rectify any abuse of Russia law associated with the transfer of Mr. Khodorkovsky and Mr. Lebedev; and

Whereas the selective disregard for the rule of law by officials of the Russian Federation further undermines the standing and status of the Russian Federation among the democratic nations of the world: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the criminal justice system in Russia has not accorded Mikhail Khodorkovsky and Platon Lebedev fair, transparent, and impartial treatment under the laws of the Russian Federation;

(2) the standing and status of the Russian Federation among the democratic nations of the world would be greatly enhanced if the authorities of the Russian Federation were to take the necessary actions to dispel widespread concerns that—

(A) the criminal cases against Mr. Khodorkovsky, Mr. Lebedev, and their associates are politically motivated;

(B) the transfer of Mr. Khodorkovsky and Mr. Lebedev to prison camps thousands of kilometers from their homes and families represents a violation of the norms and practices of Russia law; and

(C) in cases dealing with perceived political threats to the authorities, the judiciary of Russia is an instrument of the Kremlin and such judiciary is not truly independent; and

(3) notwithstanding any other disposition of the cases of Mr. Khodorkovsky and Mr. Lebedev, and without prejudice to further disposition of same, Mr. Khodorkovsky and Mr. Lebedev should be transferred to penal facilities with locations that are consonant with the norms and general practices of Russia law.

SENATE RESOLUTION 323—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS SHOULD NOT BE ALLOWED TO EXERCISE CONTROL OVER THE INTERNET

Mr. COLEMAN (for himself, Mr. WARNER, Mr. PRYOR, Mr. SMITH, Mr. DEMINT, Mr. BENNETT, Mr. NELSON of Florida, Mr. KYL, Mr. ALLEN, Mr. MARTINEZ, Mr. BUNNING, and Mr. CHAMBLISS) submitted the following resolution; which was considered and agreed to:

S. RES. 323

Whereas market-based policies and private sector leadership have given the Internet the flexibility to evolve;

Whereas given the importance of the Internet to the global economy, it is essential that the underlying domain name system and technical infrastructure of the Internet remain stable and secure;

Whereas the Internet was created in the United States and has flourished under United States supervision and oversight, and the Federal Government has followed a path of transferring Internet control from the defense sector to the civilian sector, including the Internet Corporation for Assigned Names and Numbers (ICANN) with the goal of full privatization;

Whereas the developing world deserves the access to knowledge, services, commerce, and communication, the accompanying benefits to economic development, education, and health care, and the informed discussion that is the bedrock of democratic self-government that the Internet provides;

Whereas the explosive and hugely beneficial growth of the Internet did not result from increased government involvement but from the opening of the Internet to commerce and private sector innovation;

Whereas on June 30, 2005, President George W. Bush announced that the United States intends to maintain its historic role over the master ''root zone'' file of the Internet, which lists all authorized top-level Internet domains;

Whereas the recently articulated principles of the United States on the domain name and addressing system of the Internet (DNS) are that—

(1) the Federal Government will—

(A) preserve the security and stability of the DNS;

(B) take no action with the potential to adversely affect the effective and efficient operation of the DNS; and

(C) maintain the historic role of the United States regarding modifications to the root zone file;

(2) governments have a legitimate interest in the management of country code top level domains (ccTLD);

(3) the United States is committed to working with the international community to address the concerns of that community in accordance with the stability and security of the DNS;

(4) ICANN is the appropriate technical manager of the Internet, and the United States will continue to provide oversight so that ICANN maintains focus and meets its core technical mission; and

(5) dialogue relating to Internet governance should continue in multiple relevant fora, and the United States encourages an ongoing dialogue with all stakeholders and will continue to support market-based approaches and private sector leadership;

Whereas the final report issued by the Working Group on Internet Governance (WGIG), established by the United Nations Secretary General in accordance with a mandate given during the first World Summit on the Information Society, and comprised of 40 members from governments, private sector, and civil society, issued 4 possible models, 1 of which envisages a Global Internet Council that would assume international Internet governance;

Whereas that report contains recommendations for relegating the private sector and nongovernmental organizations to an advisory capacity;

Whereas the European Union has also proposed transferring control of the Internet, including the global allocation of Internet Protocol number blocks, procedures for changing the root zone file, and rules applicable to DNS, to a ''new model of international cooperation'' which could confer significant leverage to the Governments of Iran, Cuba, and China, and could impose an undesirable layer of politicized bureaucracy on the operations of the Internet that could result in an inadequate response to the rapid pace of technological change;

Whereas some nations that advocate radical change in the structure of Internet governance censor the information available to their citizens through the Internet and use the Internet as a tool of surveillance to curtail legitimate political discussion and dissent, and other nations operate telecommunications systems as state-controlled monopolies or highly-regulated and highly-taxed entities;

Whereas some nations in support of transferring Internet governance to an entity affiliated with the United Nations, or another international entity, might seek to have such an entity endorse national policies that block access to information, stifle political dissent, and maintain outmoded communications structures;

Whereas the structure and control of Internet governance has profound implications for homeland security, competition and trade, democratization, free expression, access to information, privacy, and the protection of intellectual property, and the threat of some nations to take unilateral actions that would fracture the root zone file would result in a less functional Internet with diminished benefits for all people;

Whereas in the Declaration of Principles of the First World Summit on the Information Society, held in Geneva in 2003, delegates from 175 nations declared the ''common desire and commitment to build a people-centered, inclusive and development oriented Information Society, where everyone can create, access, utilize and share information and knowledge'';

Whereas delegates at the First World Summit also reaffirmed, ''as an essential foundation of the Information Society, and as outlined in Article 19 of the Universal Declaration of Human Rights, that everyone has the right to freedom of opinion and expression'' and that ''this right includes freedom to hold opinions without interference and to seek, receive and import information and ideas through any media and regardless of frontiers'';

Whereas the United Nations Secretary General has stated the objective of the 2005 World Summit on the Information Society in Tunis is to ensure ''benefits that new information and communication technologies, including the Internet, can bring to economic and social development'' and that ''to defend the Internet is to defend freedom itself''; and

Whereas discussions at the November 2005 World Summit on the Information Society may include discussion of transferring control of the Internet to a new intergovernmental entity, and could be the beginning of a prolonged international debate regarding the future of Internet governance: Now, therefore, be it

Resolved, That the Senate—

(1) calls on the President to continue to oppose any effort to transfer control of the Internet to the United Nations or any other international entity;

(2) applauds the President for—

(A) clearly and forcefully asserting that the United States has no present intention of relinquishing the historic leadership role the United States has played in Internet governance; and

(B) articulating a vision of the future of the Internet that places privatization over politicization with respect to the Internet; and

(3) calls on the President to—

(A) recognize the need for, and pursue a continuing and constructive dialogue with the international community on, the future of Internet governance; and

(B) advance the values of an open Internet in the broader trade and diplomatic conversations of the United States.

SENATE RESOLUTION 324—EXPRESSING SUPPORT FOR THE PEOPLE OF SRI LANKA IN THE WAKE OF THE TSUNAMI AND THE ASSASSINATION OF THE SRI LANKAN FOREIGN MINISTER AND URGING SUPPORT AND RESPECT FOR FREE AND FAIR ELECTIONS IN SRI LANKA

Mr. MCCAIN (for himself, Mr. BIDEN, and Mr. LUGAR) submitted the following resolution; which was considered and agreed to

S. RES. 324

Whereas, on December 26, 2004, Sri Lanka was struck by a tsunami that left some 30,000 dead and hundreds of thousands of people homeless;

Whereas the United States and the world community recognized the global importance of preventing that tragedy from spiraling into an uncontrolled disaster and sent aid to Sri Lanka to provide immediate relief;

Whereas the massive tsunami reconstruction effort in Sri Lanka creates significant challenges for the country;

Whereas the democratic process in Sri Lanka is further challenged by the refusal of the Liberation Tigers of Tamil Eelam, a group that the Secretary of State has designated as a Foreign Terrorist Organization, to renounce violence as a means of effecting political change;

Whereas, on August 12, 2005, the Sri Lankan Foreign Minister Lakhsman Kadirgamar was assassinated at his home in Colombo in a brutal terrorist act that has been widely attributed to the Liberation Tigers of Tamil Eelam by officials in Sri Lanka, the United States, and other countries;

Whereas democratic elections are scheduled to be held in Sri Lanka on November 17, 2005; and

Whereas the United States has an interest in a free and fair democratic process in Sri Lanka, and the peaceful resolution of the insurgency that has afflicted Sri Lanka for more than two decades: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its support for the people of Sri Lanka as they recover from the devastating tsunami that occurred on December 26, 2004, and the assassination of the Sri Lankan Foreign Minister Lakhsman Kadirgamar on August 12, 2005;

(2) expresses its support for the courageous decision by the democratically-elected Government of Sri Lanka, following the assassination of Foreign Minister Kadirgamar, to remain in discussions with the Liberation Tigers of Tamil Eelam in an attempt to resolve peacefully the issues facing the people of Sri Lanka; and

(3) urges all parties in Sri Lanka to remain committed to the negotiating process and to make every possible attempt at national reconciliation.

SENATE RESOLUTION 325—TO AUTHORIZE THE PRINTING OF A REVISED EDITION OF THE SENATE ELECTION LAW GUIDEBOOK

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 325

Resolved, That the Committee on Rules and Administration shall prepare a revised edition of the Senate Election Law Guidebook, Senate Document 106-14 , and that such document shall be printed as a Senate document.

SEC. 2. There shall be printed, beyond the usual number, 500 additional copies of the document specified in the first section for the use of the Committee on Rules and Administration.

SENATE RESOLUTION 326—DESIGNATING NOVEMBER 27, 2005, AS ''DRIVE SAFER SUNDAY''

Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mrs. LINCOLN) submitted the following resolution; which was considered and agreed to:

S. RES. 326

Whereas motor vehicle travel is the primary means of transportation in the United States;

Whereas everyone on the roads and highways needs to drive more safely to reduce deaths and injuries resulting from motor vehicle accidents;

Whereas the death of almost 43,000 people a year in more than 6 million highway crashes in America has been called an epidemic by Transportation Secretary Norman Mineta;

Whereas according to the National Highway Transportation Safety Administration, wearing a seat belt saved 15,434 lives in 2004; and

Whereas the Sunday after Thanksgiving is the busiest highway traffic day of the year: Now, therefore, be it

Resolved, That the Senate—

(1) encourages—

(A) high schools, colleges, universities, administrators, teachers, primary schools, and secondary schools to launch campus-wide educational campaigns to urge students to be careful about safety when driving;

(B) national trucking firms to alert their drivers to be especially focused on driving safely during the heaviest traffic day of the year, and to publicize the importance of the day using Citizen's band (CB) radios and in truck stops across the Nation;

(C) clergy to remind their members to travel safely when attending services and gatherings;

(D) law enforcement personnel to remind drivers and passengers to drive particularly safely on the Sunday after Thanksgiving; and

(E) everyone to use the Sunday after Thanksgiving as an opportunity to educate themselves about highway safety; and

(2) designates November 27, 2005, as ''Drive Safer Sunday''.

SENATE RESOLUTION 327—REMEMBERING AND COMMEMORATING THE LIVES AND WORK OF MARYKNOLL SISTERS MAURA CLARKE AND ITA FORD, URSULINE SISTER DOROTHY KAZEL, AND CLEVELAND LAY MISSION TEAM MEMBER JEAN DONOVAN, WHO WERE EXECUTED BY MEMBERS OF THE ARMED FORCES OF EL SALVADOR ON DECEMBER 2, 1980

Mr. FEINGOLD (for himself, Mr. DODD, and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 326

Whereas on December 2, 1980, 4 churchwomen from the United States, Maryknoll Sisters Maura Clarke and Ita Ford, Ursuline Sister Dorothy Kazel, and Cleveland Lay Mission Team Member Jean Donovan, were violated and executed by members of the National Guard of El Salvador;

Whereas in 1980, Maryknoll Sisters Maura Clarke and Ita Ford were working in the parish of the Church of San Juan Bautista in Chalatenango, El Salvador, providing food, transportation, and other assistance to refugees and Ursuline Sister Dorothy Kazel and Cleveland Lay Mission Team Member Jean Donovan were working in the parish of the Church of the Immaculate Conception in La Libertad, El Salvador, providing assistance and support to refugees and other victims of violence;

Whereas these 4 churchwomen from the United States dedicated their lives to working with the poor of El Salvador, especially women and children left homeless, displaced, and destitute by the Salvadoran civil war;

Whereas these 4 churchwomen from the United States joined the more than 70,000 civilians who were murdered during the course of the Salvadoran civil war;

Whereas on May 23 and May 24, 1984, 5 members of the National Guard of El Salvador, including Subsergeant Luis Antonio Colindres Aleman, Daniel Canales Ramirez, Carlos Joaquin Contreras Palacios, Francisco Orlando Contreras Recinos, and Jose Roberto Moreno Canjura, were found guilty by the Salvadoran courts of the executions of the churchwomen and were sentenced to 30 years in prison, marking the first case in the history of El Salvador where a member of the Salvadoran Armed Forces was convicted of murder by a Salvadoran judge;

Whereas the United Nations Commission on the Truth for El Salvador was established under the terms of the historic January 1992 Peace Accords that ended El Salvador's 12 years of civil war and was charged to investigate and report to the Salvadoran people on human rights crimes committed by all sides during the course of the civil war;

Whereas in March 1993, the United Nations Commission on the Truth for El Salvador found that the execution of the 4 churchwomen from the United States was planned and that Subsergeant Luis Antonio Colindres Aleman carried out orders from a superior to execute them, and that then Colonel Carlos Eugenio Vides Casanova, then Director-General of the National Guard and his cousin, Lieutenant Colonel Oscar Edgardo Casanova Vejar, then Commander of the Zacatecoluca military detachment where the murders were committed, and other military personnel knew that members of the National Guard had committed the murders pursuant to orders of a superior and that the subsequent coverup of the facts adversely affected the judicial investigation into the murders of the 4 churchwomen from the United States;

Whereas the United Nations Commission on the Truth for El Salvador determined that General Jose Guillermo Garcia, then Minister of Defense, made no serious effort to conduct a thorough investigation of responsibility for the murders of the churchwomen;

Whereas the families of the 4 churchwomen from the United States continue their efforts to determine the full truth surrounding the murders of their loved ones, appreciate the cooperation of United States Government agencies in disclosing and providing documents relevant to the churchwomen's murders, and pursue requests to release to the family members the few remaining undisclosed documents and reports pertaining to this case;

Whereas the families of the 4 churchwomen from the United States appreciate the ability of those harmed by violence to bring suit against Salvadoran military officers in United States courts under the Torture Victim Protection Act of 1991 (28 U.S.C. 1350 note);

Whereas the lives of these 4 churchwomen from the United States have, for the past 25 years, served as inspiration for and continue to inspire Salvadorans, Americans, and people throughout the world to answer the call to service and to pursue lives dedicated to addressing the needs and aspirations of the poor, the vulnerable, and the disadvantaged, especially among women and children;

Whereas the lives of the 4 churchwomen from the United States have also inspired numerous books, plays, films, music, religious events, and cultural events;

Whereas schools, libraries, research centers, spiritual centers, health clinics, women's and children's programs in the United States and in El Salvador have been named after or dedicated to Sisters Maura Clarke, Ita Ford, Dorothy Kazel, and lay missionary Jean Donovan;

Whereas the Maryknoll Sisters, headquartered in Ossining, New York, the Ursuline Sisters, headquartered in Cleveland, Ohio, numerous religious task forces in the United States, and the Salvadoran and

international religious communities based in El Salvador annually commemorate the lives and martyrdom of the 4 churchwomen from the United States;

Whereas the historic January 1992 Peace Accords ended 12 years of civil war and have allowed the Government and the people of El Salvador to achieve significant progress in creating and strengthening democratic, political, economic, and social institutions; and

Whereas December 2, 2005, marks the 25th anniversary of the deaths of these 4 spiritual, courageous, and generous churchwomen from the United States: Now, therefore, be it

Resolved, That the Senate—

(1) remembers and commemorates the lives and work of Sisters Maura Clarke, Ita Ford, and Dorothy Kazel and lay missionary Jean Donovan;

(2) extends sympathy and support for the families, friends, and religious communities of the 4 churchwomen from the United States;

(3) continues to find inspiration in the lives and work of these 4 churchwomen from the United States;

(4) calls upon the people of the United States and religious congregations to participate in local, national, and international events commemorating the 25th anniversary of the martyrdom of the 4 churchwomen from the United States;

(5) recognizes that while progress has been made during the post-war period, the work begun by the 4 churchwomen from the United States remains unfinished and social and economic hardships persist among many sectors of Salvadoran society; and

(6) calls upon the President, the Secretary of State, the Administrator of the United States Agency for International Development, and the heads of other Government departments and agencies to continue to support and collaborate with the Government of El Salvador and with private sector, nongovernmental, and religious organizations in their efforts to reduce poverty and hunger and to promote educational opportunity, health care, and social equity for the people of El Salvador.

SENATE RESOLUTION 328—RECOGNIZING THE 30TH ANNIVERSARY OF THE ENACTMENT OF THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT OF 1975 AND REAFFIRMING THE COMMITMENT OF CONGRESS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT SO THAT ALL CHILDREN WITH DISABILITIES RECEIVE A FREE APPROPRIATE PUBLIC EDUCATION IN THE LEAST RESTRICTIVE ENVIRONMENT

Mr. ENZI (for himself, Mr. KENNEDY, Mr. ROBERTS, Mr. REED, Mr. BURR, Mr. JEFFORDS, Mr. GREGG, Mrs. MURRAY, Mr. HATCH, Mrs. CLINTON, Mr. DEWINE, Mr. BINGAMAN, Ms. MIKULSKI, Mr. HARKIN, and Mr. DODD) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 328

Whereas the Education for All Handicapped Children Act of 1975 (Public Law 94–142) was signed into law 30 years ago on November 29, 1975, and amended the State grant program under part B of the Education of the Handicapped Act;

Whereas the Education for All Handicapped Children Act of 1975 established the Federal priority of ensuring that all children, regardless of the nature or severity of their disability, have available to them a free appropriate public education in the least restrictive environment;

Whereas the Education of the Handicapped Act was further amended by the Education of the Handicapped Act Amendments of 1986 (Public Law 99–457) to create a preschool grant program for children with disabilities aged 3 through 5 and an early intervention program for infants and toddlers with disabilities under 3 years of age and their families;

Whereas the Education of the Handicapped Act Amendments of 1990 (Public Law 101–476) renamed the Education of the Handicapped Act as the Individuals with Disabilities Education Act (referred to in this resolution as ''IDEA'') (20 U.S.C. 1400 et seq.);

Whereas IDEA currently serves an estimated 269,000 infants and toddlers, 679,000 preschoolers, and 6,000,000 children aged 6 to 21;

Whereas IDEA has helped reduce the number of children with developmental disabilities who must live in State institutions away from their families;

Whereas the number of children with disabilities who complete high school with standard diplomas has grown significantly since the enactment of IDEA;

Whereas more students with disabilities are participating in national and State testing programs, and graduation rates for students with disabilities are continuously rising, since the enactment of IDEA;

Whereas the number of children with disabilities who enroll in college as freshmen has more than tripled since the enactment of IDEA;

Whereas IDEA promotes partnerships between parents of children with disabilities and education professionals in the design and implementation of the special education and related services provided to children with disabilities;

Whereas the integration of students with disabilities in the classroom, learning alongside their peers without disabilities, has heightened the Nation's awareness of the needs and capabilities of students with disabilities;

Whereas the Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108–446) reauthorizes IDEA and ensures that children with disabilities are guaranteed a quality education based on the high academic standards required under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as amended by the No Child Left Behind Act of 2001 (Public Law 107–110);

Whereas the Individuals with Disabilities Education Improvement Act of 2004 strengthens IDEA's focus on the educational results of children with disabilities and better prepares those children for further education beyond high school or employment;

Whereas the Individuals with Disabilities Education Improvement Act of 2004 further enables special education teachers, related services providers, other educators, and State and local educational agencies to focus on promoting the academic and functional achievement of children with disabilities;

Whereas the Individuals with Disabilities Education Improvement Act of 2004 places a new priority on providing students with disabilities with positive behavioral supports through school-wide interventions;

Whereas the Individuals with Disabilities Education Improvement Act of 2004 enables students with disabilities, through the power of technology, to achieve better educational outcomes and enhance independent living skills;

Whereas the Individuals with Disabilities Education Improvement Act of 2004 protects the procedural safeguards that guarantee the rights of children with disabilities to a free and appropriate public education while establishing mechanisms for parents and schools to resolve disagreements about educational planning and the implementation of such planning, thus reducing unnecessary litigation;

Whereas the Individuals with Disabilities Education Improvement Act of 2004 continues to ensure that all students with disabilities receive the services and supports necessary in order to achieve positive educational outcomes in both public and private educational settings;

Whereas the Individuals with Disabilities Education Improvement Act of 2004 ensures that the vast majority of IDEA funds will go directly to the classroom and provides States and local educational agencies additional flexibility to provide for the costs of educating high need children with disabilities;

Whereas IDEA has supported, through its discretionary programs, 3 decades of research, demonstration, and personnel preparation in effective practices for educating children with disabilities, enabling teachers, related services providers, and other educators to effectively meet the educational and developmental needs of all children;

Whereas Federal and State governments support effective, research-based practices in the classroom to ensure appropriate services and supports for children with disabilities; and

Whereas IDEA continues to marshal the resources of this Nation to implement the promise of full participation in society for children with disabilities: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 30th anniversary of the enactment of the Education for All Handicapped Children Act of 1975 (Public Law 94–142);

(2) acknowledges the many and varied contributions of children with disabilities and their parents, teachers, related services providers, and other educators; and

(3) reaffirms the commitment of Congress to the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) so that all children with disabilities receive a free appropriate public education.

Mr. ENZI. Mr. President, I rise today to introduce a resolution that recognizes the 30th anniversary of the enactment of the predecessor to the Individuals with Disabilities Education Act, IDEA, to commemorate its passage, commend its many authors, and suggest some actions we should take to protect, preserve, and advance its legacy as a vital component of our laws on education and civil rights.

On November 29, 1975, President Gerald Ford signed into law the Education for All Handicapped Children Act, a landmark piece of legislation that reflected America's fundamental and continuing concern for education and human rights. This legislation reaffirmed the most basic values of our democracy by extending education and civil rights protections to individuals with disabilities. As we celebrate the anniversary of the IDEA's enactment, it is, like all anniversaries, an appropriate time to both recount the past and contemplate the future.

Before 1700, there was little toleration for anyone who was different. Persons with disabilities were often abused, condemned as incapable of being able to participate in social activities, and simply forgotten. In 1817, Thomas Hopkins Gallaudet, a teacher of individuals who are deaf, opened a school for people who are deaf in Connecticut. This was the first school in America designed to serve individuals with disabilities. In 1850, at a time when most caregivers believed that persons with disabilities needed to live in institutions apart from their families, a school for youth with cognitive disabilities was opened in Massachusetts.

In the late 1800s, the number of children with disabilities attending public schools increased dramatically due to education and child labor laws. Many public schools developed special education for children with disabilities, however, this usually involved creating separate classes. In 1899, Michigan was the first State to introduce these classes statewide, and by the 1920s, special education had become well established throughout the Nation.

For the next 50 years, special education took place mostly in isolated classrooms where children with disabilities seldom mixed with their nondisabled peers. It is against this backdrop that advocates in the disability community worked tirelessly to affect the passage of the Individuals with Disabilities Education Act. It is also against this backdrop that this Congress had the wisdom and understanding to fully comprehend the nature of the problem and the resolve and determination to act. Similar to May 17, 1954, when the U.S. Supreme Court announced the Brown v. the Board of Education decision that ''separate educational facilities are inherently unequal'' with the signing of the Education for All Handicapped Children Act, families, Congress, and the President believed that a segregated form of education for students with disabilities was inappropriate and narrowed what children with disabilities could learn and become in society.

As President Ford noted when he signed the Education for the Handicapped Act into law: ''Everyone can agree with the objective stated in the title of this bill—educating all handicapped children in our Nation.'' IDEA was advanced on the equally simple and equally compelling notion that segregation was not the answer and all people should have the opportunity to receive a free and appropriate public education. It is therefore fitting that we take a moment to remember all those men and women who worked with such purposefulness and passion to ensure that such a simple yet enduring value of our culture was properly reflected in our education laws.

Since the passage of the IDEA, we have seen significant improvements in the educational employment and economic well-being of citizens with disabilities. According to the Department of Education, IDEA currently serves almost 7 million schoolchildren, preschoolers, and infants and toddlers with disabilities along side their counterparts without disabilities. What was unheard of 30 years ago is now a reality for millions of students with disabilities across the Nation: a right to receiving a free and appropriate education in their neighborhood school. Because of IDEA and other similar laws, the education that students with disabilities are receiving is providing such individuals with the skills necessary to succeed in postsecondary environments, work, pay taxes, live independently, and pursue the American dream.

However, anniversaries are not just for looking back, and celebrating the achievements of the past. They must also be an occasion for looking forward in anticipation of the challenges that still lie before us. All involved should be proud of the accomplishments embodied in the Individuals with Disabilities Education Act, but no one should believe our work is done. Indeed, there is still more to do.

A report issued by the Institute for Higher Education Policy in 2004 focusing on the education level of students with disabilities in the United States contains some disturbing data. It notes that while 91 percent of the general adult population has a high school diploma, only 78 percent of adults with disabilities do. Even more disturbing is the fact that only 57 percent of youths with disabilities received standard high school diplomas. Although the 78 percent graduation rate represents a significantly higher rate than 15 years ago, it remains inadequate, and significantly behind the rate for individuals without disabilities.

The National Educational Longitudinal Study reported in 2000 that 73 percent of high school graduates with disabilities enrolled in some form of postsecondary education compared to 84 percent of their peers without disabilities. However, students with disabilities who were highly qualified academically enrolled in 4-year colleges at the same rate, 79 percent, as their peers without disabilities.

The lesson here is a simple one. When we believe in and have high expectations for all Americans, Americans with disabilities can compete at the same level as Americans without disabilities. With the passage of the No Child Left Behind Act, the Individuals with Disabilities Education Act, and possibilities available within the soon to be reauthorized Higher Education Act, we have the opportunity to make significant strides and further level the playing field. As elected officials, it is our responsibility to ensure that students, teachers, school systems, and teacher education programs are all held to high standards, improving the education levels, graduation rates, and postsecondary achievements of all students, including students with disabilities.

It is fitting that today, in this place, we recognize and celebrate the anniversary of legislation that says so much about who we are as a people and what we stand for as a nation when it comes to educating all of our citizens. It is the responsibility of those of us who follow to ensure that the brightness never fades, the promise of opportunity never wanes, and our rights to education, life, liberty, and the pursuit of happiness apply equally and fully to all Americans, including those with disabilities.

SENATE RESOLUTION 329—CONGRATULATING COACH BILL SNYDER FOR HIS ACHIEVEMENTS DURING 17 YEARS AS THE HEAD FOOTBALL COACH OF THE KANSAS STATE UNIVERSITY WILDCATS

Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 329

Whereas, on November 30, 1998, Bill Snyder was named as the 32nd football coach at Kansas State University;

Whereas upon his hiring, Kansas State had experienced years of unsuccessful seasons and in the 52 years prior to his hiring, the Kansas State University football team had a combined record of only 134 wins;

Whereas Bill Snyder directed and orchestrated a football program success and turnaround that is now considered by many to be the greatest in the history of collegiate athletics;

Whereas Bill Snyder coached the Kansas State Wildcats to 11 consecutive postseason bowl appearances;

Whereas the teams coached by Bill Snyder became the second program in college football history to win 11 games, 6 times in a 7 year time span;

Whereas the teams coached by Bill Snyder won the Big 12 North Division title on 4 occasions and appeared in 3 Big 12 Championship games;

Whereas the 2003 team coached by Bill Snyder was crowned the Big 12 Champion;

Whereas Bill Snyder coached 42 National Football League draft picks, 45 All-America selections, and 68 first team all-conference honorees at Kansas State University;

Whereas Bill Snyder was named National Coach of the year in 1991, 1994, and 1998;

Whereas Bill Snyder was named the Bear Bryant and Football Writers Association of America National Coach of the year in 1998;

Whereas in the best sense of collegiate athletics, Bill Snyder has been a mentor and, through his own actions, taught leadership and personal responsibility to young men;

Whereas Bill Snyder has changed the course of history at Kansas State University, including contributing to an increased enrollment from 18,120 at his hiring in 1988 to nearly 24,000 in 2005;

Whereas Bill Snyder and his family have given of themselves and contributed numerous hours and resources to charitable causes throughout the State of Kansas to the betterment of numerous individuals and the State as a whole;

Whereas Bill Snyder has instilled a new sense of pride in the State for all current and native Kansans;

Whereas Bill Snyder currently ranks as the most successful coach in Kansas State University history with 135 wins;

Whereas the Kansas State Board of Regents has recognized the contributions of Coach Bill Snyder and his family to the State of Kansas and Kansas State University by renaming the football stadium ''Bill Snyder Family Football Stadium''; and

Whereas the contributions of Bill Snyder to Kansas State University, the State of Kansas, and countless young adults are worthy of honor and recognition: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Coach Bill Snyder and his family upon his planned retirement on November 19, 2005, as the most successful coach in Kansas State University history with a current record of 135 wins;

(2) commends Coach Bill Snyder for his mentoring and teaching of leadership and values to young men;

(3) commends Coach Bill Snyder and his family for their selfless support of Kansas State University and their charitable activities throughout the State of Kansas, while displaying the heartland values of honesty, integrity, and humility; and

(4) respectfully directs the Enrolling Clerk of the Senate to transmit an enrolled copy of this resolution to—

(A) Bill Snyder and his family; and

(B) Kansas State University President Jon Wefald.

Mr. ROBERTS. Mr. President, today I am submitting a Senate Resolution commending the contributions and record of a most unique and deserving man, the retiring football coach of Kansas State University Wildcats, Bill Snyder.

I suppose some, especially non sports fans, might raise an eyebrow or question a Senate Resolution congratulating a football coach, no matter how successful in wins and losses—after all, as some have said, ''it's only a game.'' But in the case of Coach Bill Snyder his contributions transcend his outstanding record of wins and losses; they represent being a mentor and teacher of leadership and values to young men during a time when collegiate athletics and sports in general face challenge after challenge involving unbecoming conduct and worse. Coach Snyder's contribution—football is a game of course but in the case of Bill Snyder one of his greatest contributions has been to enable young men to win in the game of life by being responsible citizens.

And, this unique ability on the athletic field became a catalyst for alumni interest and a renewal of financial support throughout the university enabling all students in all academic fields to benefit.

Much has been said in Kansas and throughout the football sports world about the amazing turnaround Coach Snyder achieved at K-State; directing and orchestrating a football program success story that is now considered by many to be the greatest in the history of collegiate athletics.

The record in the resolution I have introduced speaks for itself; three time national coach of the year, 11 post season bowl games, only the second program in college football history to win 11 games, 6 times in a 7-year time span, 42 NFL draft picks, 45 All America selections, and 68 first team all conference players. That is quite a record.

The coaches that first started their careers at K-State under Coach Snyder now read like a ''Who's Who'' in college football.

But great as those and the rest of the records are, that does not really tell the Bill Snyder story. Simply put, this is a man who restored and instilled a new sense of pride in a university and throughout our State. This is a man and his family who have given of themselves and contributed countless hours and resources to charitable causes throughout Kansas.

With all of his successes and attributes, this is a man who is humble, self effacing, soft spoken, and who knows you can get a lot more done if you don't care who gets the credit.

In many ways, Bill Snyder is a private man who has God given ability to inspire others in the public arena. He has taught his players that in the games of football and life, success is never final, failure is never fatal and that in the end its courage that counts. By his example, he showed them the attributes of honesty, character and reputation are not old fashioned. On the playing field and in life he instilled the truism that if you don't drop the ball you won't have to complain about the way the ball bounces. The same is true regarding his individual player marching orders, never say bad things about your opponent win or lose, take care of your self, conduct yourself in your best interests and that of your university and teammates. A coach on the field and a coach in life.

I want to get back and emphasize this restoring pride achievement on a more personal basis. I know my example is replete with similar experiences with the thousands of families who make up what is now referred to in the sports pages as the ''Wildcat Nation.''

My Dad was a proud graduate of Kansas State as I was and my son attended Kansas State—three generations. Sports fans and devoted K-State alumni all, we went through what many loyal K-Stater's call the decades of Death Valley Days, seasons of defeat, seasons of eternal optimism always tempered, if not shattered by the reality of yet another loss. There were some average seasons, a few good seasons, but ''depths of despair'' would not be an understatement for many of the faithful who endured and endured and endured. And, the defeats somehow became interwoven with the fabric of our alma mater and apologies for psychological exaggeration but even into the psyche of being a K-State graduate and our self worth.

And then came President Jon Wefald and then came Bill Snyder and both men grabbed K-State by the collar and said: Enough, we're going to win both academically and on the athletic field. And, wonder of wonders, they did just that.

Sports writers have called it a miracle. To many diehard K-State fans that was not an understatement. Winning season followed winning season and generations of alumni witnessed this success story took it to heart, loved it and lived it. It has been a grand experience. When K-State goes to a bowl game, 25,000 to 30,000 diehard fans are in attendance, win or lose.

Bill Snyder and his wife Sharon and their family gave K-State their all and Coach Snyder has given us all pride, self esteem, and confidence. It has been one heck of a trail ride for me and my family as I know it has been for countless others.

I just don't know of anyone in their chosen profession who has made more of a difference in so many people's lives than Coach Snyder. Simply put, Bill Snyder has been a class act and then some and collegiate sports, Kansas State University, the State of Kansas and his players and fans have been the beneficiaries.

Thanks Coach. ''Every Man A Wildcat!''

SENATE CONCURRENT RESOLUTION 67—URGING JAPAN TO HONOR ITS COMMITMENTS UNDER THE 1986 MARKET-ORIENTED SECTOR-SELECTIVE (MOSS) AGREEMENT ON MEDICAL EQUIPMENT AND PHARMACEUTICALS, AND FOR OTHER PURPOSES

Mr. COLEMAN submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 67

Whereas the revolution in medical technology has improved our ability to respond to emerging threats and prevent, identify, treat, and cure a broad range of diseases and disabilities, and has the proven potential to bring even more valuable advances in the future;

Whereas medical technology has driven dramatic productivity gains for the benefit of patients, providers, employers, and our economy;

Whereas investment from the United States medical technology industry produces the majority of the $220,000,000,000 global business in development of medical devices, diagnostic products, and medical information systems, allowing patients to lead longer, healthier, and more productive lives;

Whereas the United States medical technology industry supports almost 350,000 Americans in high-value jobs located in every State, and was historically a key industry, as it was a net contributor to the United States balance of trade with Japan, which was a trade surplus of over $7,000,000,000 in 2001, and continued to be a surplus until 2005, when the trade balance became a trade deficit of $1,300,000,000, due in part to changes in the policies of Japan that impact medical devices;

Whereas Japan is one of the most important trading partners of the United States;

Whereas United States products account for roughly ½ of the global market, but garner only a ¼ share of Japan's market;

Whereas Japan has made little progress in implementing its commitments to cut product review times and improve their reimbursement system in bilateral consultations on policy changes under the Market-Oriented Sector-Selective (MOSS) Agreement on Medical Equipment and Pharmaceuticals, signed

on January 9, 1986, between the United States and Japan;

Whereas, although regulatory reviews in Japan remain among the lengthiest in the world and Japan needs to accelerate patient access to safe and beneficial medical technologies, recently adopted measures actually increase regulatory burdens on manufacturers and delay access without enhancing patient safety;

Whereas the general cost of doing business in Japan is the highest in the world and is driven significantly higher by certain factors in the medical technology sector, and inefficiencies in Japanese distribution networks and hospital payment systems and unique regulatory burdens drive up the cost of bringing innovations to Japanese consumers and impede patient access to life-saving and life-enhancing medical technologies;

Whereas artificial government price caps such as the foreign average price policy adopted by the Government of Japan in 2002 restrict patient access and fail to recognize the value of innovation;

Whereas less than 1/10 of 1 percent of the tens of thousands of medical technologies introduced in Japan in the last 10 years received new product pricing;

Whereas the Government of Japan has adopted artificial price caps that are targeted toward technologies predominately marketed by companies from the United States and is considering further cuts to these products; and

Whereas these discriminatory pricing policies will allow the Japanese Government to take advantage of research and development from the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) urges Japan to honor its commitments under the Market-Oriented Sector-Selective (MOSS) Agreement on Medical Equipment and Pharmaceuticals, signed on January 9, 1986, between the United States and Japan (in this resolution referred to as the ''MOSS Agreement''), by—

(A) reducing regulatory barriers to the approval and adoption of new medical technologies; and

(B) meeting or exceeding agency performance goals for premarket approvals and adopting an appropriate, risk-based postmarket system consistent with globally accepted practices;

(2) urges Japan to honor its commitments under the MOSS Agreement to improve the reimbursement environment for medical technologies by actively promoting pricing policies that encourage innovation for the benefit of Japanese patients and the Japanese economy and eliminating reimbursement policies based on inappropriate comparisons to markets outside Japan; and

(3) urges Japan to honor its commitments under the MOSS Agreement by—

(A) implementing fair and open processes and rules that do not disproportionately harm medical technology products from the United States; and

(B) providing opportunities for consultation with trading partners.

Mr. COLEMAN. Mr. President, we share a strategic and important relationship with Japan. A relationship that has proven to be vital for both countries, as we enhance our collaboration on everything from economic pursuits to our joint national security interests. On all of these fronts Japan has demonstrated that it is both a committed partner of the U.S. as well as a global leader in its own right. It is because Japan has demonstrated its leadership on the global stage that I support its bid to become a member of the U.N. Security Council.

As with any partnership, the U.S. and Japan face the occasional challenges to this cooperation. One might argue this is an opportunity for the U.S. and Japan to strengthen their partnership and increase collaboration and trade. The time is now to push this cooperation. However, I am concerned about a threat to our trade relationship with Japan based on our medical technology industry's market access in Japan. It is crucial to my State of Minnesota that we have access to this market and to our country.

Last Congress, I submitted a resolution in the Senate expressing my concern that discriminatory practices and systematic barriers have limited the ability of the U.S. medical device industry to introduce new technologies into the Japanese healthcare system. Today, I am resubmitting similar resolution. I am concerned that insufficient progress has been made by the Japanese to address policies that penalize American companies and ultimately prevent Japanese citizens from receiving the most advanced healthcare.

This resolution recognizes that medical technology has driven dramatic productivity gains for the benefit of patients, providers, employers and our economy. It also states that Japan is one of the most important trading partners of the U.S., and urges Japan to honor its commitments under the Market-Oriented, Sector Specific, MOSS Agreement. This agreement calls on the Japanese to improve the reimbursement environment for medical technologies by actively promoting pricing policies that encourage innovation and eliminating policies based on inappropriate comparisons to markets outside Japan.

Discriminatory practices targeting the medical device industry directly affect my state and many of my constituents. This is due to the fact that Minnesota is the proud home to a thriving medical technology industry. Minnesota's medical alley is a rich corridor of more than 8,000 medical-related companies—12 percent of our workforce—and is home to over 520 FDA-registered medical technology manufacturers. Employment in the industry increased 33 percent from 1991 to 2001, adding over 23,000 jobs to the State of Minnesota. The jobs produced by the medical technology industry represent a lucrative opportunity for my constituents, as the aggregate figure for wages exceeds $1.3 billion an average of over $56,000 per employee.

The benefits that Minnesota has derived from being home to a flourishing medical technology industry are well-deserved and a product of hard work. Minnesota ranks second only to California in device companies, and our State is home to many technology firsts: the first implantable cardiac pacemaker, artificial heart valve, implantable drug transfusion pump, wireless cardiac monitoring system, blood pump, anesthesia monitor and many more examples. The success we have had in Minnesota is also indicative of the positive trends that have been experienced by the entire industry throughout the U.S.

The positive trends of American medical technology companies' performance in domestic and international markets are not reflected in their experience with the Japanese market. The fact of the matter is that U.S. medical technology companies are discriminated by Japanese policies. There are numerous examples of these policies, but I will only briefly mention a few.

Japan has adopted a foreign reference pricing system to reduce reimbursement prices in Japan's health system, a tool long opposed by the U.S. Government and the medical technology industry. This system calls for the establishment and revision of reimbursement rates on the basis of prices paid for medical technology products in the U.S., France, Germany, and the U.K. This pricing policy therefore fails to account for the high costs of bringing advanced technologies to the Japanese market, and instead bases prices on arbitrary conditions that exist outside of Japan.

In addition, Japan's system for approving the use of new medical technologies is the slowest and most costly in the developed world. The backlog in processing applications for medical technology products is staggering, and may be primarily related to the lack of staff dedicated towards the review of applications. Importantly, the end result has been that the medical technologies used to treat patients in Japan are often several generations behind the products utilized in the U.S.

These and other regulatory hurdles embedded in the Japanese medical technology industry conflict with regulatory commitments made to the U.S. under the MOSS trade agreement. They also contradict the philosophy underpinning the Global Harmonization Task Force, to which the U.S., Europe and Japan are a party. Even our friends need to be held accountable to the agreements they sign, otherwise they become less valuable than the paper they are printed on.

I urge our friends in the Japanese Government to take aggressive action to remedy this clearly unfavorable situation. Non-tariff regulatory and reimbursement policies discriminate U.S. manufacturers. While these policies hurt U.S. manufacturers' economically, ultimately the biggest losers of these policies are Japanese patients. Innovative medical technologies offer the possibility of key health solutions to all nations, including those that face severe health care budget constraints and the demands of aging populations. Past experience has demonstrated that the U.S. and Japan are able to overcome challenges that arise in our relationship, thus making it stronger. I think that both countries

stand to gain significantly if the principles of the resolution I am presenting today are upheld.

I urge my fellow colleagues to join me in Japan to honor its commitments under the 1986 Market-Oriented Sector-Selective, MOSS, Agreement on Medical Equipment and Pharmaceuticals by supporting this resolution.

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Whereas the revolution in medical technology has improved our ability to respond to emerging threats and prevent, identify, treat, and cure a broad range of diseases and disabilities, and has the proven potential to bring even more valuable advances in the future;

Whereas medical technology has driven dramatic productivity gains for the benefit of patients, providers, employers, and our economy;

Whereas investment from the United States medical technology industry produces the majority of the $220,000,000,000 global business in development of medical devices, diagnostic products, and medical information systems, allowing patients to lead longer, healthier, and more productive lives;

Whereas the United States medical technology industry supports almost 350,000 Americans in high-value jobs located in every State, and was historically a key industry, as it was a net contributor to the United States balance of trade with Japan, which was a trade surplus of over $7,000,000,000 in 2001, and continued to be a surplus until 2005, when the trade balance became a trade deficit of $1,300,000,000, due in part to changes in the policies of Japan that impact medical devices;

Whereas Japan is one of the most important trading partners of the United States;

Whereas United States products account for roughly ½ of the global market, but garner only a ¼ share of Japan's market;

Whereas Japan has made little progress in implementing its commitments to cut product review times and improve their reimbursement system in bilateral consultations on policy changes under the Market-Oriented Sector-Selective (MOSS) Agreement on Medical Equipment and Pharmaceuticals, signed on January 9, 1986, between the United States and Japan;

Whereas, although regulatory reviews in Japan remain among the lengthiest in the world and Japan needs to accelerate patient access to safe and beneficial medical technologies, recently adopted measures actually increase regulatory burdens on manufacturers and delay access without enhancing patient safety;

Whereas the general cost of doing business in Japan is the highest in the world and is driven significantly higher by certain factors in the medical technology sector, and inefficiencies in Japanese distribution networks and hospital payment systems and unique regulatory burdens drive up the cost of bringing innovations to Japanese consumers and impede patient access to life-saving and life-enhancing medical technologies;

Whereas artificial government price caps such as the foreign average price policy adopted by the Government of Japan in 2002 restrict patient access and fail to recognize the value of innovation;

Whereas less than 1/10 of 1 percent of the tens of thousands of medical technologies introduced in Japan in the last 10 years received new product pricing;

Whereas the Government of Japan has adopted artificial price caps that are targeted toward technologies predominately marketed by companies from the United States and is considering further cuts to these products; and

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Resolved by the Senate (the House of Representatives concurring), That Congress—

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(A) reducing regulatory barriers to the approval and adoption of new medical technologies; and

(B) meeting or exceeding agency performance goals for premarket approvals and adopting an appropriate, risk-based postmarket system consistent with globally accepted practices;

(2) urges Japan to honor its commitments under the MOSS Agreement to improve the reimbursement environment for medical technologies by actively promoting pricing policies that encourage innovation for the benefit of Japanese patients and the Japanese economy and eliminating reimbursement policies based on inappropriate comparisons to markets outside Japan; and

(3) urges Japan to honor its commitments under the MOSS Agreement by—

(A) implementing fair and open processes and rules that do not disproportionately harm medical technology products from the United States; and

(B) providing opportunities for consultation with trading partners.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2672. Mr. HARKIN (for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. BINGAMAN, Ms. STABENOW, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. ROCKEFELLER, Mr. AKAKA, Mr. KERRY, Mr. PRYOR, Mr. CARPER, Mr. KOHL, Mr. LEAHY, and Mr. LEVIN) proposed an amendment to the joint resolution H.J. Res. 72, Official Title Not Available.

SA 2673. Mrs. HUTCHISON (for Mr. SHELBY) proposed an amendment to the bill H.R. 4133, to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

SA 2674. Mr. MCCONNELL (for Mr. BROWNBACK) proposed an amendment to the bill S. 1462, to promote peace and accountability in Sudan, and for other purposes.

SA 2675. Mr. MCCONNELL (for Mr. PRYOR) proposed an amendment to the bill H.R. 358, to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and for other purposes.

SA 2676. Mr. MCCONNELL (for Mr. SUNUNU) proposed an amendment to the bill S. 1047, to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively to improve circulation of the $1 coin, to create a new bullion coin, and for other purposes.

TEXT OF AMENDMENTS

SA 2672. Mr. HARKIN (for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. BINGAMAN, Ms. STABENOW, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. ROCKEFELLER, Mr. AKAKA, Mr. KERRY, Mr. PRYOR, Mr. CARPER, Mr. KOHL, Mr. LEAHY, and Mr. LEVIN) proposed an amendment to the joint resolution H.J. Res. 72, Official Title Not Available; as follows:

At the end of the resolution, insert the following:

SEC. 2. COMMUNITY SERVICES BLOCK GRANT ACT.

Notwithstanding section 101 of Public Law 109–77, for the period beginning on October 1, 2005 and ending on December 17, 2005, the amount appropriated under that Public Law to carry out the Community Services Block Grant Act shall be based on a rate for operations that is not less than the rate for operations for activities carried out under such Act for fiscal year 2005.

SA 2673. Mrs. HUTCHISON (for Mr. SHELBY) proposed an amendment to the bill H.R. 4133, to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program; as follows:

On page 2 line 12, strike "8,500,000,000" and insert "18,500,000,000".

At the end insert the following:

"SEC. 3 EMERGENCY SPENDING.

"The Amendment made under section 2 is designated as emergency spending, as provided under section 402 of H. Con. Res. 95 (109th Congress)."

SA 2674. Mr. MCCONNELL (for Mr. BROWNBACK) proposed an amendment to the bill S. 1462, to promote peace and accountability in Sudan, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Darfur Peace and Accountability Act of 2005".

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) GOVERNMENT OF SUDAN.—

(A) IN GENERAL.—The term "Government of Sudan" means the National Congress Party, formerly known as the National Islamic Front, government in Khartoum, Sudan, or any successor government formed on or after the date of the enactment of this Act (including the coalition National Unity Government agreed upon in the Comprehensive Peace Agreement for Sudan), except that such term does not include the regional Government of Southern Sudan.

(B) OFFICIALS OF THE GOVERNMENT OF SUDAN.—The term "Government of Sudan", when used with respect to an official of the Government of Sudan, does not include an individual—

(i) who was not a member of such government prior to July 1, 2005; or

(ii) who is a member of the regional Government of Southern Sudan.

(3) COMPREHENSIVE PEACE AGREEMENT FOR SUDAN.—The term "Comprehensive Peace Agreement for Sudan" means the peace agreement signed by the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) in Nairobi, Kenya, on January 9, 2005.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) On July 22, 2004, the House of Representatives and the Senate declared that

the atrocities occurring in the Darfur region of Sudan are genocide.

(2) On September 9, 2004, Secretary of State Colin L. Powell stated before the Committee on Foreign Relations of the Senate, ''genocide has been committed in Darfur and... the Government of Sudan and the [Janjaweed] bear responsibility—and genocide may still be occurring''.

(3) On September 21, 2004, in an address before the United Nations General Assembly, President George W. Bush affirmed the Secretary of State's finding and stated, ''[a]t this hour, the world is witnessing terrible suffering and horrible crimes in the Darfur region of Sudan, crimes my government has concluded are genocide''.

(4) On July 30, 2004, the United Nations Security Council passed Security Council Resolution 1556, calling upon the Government of Sudan to disarm the Janjaweed militias and to apprehend and bring to justice Janjaweed leaders and their associates who have incited and carried out violations of human rights and international humanitarian law, and establishing a ban on the sale or supply of arms and related materiel of all types, including the provision of related technical training or assistance, to all nongovernmental entities and individuals, including the Janjaweed.

(5) On September 18, 2004, the United Nations Security Council passed Security Council Resolution 1564, determining that the Government of Sudan had failed to meet its obligations under Security Council Resolution 1556, calling for a military flight ban in and over the Darfur region, demanding the names of Janjaweed militiamen disarmed and arrested for verification, establishing an International Commission of Inquiry on Darfur to investigate violations of international humanitarian and human rights laws, and threatening sanctions should the Government of Sudan fail to fully comply with Security Council Resolutions 1556 and 1564, including such actions as to affect Sudan's petroleum sector or individual members of the Government of Sudan.

(6) The Report of the International Commission of Inquiry on Darfur established that the ''Government of the Sudan and the Janjaweed are responsible for serious violations of international human rights and humanitarian law amounting to crimes under international law,'' that ''these acts were conducted on a widespread and systematic basis, and therefore may amount to crimes against humanity,'' and that Sudanese officials and other individuals may have acted with ''genocidal intent''.

(7) The Report of the International Commission of Inquiry on Darfur further notes that, pursuant to its mandate and in the course of its work, the Commission had collected information relating to individual perpetrators of acts constituting ''violations of international human rights law and international humanitarian law, including crimes against humanity and war crimes'' and that a sealed file containing the names of those individual perpetrators had been delivered to the United Nations Secretary-General.

(8) On March 24, 2005, the United Nations Security Council passed Security Council Resolution 1590, establishing the United Nations Mission in Sudan (UNMIS), consisting of up to 10,000 military personnel and 715 civilian police and tasked with supporting implementation of the Comprehensive Peace Agreement for Sudan and ''closely and continuously liais[ing] and coordinat[ing] at all levels with the African Union Mission in Sudan (AMIS) with a view towards expeditiously reinforcing the effort to foster peace in Darfur''.

(9) On March 29, 2005, the United Nations Security Council passed Security Council Resolution 1591, extending the military embargo established by Security Council Resolution 1556 to all the parties to the N'djamena Ceasefire Agreement and any other belligerents in the states of North Darfur, South Darfur, and West Darfur, calling for an asset freeze and travel ban against those individuals who impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities, are responsible for offensive military overflights, or violate the military embargo, and establishing a Committee of the Security Council and a Panel of Experts to assist in monitoring compliance with Security Council Resolutions 1556 and 1591.

(10) On March 31, 2005, the United Nations Security Council passed Security Council Resolution 1593, referring the situation in Darfur since July 1, 2002, to the prosecutor of the International Criminal Court and calling on the Government of Sudan and all parties to the conflict to cooperate fully with the Court.

(11) In remarks before the G–8 Summit on June 30, 2005, President Bush reconfirmed that ''the violence in Darfur is clearly genocide'' and ''the human cost is beyond calculation''.

(12) On July 30, 2005, Dr. John Garang de Mabior, the newly appointed Vice President of Sudan and the leader of the Sudan People's Liberation Movement/Army (SPLM/A) for the past 21 years, was killed in a tragic helicopter crash in southern Sudan, sparking riots in Khartoum and challenging the commitment of all the people of Sudan to the Comprehensive Peace Agreement for Sudan.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the genocide unfolding in the Darfur region of Sudan is characterized by atrocities directed against civilians, including mass murder, rape, and sexual violence committed by the Janjaweed and associated militias with the complicity and support of the National Congress Party-led faction of the Government of Sudan;

(2) all parties to the conflict in the Darfur region have continued to violate the N'djamena Ceasefire Agreement of April 8, 2004, and the Abuja Protocols of November 9, 2004, and violence against civilians, humanitarian aid workers, and personnel of the African Union Mission in Sudan (AMIS) is increasing;

(3) the African Union should rapidly expand the size and amend the mandate of the African Union Mission in Sudan (AMIS) to authorize such action as may be necessary to protect civilians and humanitarian operations, and deter violence in the Darfur region without delay;

(4) the international community, including the United Nations, the North Atlantic Treaty Organization (NATO), the European Union, and the United States, should immediately act to mobilize sufficient political, military, and financial resources to support the expansion of the African Union Mission in Sudan so that it achieves the size, strength, and capacity necessary for protecting civilians and humanitarian operations, and ending the continued violence in the Darfur region;

(5) if an expanded and reinforced African Union Mission in Sudan fails to stop genocide in the Darfur region, the international community should take additional, dispositive measures to prevent and suppress acts of genocide in the Darfur region;

(6) acting under Article 5 of the Charter of the United Nations, the United Nations Security Council should call for suspension of the Government of Sudan's rights and privileges of membership by the General Assembly until such time as the Government of Sudan has honored pledges to cease attacks upon civilians, demobilize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance in the Darfur region, and allow for safe, unimpeded, and voluntary return of refugees and internally displaced persons;

(7) the President should use all necessary and appropriate diplomatic means to ensure the full discharge of the responsibilities of the Committee of the United Nations Security Council and the Panel of Experts established pursuant to section 3(a) of Security Council Resolution 1591 (March 29, 2005);

(8) the United States should not provide assistance to the Government of Sudan, other than assistance necessary for the implementation of the Comprehensive Peace Agreement for Sudan, the support of the regional Government of Southern Sudan and marginalized areas in northern Sudan (including the Nuba Mountains, Southern Blue Nile, Abyei, Eastern Sudan (Beja), Darfur, and Nubia), as well as marginalized peoples in and around Khartoum, or for humanitarian purposes in Sudan, until such time as the Government of Sudan has honored pledges to cease attacks upon civilians, demobilize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance in the Darfur region, and allow for safe, unimpeded, and voluntary return of refugees and internally displaced persons;

(9) the President should seek to assist members of the Sudanese diaspora in the United States by establishing a student loan forgiveness program for those individuals who commit to return to southern Sudan for a period of not less than 5 years for the purpose of contributing professional skills needed for the reconstruction of southern Sudan;

(10) the President should appoint a Presidential Envoy for Sudan to provide stewardship of efforts to implement the Comprehensive Peace Agreement for Sudan, seek ways to bring stability and peace to the Darfur region, address instability elsewhere in Sudan and northern Uganda, and pursue a truly comprehensive peace throughout the region;

(11) in order to achieve the goals specified in paragraph (10) and to further promote human rights and civil liberties, build democracy, and strengthen civil society, the Presidential Envoy for Sudan should be empowered to promote and encourage the exchange of individuals pursuant to educational and cultural programs, including programs funded by the United States Government;

(12) the international community should strongly condemn attacks against humanitarian workers and demand that all armed groups in the Darfur region, including the forces of the Government of Sudan, the Janjaweed, associated militias, the Sudan Liberation Movement/Army (SLM/A), the Justice and Equality Movement (JEM), and all other armed groups to refrain from such attacks;

(13) the United States should fully support the Comprehensive Peace Agreement for Sudan and urge rapid implementation of its terms; and

(14) the new leadership of the Sudan People's Liberation Movement (SPLM) should—

(A) seek to transform the SPLM into an inclusive, transparent, and democratic political body;

(B) reaffirm the commitment of the SPLM to bringing peace not only to southern Sudan, but also to the Darfur region, eastern Sudan, and northern Uganda; and

(C) remain united in the face of potential efforts to undermine the SPLM.

SEC. 5. SANCTIONS IN SUPPORT OF PEACE IN DARFUR.

(a) BLOCKING OF ASSETS AND RESTRICTION ON VISAS.—Section 6 of the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497; 50 U.S.C. 1701 note) is amended—

(1) in the heading of subsection (b), by inserting ''OF APPROPRIATE SENIOR OFFICIALS OF THE SUDANESE GOVERNMENT'' after ''ASSETS'';

(2) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively; and

(3) by inserting after subsection (b) the following new subsection:

''(c) BLOCKING OF ASSETS AND RESTRICTION ON VISAS OF CERTAIN INDIVIDUALS IDENTIFIED BY THE PRESIDENT.—

''(1) BLOCKING OF ASSETS.—Beginning on the date that is 30 days after the date of the enactment of the Darfur Peace and Accountability Act of 2005, and in the interest of contributing to peace in Sudan, the President shall, consistent with the authorities granted in the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block the assets of any individual who the President determines is complicit in, or responsible for, acts of genocide, war crimes, or crimes against humanity in Darfur, including the family members or any associates of such individual to whom assets or property of such individual was transferred on or after July 1, 2002.

''(2) RESTRICTION ON VISAS.—Beginning on the date that is 30 days after the date of the enactment of the Darfur Peace and Accountability Act of 2005, and in the interest of contributing to peace in Sudan, the President shall deny visas and entry to any individual who the President determines is complicit in, or responsible for, acts of genocide, war crimes, or crimes against humanity in Darfur, including the family members or any associates of such individual to whom assets or property of such individual was transferred on or after July 1, 2002.''.

(b) WAIVER.—Section 6(d) of the Comprehensive Peace in Sudan Act of 2004 (as redesignated by subsection (a)) is amended by adding at the end the following new sentence: ''The President may waive the application of paragraph (1) or (2) of subsection (c) with respect to an individual if—

''(1) the President determines that such a waiver is in the national interest of the United States; and

''(2) prior to exercising the waiver, the President transmits to the appropriate congressional committees a notification of the waiver that includes the name of the individual and the reasons for the waiver.''.

(c) SANCTIONS AGAINST CERTAIN JANJAWEED COMMANDERS AND COORDINATORS.—The President should immediately consider imposing the sanctions described in section 6(c) of the Comprehensive Peace in Sudan Act of 2004 (as added by subsection (a)) against the Janjaweed commanders and coordinators identified by former United States Ambassador-at-Large for War Crimes before the Subcommittee on Africa of the Committee on International Relations of the House of Representatives on June 24, 2004.

SEC. 6. ADDITIONAL AUTHORITIES TO DETER AND SUPPRESS GENOCIDE IN DARFUR.

(a) UNITED STATES ASSISTANCE TO SUPPORT AMIS.—Section 7 of the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497; 50 U.S.C. 1701 note) is amended—

(1) by striking ''Notwithstanding'' and inserting ''(a) GENERAL ASSISTANCE.—Notwithstanding''; and

(2) by adding at the end the following new subsection:

''(b) ASSISTANCE TO SUPPORT AMIS.—Notwithstanding any other provision of law, the President is authorized to provide assistance, on such terms and conditions as the President may determine and in consultation with the appropriate congressional committees, to reinforce the deployment and operations of an expanded African Union Mission in Sudan (AMIS) with the mandate, size, strength, and capacity to protect civilians and humanitarian operations, stabilize the Darfur region of Sudan and dissuade and deter air attacks directed against civilians and humanitarian workers, including but not limited to providing assistance in the areas of logistics, transport, communications, materiel support, technical assistance, training, command and control, aerial surveillance, and intelligence.''.

(b) NATO ASSISTANCE TO SUPPORT AMIS.—The President should instruct the United States Permanent Representative to the North Atlantic Treaty Organization (NATO) to use the voice, vote, and influence of the United States at NATO to advocate NATO reinforcement of the African Union Mission in Sudan (AMIS), upon the request of the African Union, including but not limited to the provision of assets to dissuade and deter offensive air strikes directed against civilians and humanitarian workers in the Darfur region of Sudan and other logistical, transportation, communications, training, technical assistance, command and control, aerial surveillance, and intelligence support.

(c) DENIAL OF ENTRY AT UNITED STATES PORTS TO CERTAIN CARGO SHIPS OR OIL TANKERS.—

(1) IN GENERAL.—The President should take all necessary and appropriate steps to deny the Government of Sudan access to oil revenues, including by prohibiting entry at United States ports to cargo ships or oil tankers engaged in business or trade activities in the oil sector of Sudan or involved in the shipment of goods for use by the armed forces of Sudan, until such time as the Government of Sudan has honored its commitments to cease attacks on civilians, demobilize and demilitarize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance, and allow for the safe and voluntary return of refugees and internally displaced persons.

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to cargo ships or oil tankers involved in an internationally-recognized demobilization program or the shipment of non-lethal assistance necessary to carry out elements of the Comprehensive Peace Agreement for Sudan.

(d) PROHIBITION ON ASSISTANCE TO COUNTRIES IN VIOLATION OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS 1556 AND 1591.—

(1) PROHIBITION.—Amounts made available to carry out the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) may not be used to provide assistance to the government of a country that is in violation of the embargo on military assistance with respect to Sudan imposed pursuant to United Nations Security Council Resolutions 1556 (July 30, 2004) and 1591 (March 29, 2005).

(2) WAIVER.—The President may waive the application of paragraph (1) if the President determines and certifies to the appropriate congressional committees that it is in the national interests of the United States to do so.

SEC. 7. MULTILATERAL EFFORTS.

The President shall direct the United States Permanent Representative to the United Nations to use the voice and vote of the United States to urge the adoption of a resolution by the United Nations Security Council which—

(1) supports the expansion of the African Union Mission in Sudan (AMIS) so that it achieves the mandate, size, strength, and capacity needed to protect civilians and humanitarian operations, and dissuade and deter fighting and violence in the Darfur region of Sudan, and urges member states of the United Nations to accelerate political, material, financial, and other assistance to the African Union toward this end;

(2) reinforces efforts of the African Union to negotiate peace talks between the Government of Sudan, the Sudan Liberation Movement/Army (SLM/A), the Justice and Equality Movement (JEM), and associated armed groups in the Darfur region, calls on the Government of Sudan, the SLM/A, and the JEM to abide by their obligations under the N'Djamena Ceasefire Agreement of April 8, 2004 and subsequent agreements, urges all parties to engage in peace talks without preconditions and seek to resolve the conflict, and strongly condemns all attacks against humanitarian workers and African Union personnel in the Darfur region;

(3) imposes sanctions against the Government of Sudan, including sanctions against individual members of the Government of Sudan, and entities controlled or owned by officials of the Government of Sudan or the National Congress Party in Sudan until such time as the Government of Sudan has honored its commitments to cease attacks on civilians, demobilize and demilitarize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance, and allow for the safe and voluntary return of refugees and internally displaced persons;

(4) extends the military embargo established by United Nations Security Council Resolutions 1556 (July 30, 2004) and 1591 (March 29, 2005) to include a total prohibition on the sale or supply of offensive military equipment to the Government of Sudan, except for use in an internationally-recognized demobilization program or for non-lethal assistance necessary to carry out elements of the Comprehensive Peace Agreement for Sudan;

(5) calls upon those member states of the United Nations that continue to undermine efforts to foster peace in Sudan by providing military assistance and equipment to the Government of Sudan, the SLM/A, the JEM, and associated armed groups in the Darfur region in violation of the embargo on such assistance and equipment, as called for in United Nations Security Council Resolutions 1556 and 1591, to immediately cease and desist; and

(6) acting under Article 5 of the Charter of the United Nations, calls for suspension of the Government of Sudan's rights and privileges of membership by the General Assembly until such time as the Government of Sudan has honored pledges to cease attacks upon civilians, demobilize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance in the Darfur region, and allow for safe, unimpeded, and voluntary return of refugees and internally displaced persons.

SEC. 8. CONTINUATION OF RESTRICTIONS.

Restrictions against the Government of Sudan that were imposed or are otherwise applicable pursuant to Executive Order 13067 of November 3, 1997 (62 Federal Register 59989), title III and sections 508, 512, 527, and 569 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (division D of Public Law 108–447), or any other similar provision of law, should remain in effect and should not be lifted pursuant to such provisions of law until the President transmits to the appropriate congressional committees a certification that the Government of Sudan is acting in good faith—

(1) to peacefully resolve the crisis in the Darfur region of Sudan;

(2) to disarm, demobilize, and demilitarize the Janjaweed and all government-allied militias;

(3) to adhere to United Nations Security Council Resolutions 1556 (2004), 1564 (2004), 1591 (2005), and 1593 (2005);

(4) to negotiate a peaceful resolution to the crisis in eastern Sudan;

(5) to fully cooperate with efforts to disarm, demobilize, and deny safe haven to members of the Lords Resistance Army; and

(6) to fully implement the Comprehensive Peace Agreement for Sudan without manipulation or delay, including by—

(A) implementing the recommendations of the Abyei Commission Report;

(B) establishing other appropriate commissions and implementing and adhering to the recommendations of such commissions consistent with the terms of the Comprehensive Peace Agreement for Sudan;

(C) adhering to the terms of the Wealth Sharing Agreement; and

(D) withdrawing government forces from southern Sudan consistent with the terms of the Comprehensive Peace Agreement for Sudan.

SEC. 9. ASSISTANCE EFFORTS IN SUDAN.

(a) ADDITIONAL AUTHORITIES.—Section 501(a) of the Assistance for International Malaria Control Act (Public Law 106–570; 114 Stat. 350; 50 U.S.C. 1701 note) is amended—

(1) by striking ''Notwithstanding any other provision of law'' and inserting the following:

''(1) IN GENERAL.—Notwithstanding any other provision of law'';

(2) by inserting ''civil administrations,'' after ''indigenous groups,'';

(3) by striking ''areas outside of control of the Government of Sudan'' and inserting ''southern Sudan, southern Kordofan/Nuba Mountains State, Blue Nile State, and Abyei'';

(4) by inserting before the period at the end the following: '', including the Comprehensive Peace Agreement for Sudan''; and

(5) by adding at the end the following new paragraph:

''(2) CONGRESSIONAL NOTIFICATION.—Assistance may not be obligated under this subsection until 15 days after the date on which the President has provided notice thereof to the congressional committees specified in section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1) in accordance with the procedures applicable to reprogramming notifications under such section.''.

(b) EXCEPTION TO PROHIBITIONS IN EXECUTIVE ORDER NO. 13067.—Subsection (b) of such section is amended—

(1) in the heading, by striking ''EXPORT PROHIBITIONS'' and inserting ''PROHIBITIONS IN EXECUTIVE ORDER NO. 13067'';

(2) by striking ''shall not'' and inserting ''should not'';

(3) by striking ''any export from an area in Sudan outside of control of the Government of Sudan, or to any necessary transaction directly related to that export'' and inserting ''activities or related transactions with respect to southern Sudan, southern Kordofan/Nuba Mountains State, Blue Nile State, or Abyei''; and

(4) by striking ''the export or related transaction'' and all that follows and inserting ''such activities or related transactions would directly benefit the economic recovery and development of those areas and people.''.

SEC. 10. REPORTS.

(a) REPORT ON AFRICAN UNION MISSION IN SUDAN (AMIS) .—Section 8 of the Sudan Peace Act (Public Law 107–245; 50 U.S.C. 1701 note) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

''(c) REPORT ON AFRICAN UNION MISSION IN SUDAN (AMIS).—In conjunction with reports required under subsections (a) and (b) of this section thereafter, the Secretary of State shall submit to the appropriate congressional committees a report, to be prepared in conjunction with the Secretary of Defense, on—

''(1) efforts to fully deploy the African Union Mission in Sudan (AMIS) with the size, strength, and capacity necessary to stabilize the Darfur region of Sudan and protect civilians and humanitarian operations;

''(2) the needs of AMIS to ensure success, including in the areas of housing, transport, communications, equipment, technical assistance, training, command and control, intelligence, and such assistance as is necessary to dissuade and deter attacks, including by air, directed against civilians and humanitarian operations;

''(3) the current level of United States assistance and other assistance provided to AMIS, and a request for additional United States assistance, if necessary;

''(4) the status of North Atlantic Treaty Organization (NATO) plans and assistance to support AMIS; and

''(5) the performance of AMIS in carrying out its mission in the Darfur region.''.

(b) REPORT ON SANCTIONS IN SUPPORT OF PEACE IN DARFUR.—Section 8 of the Sudan Peace Act (Public Law 107–245; 50 U.S.C. 1701 note), as amended by subsection (a), is further amended—

(1) by redesignating subsection (d) (as redesignated) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

''(d) REPORT ON SANCTIONS IN SUPPORT OF PEACE IN DARFUR.—In conjunction with reports required under subsections (a), (b), and (c) of this section thereafter, the Secretary of State shall submit to the appropriate congressional committees a report regarding sanctions imposed under subsections (a) through (d) of section 6 of the Comprehensive Peace in Sudan Act of 2004, including—

''(1) a description of each sanction imposed under such provisions of law; and

''(2) the name of the individual or entity subject to the sanction, if applicable.''.

(c) REPORT ON INDIVIDUALS IDENTIFIED BY THE UNITED NATIONS IN CONNECTION WITH GENOCIDE, WAR CRIMES, AND CRIMES AGAINST HUMANITY OR OTHER VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW IN DARFUR.—Section 8 of the Sudan Peace Act (Public Law 107–245; 50 U.S.C. 1701 note), as amended by subsections (a) and (b), is further amended—

(1) by redesignating subsection (e) (as redesignated) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

''(e) REPORT ON INDIVIDUALS IDENTIFIED BY THE UNITED NATIONS IN CONNECTION WITH GENOCIDE, WAR CRIMES, AND CRIMES AGAINST HUMANITY OR OTHER VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW IN DARFUR.—Not later than 30 days after the date on which the United States has access to any of the names of the individuals identified by the International Commission of Inquiry on Darfur (established pursuant to United Nations Security Council Resolution 1564 (2004)), or the names of the individuals designated by the Committee of the United Nations Security Council (established pursuant to United Nations Security Council Resolution 1591 (2005)), the Secretary of State shall submit to the appropriate congressional committees a report containing an assessment as to whether such individuals may be subject to sanctions under section 6 of the Comprehensive Peace in Sudan Act of 2004 (as amended by the Darfur Peace and Accountability Act of 2005) and the reasons for such determination.''.

SA 2675. Mr. MCCONNELL (for Mr. PRYOR) proposed an amendment to the bill H.R. 358, to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Little Rock Central High School Desegregation 50th Anniversary Commemorative Coin Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) September 2007, marks the 50th anniversary of the desegregation of Little Rock Central High School in Little Rock, Arkansas.

(2) In 1957, Little Rock Central High was the site of the first major national test for the implementation of the historic decision of the United States Supreme Court in *Brown, et al. v. Board of Education of Topeka, et al.*, 347 U.S. 483 (1954).

(3) The courage of the ''Little Rock Nine'' (Ernest Green, Elizabeth Eckford, Melba Pattillo, Jefferson Thomas, Carlotta Walls, Terrence Roberts, Gloria Ray, Thelma Mothershed, and Minnijean Brown) who stood in the face of violence, was influential to the Civil Rights movement and changed American history by providing an example on which to build greater equality.

(4) The desegregation of Little Rock Central High by the 9 African American students was recognized by Dr. Martin Luther King, Jr. as such a significant event in the struggle for civil rights that in May 1958, he attended the graduation of the first African American from Little Rock Central High School.

(5) A commemorative coin will bring national and international attention to the lasting legacy of this important event.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereinafter in this Act referred to as the ''Secretary'') shall mint and issue not more than 500,000 $1 coins each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—The design of the coins minted under this Act shall be emblematic of the desegregation of the Little Rock Central High School and its contribution to civil rights in America.

(b) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(1) a designation of the value of the coin;

(2) an inscription of the year ''2007''; and

(3) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(c) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee established under section 5135 of title 31, United States Code.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this Act beginning January 1, 2007, except that the Secretary may initiate sales of such coins, without issuance, before such date.

(c) TERMINATION OF MINTING AUTHORITY.—No coins shall be minted under this Act after December 31, 2007.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—Notwithstanding any other provision of law, the coins issued under this Act shall be sold by the Secretary at a price equal to the sum of the face value of the coins, the surcharge required under section 7(a) for the coins, and the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, overhead expenses, and marketing).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS AT A DISCOUNT.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) SURCHARGE REQUIRED.—All sales shall include a surcharge of $10 per coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, and subsection (d), all surcharges which are received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Secretary of the Interior for the protection, preservation, and interpretation of resources and stories associated with Little Rock Central High School National Historic Site, including the following:

(1) Site improvements at Little Rock Central High School National Historic Site.

(2) Development of interpretive and education programs and historic preservation projects.

(3) Establishment of cooperative agreements to preserve or restore the historic character of the Park Street and Daisy L. Gatson Bates Drive corridors adjacent to the site.

(c) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

(d) CREDITABLE FUNDS.—Notwithstanding any other provision of the law and recognizing the unique partnership nature of the Department of Interior and the Little Rock School District at the Little Rock Central High School National Historic Site and the significant contributions made by the Little Rock School District to preserve and maintain the historic character of the high school, any non-Federal funds expended by the school district (regardless of the source of the funds) for improvements at the Little Rock Central High School National Historic Site, to the extent such funds were used for the purposes described in paragraph (1), (2), or (3) of subsection (b), shall be deemed to meet the requirement of funds from private sources of section 5134(f)(1)(A)(ii) of title 31, United States Code, with respect to the Secretary of the Interior.

SA 2676. Mr. MCCONNELL (for Mr. SUNUNU) proposed an amendment to the bill S. 1047, to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively, to improve circulation of the $1 coin, to create a new bullion coin, and for other purposes; as follows:

On page 6, strike lines 6 through 11, and insert the following:

''(B) CONTINUITY PROVISIONS.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A), the Secretary shall continue to mint and issue $1 coins which bear any design in effect before the issuance of coins as required under this subsection (including the so-called 'Sacagawea-design' $1 coins).

''(ii) CIRCULATION QUANTITY.—Beginning January 1, 2007, and ending upon the termination of the program under paragraph (8), the Secretary annually shall mint and issue such 'Sacagawea-design' $1 coins for circulation in quantities of no less than ⅓ of the total $1 coins minted and issued under this subsection.''.

On page 17, lines 6 and 7, strike ''transportation and''.

On page 17, line 7, strike ''and entities''.

On page 17, line 18, strike ''1-year'' and insert ''2-year''.

On page 17, line 24, strike ''prominently''.

On page 23, line 18, strike ''$20'' and insert ''$50''.

On page 24, line 2, strike ''$20'' and insert ''$50''.

On page 24, line 3, insert ''and proof'' after ''bullion''.

On page 24, line 4, strike ''not to exceed 500,000 in any year'' and insert ''in such quantities, as the Secretary, in the Secretary's discretion, may prescribe''.

On page 25, line 23, strike ''the face value of the coins; and'' and insert ''the market value of the bullion at the time of sale; and''.

On page 26, between lines 9 and 10, insert the following:

''(8) PROTECTIVE COVERING.—

''(A) IN GENERAL.—Each bullion coin having a metallic content as described in subsection (a)(11) and a design specified in paragraph (2) shall be sold in an inexpensive covering that will protect the coin from damage due to ordinary handling or storage.

''(B) DESIGN.—The protective covering required under subparagraph (A) shall be readily distinguishable from any coin packaging that may be used to protect proof coins minted and issued under this subsection.''.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Friday, November 18, 2005, at 10 a.m., on Future of Science.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Friday, November 18, 2005, immediately following a vote on the Senate Floor (tentatively scheduled to occur at 9:30 a.m.), in the President's Room, S–216 of the Capitol, to consider favorably reporting S. 2027, the U.S.-Bahrain Free Trade Agreement Implementation Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The minority leader is recognized.

MISPLACED PRIORITIES

Mr. REID. Mr. President, as elected representatives of the American people, we have a responsibility to work with each other and to focus on their needs. This is an obligation that Democratic Senators have not taken lightly.

We have spent the last 11 months trying to make a difference for each American citizen. Democrats fought to protect Social Security when those in the majority, the Republicans, tried to destroy it through their risky privatization scheme. Democrats fought for a budget that honors America's values. When Republicans passed a terrible budget, leading religious leaders called it immoral. They called it immoral because of its deep cuts and irresponsible tax breaks. Why did they do that? One only needs to look at the Old Testament or the New Testament to find why.

In the 112th Psalm we are told that: He hath given to the poor; his righteousness will endure forever. In the New Testament, in the Book of Galatians, second chapter, 10th verse: Only that we should remember the poor. That is why leading religious leaders of this country have called the budget an immoral one.

We moved quickly to help Katrina's victims, when that storm exposed the Bush administration's incompetence. It became clear that Republicans were going to sit on their hands. Democrats tried to help families with energy prices, when prices spiked and congressional Republicans only seemed to care about their friends in the oil industry.

We stood for the troops, veterans, and a success story in Iraq, when it became clear that the White House was more interested in launching vicious attacks than providing the leadership America needs.

Democrats know that we are sent here to do a job on behalf of the American people. We understand that together we can do better. Unfortunately, in most all instances, those in the majority have shunned our efforts. Instead of joining us in helping every American, they have blocked our efforts and decided to focus on the narrow interests of a special few. In fact, if you want to see the misplaced priorities of the Republican Party, look no further than the agenda they set for the Senate.

If the Senate could spend over 30 days debating extreme judges and devote days to the tragic affairs of the Schiavo family, Republicans should have been able to find a few days to help millions of Americans with health care, education, and, of course, the skyrocketing cost of gasoline, heating oil, and natural gas.

While some of the work we have done this year is important, more important is the work that we have missed. Consider the latest example: Katrina relief. Democrats introduced a comprehensive Katrina relief package. It was a good package. It was done hours after the storm had passed. The legislation, S. 1637, included proposals to ensure that displaced families received the health care, housing, and financial relief they needed. Republicans talked a good game about helping victims. Yet over 2 months later, you only have to pick up any newspaper to know that tens of thousands of Americans still need housing, health care, and financial help. Democrats have tried to act on these families' behalf, but every time Republicans have found something better to do.

Of course, this is a pattern all too familiar. When Democrats wanted to discuss health care and education, Republicans decided to debate changing Senate rules so they could pack the courts with some extreme nominees. When Democrats wanted to help families struggling with rising oil prices, Republicans gave billions in tax breaks to oil companies that are already making obscene profits. And when Democrats wanted to help the neediest among us, Republicans decided to make deep cuts to programs working families depend on so they could give tax breaks to special interests and the very elite of our country.

America can do better than these misplaced priorities. Whether it is supporting our troops or providing relief for rising health and energy costs, it is time for the Senate to get its priorities straight. The Democratic agenda is one that deals with health care, energy costs, and, in effect, getting our priorities straight.

When we return next session, we should not waste more time putting the needs of the special few ahead of the priorities of the American people. Let's pass fiscally responsible tax relief to help middle-class families being squeezed between declining wages and rising prices. The rich are getting richer; the poor are getting poorer. The middle class is getting squeezed. Let's move forward on issues like energy dependence, real security, and affordable health care. Let's build on the progress we made on Tuesday with our vote on Iraq.

On Tuesday, Democrats and Republicans voted overwhelmingly to express no confidence in the administration's Iraq policy. We must continue to push the President because it is clear that he has no interest in taking the Senate's advice.

Instead of changing course, as the Senate demanded, the White House has decided to reignite the Cheney-Rove smear machine and attack its critics instead. We saw it yesterday with Congressman JACK MURTHA. While I don't agree with the immediate withdrawal plan Congressman MURTHA proposed, this brave man's patriotism and his commitment to defend our country should never be questioned, especially by this White House, as it was.

Congressman MURTHA served valiantly in Vietnam. He is a highly decorated veteran, someone who knows what it is like to bleed in combat, literally. When he speaks, the White House should listen. They could learn something. Let's remember, Congressman MURTHA isn't the only combat veteran calling for a debate about Iraq. In the Senate, Republican Senator CHUCK HAGEL has also said it is our patriotic duty to question what is going on.

The deceiving, distorting, and divisive political attacks must end. We need an open, honest debate about what is happening in Iraq. Next year I hope Republicans will join with us in this debate. It is easy to attack those who don't agree with you. The hard part is leading and giving our troops the strategy for success.

The days and months ahead should be used to do the people's business. We can't change the past, but we can change the future.

Next year we need to focus on the priorities of American families. Together we can do better and give our citizens a government as good and honest as its people.

The PRESIDING OFFICER (Mr. TALENT). The Senator from Kentucky.

A SUCCESSFUL FIRST SESSION

Mr. MCCONNELL. Mr. President, I listened carefully to my good friend, the Democratic leader, give his evaluation of the year that is coming to a conclusion. Let me just suggest that I, not surprisingly, see it somewhat differently. In my couple of decades here in the Senate, this has been quite possibly the most successful first session of a Congress in my time here.

We began the year by passing a much needed class action reform bill that was long overdue to deal with one of the areas of the litigation craze that is bad for American business and bad for our economy. We followed on with the Bankruptcy Reform Act, long in the making, way overdue, to deal with people who have increasingly decided not to accept their responsibilities and pay their debts.

We passed a budget, which is never easy around here, tax cuts, a Central American free-trade agreement, an energy bill, and a highway bill. We confirmed a new Justice to the Supreme Court. We passed a terrorism reinsurance measure and a pension reform bill.

It has been an extraordinarily successful first session of a Congress, and we have much to be proud of as we go toward the Thanksgiving holiday.

Even though my assessment of our accomplishments here differs dramatically from that of the Democratic leader, let me say to all our colleagues, Democrats and Republicans alike, we have much to be thankful for this Thanksgiving. We hope everyone will enjoy the holiday, come back refreshed for what we anticipate will be a very brief session the week of December 12.

I also want to say a word about Iraq. It is much in the news these days. The Senate spoke clearly this week that it is not in favor of cutting and running. On a bipartisan basis, the Senate said we will not cut and run in Iraq. That is the message of the votes that we had earlier this week. We intend to stay the course. We are winning in Iraq, and the policy is to win.

How do you measure success in Iraq? You measure it by the election last January which brought into office a temporary democratic government. Everyone remembers the ink-stained index fingers that were held up proudly by the Iraqis as they, at risk to their own lives, went to the polls and elected an interim government.

Last month on October 15—by the way, back in January, there was a 60-percent turnout, the same as our turnout last November and ours was 60 percent, higher than the turnout of 50 percent before that. The Iraqis turned out the same percentages last January as we did here, and I don't think any Americans were afraid they were going to be shot or blown up by a bomb if they went out to vote.

If that were not good enough, in the constitutional election on October 15, 63 percent of Iraqis turned out, and large numbers of Sunnis who had boycotted the election earlier began to participate.

Clearly, Iraq is heading in the right direction. Surveys taken in September indicate Iraqis are far more optimistic about their future than we are about ours in the United States. They are more optimistic about their future than we are ours here. So the Iraqis feel they are on the right path. They are going to finish the job on December 15 when they elect the first permanent democratic government in Iraqi history, a fairly unusual thing in that part of the world, I think we will all agree.

Next year, that permanent democratic government will increasingly be responsible for its own future and the fate of its own citizens as the Iraqi military improves month after month.

So we do, indeed, have much to be thankful for this Thanksgiving. Most of all, we are grateful for our wonderful troops who have done an astonishing job in Iraq. They are proud of their work. They are somewhat perplexed about the perception that they are failing when they all know they are succeeding dramatically. Hopefully, in the new year, we will be able to do a better job of getting out the entire story in

Iraq, which is that dramatic progress is being made. After all, when this democratic government is elected on December 15, it will be less than 3 years from the time Saddam Hussein was toppled to the election of a permanent democratic government in Iraq. It took us 11 years in this country to get from the Declaration of Independence to the writing of the Constitution in our first democratic election.

We are very impatient for immediate success. In fact, the Iraqis have come a long way in a short period of time under very difficult circumstances. We are proud of them and, most of all, we are proud of our troops who made it possible for that to happen.

With that, Mr. President, I think it is time to begin to wrap up in the Senate.

First, I congratulate the House of Representatives and the Senate. We will shortly be passing a bill to honor a great American, Rosa Parks, by placing a statue of her in the Capitol. I am very gratified by the swift action of the House, followed on by the Senate tonight. We have assured that Americans who visit this place 100 years from now will see her statue and reflect on how one woman's courage altered a nation.

I am also pleased and grateful to my colleagues, particularly Senator DODD in the Senate and Representative JESSE JACKSON, Jr., in the House, who took the lead over there for moving quickly to accord Ms. Parks the honor she so richly deserves. I look forward to the day when her statue is unveiled and placed in this historic building alongside other American heroes.

Ms. Parks' passing on October 24, just a few weeks ago, left us with sadness, but also with deep gratitude to the gift she left all of us.

I am reminded of Dr. Martin Luther King's conviction that human progress never rolls in on the wheels of inevitability. It comes through the tireless efforts of men. Today this Congress has taken steps to ensure Parks' achievements will never be forgotten.

RECOGNIZING 50TH ANNIVERSARY OF ROSA LOUISE PARKS' REFUSAL TO GIVE UP HER SEAT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H. Con. Res. 208, and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 208) recognizing the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on the bus and the subsequent desegregation of American society.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statement relating to the concurrent resolution be printed in the RECORD, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 208) was agreed to.

The preamble was agreed to.

AUTHORIZING EXTENSION OF UNCONDITIONAL AND PERMANENT NONDISCRIMINATORY TREATMENT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of S. 632, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 632) to authorize the extension of unconditional and permanent nondiscriminatory treatment (permanent normal trade relations treatment) to the products of Ukraine, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 632) was read the third time and passed, as follows:

S. 632

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

SECTION 1. FINDINGS.

Congress finds that Ukraine—

(1) allows its citizens the right and opportunity to emigrate, free of any heavy tax on emigration or on the visas or other documents required for emigration and free of any tax, levy, fine, fee, or other charge on any citizens as a consequence of the desire of such citizens to emigrate to the country of their choice;

(2) has received normal trade relations treatment since concluding a bilateral trade agreement with the United States that entered into force on June 23, 1992, which remains in force and provides the United States with important rights;

(3) has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974 since 1997;

(4) has committed itself to ensuring freedom of religion and preventing intolerance;

(5) has committed itself to continuing its efforts to return religious property to religious organizations in accordance with existing law;

(6) has taken significant steps demonstrating its intentions to build a friendly and cooperative relationship with the United States including participating in peacekeeping efforts in Europe; and

(7) has made progress toward meeting international commitments and standards in the most recent Presidential runoff elections, including in the implementation of Ukraine's new elections laws.

SEC. 2. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO UKRAINE.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION OF UNCONDITIONAL AND PERMANENT NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Ukraine; and

(2) after making a determination under paragraph (1) with respect to Ukraine, proclaim the extension of unconditional and permanent nondiscriminatory treatment (permanent normal trade relations treatment) to the products of that country.

(b) TERMINATION OF APPLICATION OF TITLE IV.—On and after the effective date of the extension under subsection (a)(2) of nondiscriminatory treatment to the products of Ukraine, chapter 1 of title IV of the Trade Act of 1974 shall cease to apply to that country.

Mr. MCCONNELL. Mr. President, I further ask that the bill be held at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIRECTING THE JOINT COMMITTEE ON THE LIBRARY TO OBTAIN A STATUE OF ROSA PARKS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of H. R. 4145, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H. R. 4145) to direct the Joint Committee on the Library to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. KERRY. Mr. President, last night, the House of Representatives passed H.R. 4145, 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. Today, the Senate unanimously passed this legislation, and I rise to thank my colleagues in this body and in the House of Representatives for their leadership and support for this important legislation, which sends a message of hope and freedom to the American people.

Earlier this week a resolution sponsored by Senator MCCONNELL and Senator DODD passed this body to honor Mrs. Parks. I thank Senators MCCONNELL and DODD for their leadership on this issue and considering my concerns. I supported Mr. MCCONNELL's and Mr. DODD's measure because I believe it is paramount that we honor Rosa Parks in our Capitol. However, I wanted to be clear that her statue should be in Statuary Hall, and I was glad to join Representative JESSE JACKSON Jr. of Illinois in his effort to make that happen.

Largely regarded as the mother of the modern day Civil Rights movement, Mrs. Parks' act of courage on

December 1, 1955, inspired a movement that eventually brought about laws to end segregation, ensure voting rights, end discrimination in housing, and create a greater equality throughout this nation. Moreover, it taught us all that one individual can help to change the world from the way things are to the way things ought to be. With the passage of this legislation, we ensure that her memory is enshrined in the most hallowed halls of our Government. On November 3, 2005, I introduced S. 1959, the companion legislation to Representative JACKSON's H.R. 4145, which would also place a statue of Rosa Parks in Statuary Hall in the Capitol. This is a location of great significance, particularly on this occasion and particularly with this individual. While there are memorials for prominent African Americans in the Capitol Collection, none of those are located in the hall that gives a State-by-State account of our country's history.

This week, Representative JACKSON and I began a national week of action to pass our legislation honoring Rosa Parks with a statue in National Statuary Hall. I thank Representative JACKSON for his leadership on this important effort. It was through his vision and dedication that we were able to reach our goal of having this legislation pass Congress by December 1, 2005—the 50th anniversary of Rosa Parks' courageous decision not to move to the back of the bus. I also thank Senators MCCONNELL and DODD for helping to make that happen. It could not have been enacted without their support.

Finally, I thank Senator OBAMA, Senator SMITH and my other Senate colleagues who cosponsored S. 1959 for their support in raising the awareness and helping to ensure the passage of this legislation. Mrs. Parks' legacy, and that of the movement she began, has been served well by this bipartisan effort to honor her in Statuary Hall.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, and that any statement relating to the bill be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4145) was read the third time and passed.

EXPRESSING SENSE OF SENATE ON TRIAL, SENTENCING AND IMPRISONMENT OF MICHAEL KHODORKOVSKY AND PLATON LEBEDEV

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 322 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 322) expressing the sense of the Senate on the trial, sentencing and imprisonment of Michael Khodorkovsky and Platon Lebedev.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 322) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 322

Whereas the United States supports the development of democracy, civil society, and the rule of law in the Russian Federation;

Whereas the rule of law and the guarantee of equal justice under the law are fundamental attributes of democratic societies;

Whereas the trial, sentencing, and imprisonment of Mikhail Khodorkovsky and Platon Lebedev have raised troubling questions about the impartiality and integrity of the judicial system in Russia;

Whereas the Department of State 2004 Country Report on Human Rights Practices in Russia stated that the arrest of Mr. Khodorkovsky was ''widely believed to have been prompted, at least in part, by the considerable financial support he provided to opposition groups;''

Whereas Secretary of State Condoleezza Rice has remarked that the arrest of Mr. Khodorkovsky and the dismantling of his company have ''raised significant concerns'' about the independence of the judiciary in Russia;

Whereas the independent non-governmental organization Freedom House has asserted that the conviction of Mr. Khodorkovsky ''underscores the serious erosion of the rule of law and growing intolerance for political dissent in Russia'';

Whereas upon concluding an investigation of the facts surrounding the case of Mr. Khodorkovsky and Mr. Lebedev, the Human Rights Committee of the Parliamentary Assembly of the Council of Europe determined that the two men were ''arbitrarily singled out'' by the Russia authorities, violating the principle of equality before the law;

Whereas in May 2005, a Moscow court sentenced Mr. Khodorkovsky to serve 9 years in prison;

Whereas Article 73 of the Russian Criminal Penitentiary Code stipulates that except under extraordinary circumstances, prisoners serve their terms of deprivation of liberty on the territory of subjects of the Russian Federation where they reside or were convicted;

Whereas on or about October 16, 2005, Mr. Khodorkovsky was sent to prison camp YG 14/10 in the Chita Region of Siberia;

Whereas on or about October 16, 2005, Mr. Lebedev was sent to penal camp number 98/3 in the arctic region of Yamal-Nenets;

Whereas the transfer of Mr. Khodorkovsky and Mr. Lebedev constitutes an apparent violation of Russia law and hearkens back to the worst practices and excesses of the Soviet era;

Whereas a broad coalition of human rights advocates and intellectuals in Russia have appealed to Vladimir Lukin, the Human Rights Commissioner of the Russian Federation, to investigate and rectify any abuse of Russia law associated with the transfer of Mr. Khodorkovsky and Mr. Lebedev; and

Whereas the selective disregard for the rule of law by officials of the Russian Federation further undermines the standing and status of the Russian Federation among the democratic nations of the world: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the criminal justice system in Russia has not accorded Mikhail Khodorkovsky and Platon Lebedev fair, transparent, and impartial treatment under the laws of the Russian Federation;

(2) the standing and status of the Russian Federation among the democratic nations of the world would be greatly enhanced if the authorities of the Russian Federation were to take the necessary actions to dispel widespread concerns that—

(A) the criminal cases against Mr. Khodorkovsky, Mr. Lebedev, and their associates are politically motivated;

(B) the transfer of Mr. Khodorkovsky and Mr. Lebedev to prison camps thousands of kilometers from their homes and families represents a violation of the norms and practices of Russia law; and

(C) in cases dealing with perceived political threats to the authorities, the judiciary of Russia is an instrument of the Kremlin and such judiciary is not truly independent; and

(3) notwithstanding any other disposition of the cases of Mr. Khodorkovsky and Mr. Lebedev, and without prejudice to further disposition of same, Mr. Khodorkovsky and Mr. Lebedev should be transferred to penal facilities with locations that are consonant with the norms and general practices of Russia law.

EXPRESSING SENSE OF SENATE THAT UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS NOT BE ALLOWED TO EXERCISE CONTROL OVER INTERNET

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 323, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 323) expressing the sense of the Senate that the United Nations and other international organizations should not be allowed to exercise control over the Internet.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 323) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 323

Whereas market-based policies and private sector leadership have given the Internet the flexibility to evolve;

Whereas given the importance of the Internet to the global economy, it is essential

that the underlying domain name system and technical infrastructure of the Internet remain stable and secure;

Whereas the Internet was created in the United States and has flourished under United States supervision and oversight, and the Federal Government has followed a path of transferring Internet control from the defense sector to the civilian sector, including the Internet Corporation for Assigned Names and Numbers (ICANN) with the goal of full privatization;

Whereas the developing world deserves the access to knowledge, services, commerce, and communication, the accompanying benefits to economic development, education, and health care, and the informed discussion that is the bedrock of democratic self-government that the Internet provides;

Whereas the explosive and hugely beneficial growth of the Internet did not result from increased government involvement but from the opening of the Internet to commerce and private sector innovation;

Whereas on June 30, 2005, President George W. Bush announced that the United States intends to maintain its historic role over the master ''root zone'' file of the Internet, which lists all authorized top-level Internet domains;

Whereas the recently articulated principles of the United States on the domain name and addressing system of the Internet (DNS) are that—

(1) the Federal Government will—

(A) preserve the security and stability of the DNS;

(B) take no action with the potential to adversely affect the effective and efficient operation of the DNS; and

(C) maintain the historic role of the United States regarding modifications to the root zone file;

(2) governments have a legitimate interest in the management of country code top level domains (ccTLD);

(3) the United States is committed to working with the international community to address the concerns of that community in accordance with the stability and security of the DNS;

(4) ICANN is the appropriate technical manager of the Internet, and the United States will continue to provide oversight so that ICANN maintains focus and meets its core technical mission; and

(5) dialogue relating to Internet governance should continue in multiple relevant fora, and the United States encourages an ongoing dialogue with all stakeholders and will continue to support market-based approaches and private sector leadership;

Whereas the final report issued by the Working Group on Internet Governance (WGIG), established by the United Nations Secretary General in accordance with a mandate given during the first World Summit on the Information Society, and comprised of 40 members from governments, private sector, and civil society, issued 4 possible models, 1 of which envisages a Global Internet Council that would assume international Internet governance;

Whereas that report contains recommendations for relegating the private sector and nongovernmental organizations to an advisory capacity;

Whereas the European Union has also proposed transferring control of the Internet, including the global allocation of Internet Protocol number blocks, procedures for changing the root zone file, and rules applicable to DNS, to a ''new model of international cooperation'' which could confer significant leverage to the Governments of Iran, Cuba, and China, and could impose an undesirable layer of politicized bureaucracy on the operations of the Internet that could result in an inadequate response to the rapid pace of technological change;

Whereas some nations that advocate radical change in the structure of Internet governance censor the information available to their citizens through the Internet and use the Internet as a tool of surveillance to curtail legitimate political discussion and dissent, and other nations operate telecommunications systems as state-controlled monopolies or highly-regulated and highly-taxed entities;

Whereas some nations in support of transferring Internet governance to an entity affiliated with the United Nations, or another international entity, might seek to have such an entity endorse national policies that block access to information, stifle political dissent, and maintain outmoded communications structures;

Whereas the structure and control of Internet governance has profound implications for homeland security, competition and trade, democratization, free expression, access to information, privacy, and the protection of intellectual property, and the threat of some nations to take unilateral actions that would fracture the root zone file would result in a less functional Internet with diminished benefits for all people;

Whereas in the Declaration of Principles of the First World Summit on the Information Society, held in Geneva in 2003, delegates from 175 nations declared the ''common desire and commitment to build a people-centered, inclusive and development oriented Information Society, where everyone can create, access, utilize and share information and knowledge'';

Whereas delegates at the First World Summit also reaffirmed, ''as an essential foundation of the Information Society, and as outlined in Article 19 of the Universal Declaration of Human Rights, that everyone has the right to freedom of opinion and expression'' and that ''this right includes freedom to hold opinions without interference and to seek, receive and import information and ideas through any media and regardless of frontiers'';

Whereas the United Nations Secretary General has stated the objective of the 2005 World Summit on the Information Society in Tunis is to ensure ''benefits that new information and communication technologies, including the Internet, can bring to economic and social development'' and that ''to defend the Internet is to defend freedom itself''; and

Whereas discussions at the November 2005 World Summit on the Information Society may include discussion of transferring control of the Internet to a new intergovernmental entity, and could be the beginning of a prolonged international debate regarding the future of Internet governance: Now, therefore, be it

Resolved, That the Senate—

(1) calls on the President to continue to oppose any effort to transfer control of the Internet to the United Nations or any other international entity;

(2) applauds the President for—

(A) clearly and forcefully asserting that the United States has no present intention of relinquishing the historic leadership role the United States has played in Internet governance; and

(B) articulating a vision of the future of the Internet that places privatization over politicization with respect to the Internet; and

(3) calls on the President to—

(A) recognize the need for, and pursue a continuing and constructive dialogue with the international community on, the future of Internet governance; and

(B) advance the values of an open Internet in the broader trade and diplomatic conversations of the United States.

EXPRESSING SUPPORT FOR PEOPLE OF SRI LANKA

Mr. MCCONNELL. I now ask unanimous consent that the Senate proceed to the consideration of S. Res. 324, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 324) expressing support for the people of Sri Lanka in the wake of the tsunami and the assassination of the Sri Lankan Foreign Minister and urging support and respect for free and fair elections in Sri Lanka.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 324) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 324

Whereas, on December 26, 2004, Sri Lanka was struck by a tsunami that left some 30,000 dead and hundreds of thousands of people homeless;

Whereas the United States and the world community recognized the global importance of preventing that tragedy from spiraling into an uncontrolled disaster and sent aid to Sri Lanka to provide immediate relief;

Whereas the massive tsunami reconstruction effort in Sri Lanka creates significant challenges for the country;

Whereas the democratic process in Sri Lanka is further challenged by the refusal of the Liberation Tigers of Tamil Eelam, a group that the Secretary of State has designated as a Foreign Terrorist Organization, to renounce violence as a means of effecting political change;

Whereas, on August 12, 2005, the Sri Lankan Foreign Minister Lakhsman Kadirgamar was assassinated at his home in Colombo in a brutal terrorist act that has been widely attributed to the Liberation Tigers of Tamil Eelam by officials in Sri Lanka, the United States, and other countries;

Whereas democratic elections are scheduled to be held in Sri Lanka on November 17, 2005; and

Whereas the United States has an interest in a free and fair democratic process in Sri Lanka, and the peaceful resolution of the insurgency that has afflicted Sri Lanka for more than two decades: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its support for the people of Sri Lanka as they recover from the devastating tsunami that occurred on December 26, 2004, and the assassination of the Sri Lankan Foreign Minister Lakhsman Kadirgamar on August 12, 2005;

(2) expresses its support for the courageous decision by the democratically-elected Government of Sri Lanka, following the assassination of Foreign Minister Kadirgamar, to remain in discussions with the Liberation

Tigers of Tamil Eelam in an attempt to resolve peacefully the issues facing the people of Sri Lanka; and

(3) urges all parties in Sri Lanka to remain committed to the negotiating process and to make every possible attempt at national reconciliation.

AUTHORIZATION FOR PRINTING OF SENATE ELECTION LAW GUIDEBOOK

Mr. MCCONNELL. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of S. Res. 325, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 325) to authorize the printing of a revised edition of the Senate Election Law Guidebook.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 325) was agreed to, as follows:

S. RES. 325

Resolved, That the Committee on Rules and Administration shall prepare a revised edition of the Senate Election Law Guidebook, Senate Document 106–14 , and that such document shall be printed as a Senate document.

SEC. 2. There shall be printed, beyond the usual number, 500 additional copies of the document specified in the first section for the use of the Committee on Rules and Administration.

CHILD SAFETY PILOT PROGRAM

Mr. MCCONNELL. Mr. President, I now ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 298, S. 1961.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1961) to extend and expand the Child Safety Pilot Program.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The bill (S. 1961) was read the third time and passed, as follows:

S. 1961

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 ''Extending the Child Safety Pilot Program Act of 2005''.

SEC. 2. EXTENSION OF THE CHILD SAFETY PILOT PROGRAM.

Section 108 of the PROTECT Act (42 U.S.C. 5119a note) is amended—

(1) in subsection (a)—

(A) in paragraph (2)(B), by striking ''A volunteer organization in a participating State may not submit background check requests under paragraph (3).'';

(B) in paragraph (3)—

(i) in subparagraph (A), by striking ''a 30-month'' and inserting: ''a 60-month'';

(ii) by striking subparagraph (B) and inserting the following:

''(B) PARTICIPATING ORGANIZATIONS.—

''(i) ELIGIBLE ORGANIZATIONS.—Eligible organizations include—

''(I) the Boys and Girls Clubs of America;

''(II) the MENTOR/National Mentoring Partnership;

''(III) the National Council of Youth Sports; and

''(IV) any nonprofit organization that provides care, as that term is defined in section 5 of the National Child Protection Act of 1993 (42 U.S.C. 5119c), for children.

''(ii) PILOT PROGRAM.—The eligibility of an organization described in clause (i)(IV) to participate in the pilot program established under this section shall be determined by the National Center for Missing and Exploited Children according to criteria established by such Center, including the potential number of applicants and suitability of the organization to the intent of this section.'';

(iii) by striking subparagraph (C) and inserting the following:

''(C) APPLICANTS FROM PARTICIPATING ORGANIZATIONS.—Participating organizations may request background checks on applicants for positions as volunteers and employees who will be working with children or supervising volunteers.'';

(iv) in subparagraph (D), by striking ''the organizations described in subparagraph (C)'' and inserting ''participating organizations''; and

(v) in subparagraph (F), by striking ''14 business days'' and inserting ''10 business days''; and

(2) in subsection (c)(1), by striking ''and 2005'' and inserting ''through 2008''.

VESSEL HULL DESIGN PROTECTION AMENDMENTS of 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. 1785 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1785) to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the distinction between a hull and a deck, to provide factors for the determination of the protectability of a revised design, to provide guidance for assessments of substantial similarity, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, Senator CORNYN and I have already worked together on significant Freedom of Information Act legislation and on counterfeiting legislation during the first session of this Congress. Today, we pass yet another bill and take our partnership to the high seas, or at least to our Nation's boat manufacturing industry, with the Vessel Hull Design Protection Act Amendments of 2005.

Designs of boat vessel hulls are often the result of a great deal of time, effort, and financial investment. They are afforded intellectual property protection under the Vessel Hull Design Protection Act that Congress passed in 1998. This law exists for the same reason that other works enjoy intellectual property rights: to encourage continued innovation, to protect the works that emerge from the creative process, and to reward the creators. Recent courtroom experience has made it clear that the protections Congress passed 7 years ago need some statutory refinement to ensure they meet the purposes we envisioned. The Vessel Hull Design Protection Act Amendments shore up the law, making an important clarification about the scope of the protections available to boat designs.

We continue to be fascinated with, and in so many ways dependent on, bodies of water, both for recreation and commerce. More than 50 percent of Americans live on or near the coastline in this country. We seem always to be drawn to the water, whether it is the beautiful Lake Champlain in my home State of Vermont or the world's large oceans. And as anyone who has visited our seaports can attest, much of our commerce involves sea travel. I would like to thank Senators KOHL and HATCH for cosponsoring this legislation. Protecting boat designs and encouraging innovation in those designs are worthy aims, and I am grateful that we have moved to pass this bipartisan legislation.

Mr. MCCONNELL. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1785) was read the third time and passed, as follows:

S. 1785

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Vessel Hull Design Protection Amendments of 2005''.

SEC. 2. DESIGNS PROTECTED.

Section 1301(a) of title 17, United States Code, is amended by striking paragraph (2) and inserting the following:

''(2) VESSEL FEATURES.—The design of a vessel hull or deck, including a plug or mold, is subject to protection under this chapter, notwithstanding section 1302(4).''.

SEC. 3. DEFINITIONS.

Section 1301(b) of title 17, United States Code, is amended—

(1) in paragraph (2), by striking ''vessel hull, including a plug or mold,'' and inserting ''vessel hull or deck, including a plug or mold,'';

(2) by striking paragraph (4) and inserting the following:

''(4) A 'hull' is the exterior frame or body of a vessel, exclusive of the deck, superstructure, masts, sails, yards, rigging, hardware, fixtures, and other attachments.''; and

(3) by adding at the end the following:

''(7) A 'deck' is the horizontal surface of a vessel that covers the hull, including exterior cabin and cockpit surfaces, and exclusive of masts, sails, yards, rigging, hardware, fixtures, and other attachments.''.

LAND CONVEYANCE IN THE CITY OF RICHFIELD, UTAH

Mr. MCCONNELL. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 282, H.R. 680.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 680) to direct the Secretary of Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, and for other purposes.

Mr. MCCONNELL. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 680) was read the third time and passed.

DESIGNATING THE HOLLY A. CHARETTE POST OFFICE

DESIGNATING THE RANDALL D. SHUGHART POST OFFICE BUILDING

DESIGNATING THE VINCENT PALLADINO POST OFFICE

DESIGNATING THE WILLIE VAUGHN POST OFFICE

Mr. McCONNELL. Mr. President, I ask unanimous consent the Homeland Security and Governmental Affairs Committee be discharged from further consideration, and the Senate proceed to the immediate consideration of S. 1989, H.R. 2062, H.R. 2183, and H.R. 3853, all en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will proceed to the consideration of the measures en bloc.

Mr. MCCONNELL. I ask unanimous consent the bills be read a third time and passed and the motions to reconsider be laid on the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2062) was read the third time and passed.

The bill (H.R. 2183) was read the third time and passed.

The bill (H.R. 3853) was read the third time and passed.

The bill (S. 1989) was read the third time and passed as follows:

S. 1989

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

SECTION 1. HOLLY A. CHARETTE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 57 Rolfe Square in Cranston, Rhode Island, shall be known and designated as the ''Holly A. Charette Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Holly A. Charette Post Office''.

DARFUR PEACE AND ACCOUNTABILITY ACT OF 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent the Committee on Foreign Relations be discharged from further consideration of S. 1462 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1462) to promote peace and accountability in Sudan, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. CORZINE. Mr. President, today the Senate has passed the bipartisan Darfur Peace and Accountability Act introduced by my colleague, Senator BROWNBACK, and myself. This legislation is a critical step in finally stopping the genocide raging in Darfur and bringing lasting peace to the region.

It has been 15 months since the Congress declared the atrocities in Darfur to be genocide, and over a year since the administration made the same declaration. Yet far too little has been done to live up to our moral obligation to actually save lives. Fellow human beings are being mercilessly slaughtered. We have the capacity to protect them. If we do not, history will forever condemn our failure. That is what this bill is about.

This is the second time a version of this bill has passed the Senate. In April, the bill was included as an amendment to the emergency supplement appropriations bill but was stripped out in conference. This time, however, I am hopeful that the bill will be passed into law. A dedicated, bipartisan group of House members, including Congressman PAYNE, have pushed this legislation. Through their efforts and with the support of leadership, we can pass this bill.

That's when the work will really begin. This legislation outlines the policies and provides the authorities necessary to stop the genocide.

First, the bill recognizes that boots on the ground are needed to provide security. It calls for the rapid expansion of the size and mandate of African Union, AU, forces in Darfur. We must, however, provide actual resources to the AU for it to be effective. Just a few weeks ago, a Senate amendment to the Foreign Operations appropriations bill for $50 million was removed in conference, leaving the AU with an ever-increasing shortfall at precisely the worst moment. By passing this legislation, the Senate has once again stressed the need for greater U.S. assistance to the AU. The administration must now follow up by requesting significant funding for the AU in its next supplemental request.

While we must provide all necessary resources to the AU, we should also recognize its limitations. This bill identifies specific areas where NATO should provide assistance, including training, logistics, command and control, and intelligence.

The message is clear: the AU's failure will be ours. And, as the genocide continues to unfold, there will be only one question. Were all available resources expended to stop it?

Second, the bill insists that the United States work to impose sanctions currently available under existing U.N. Security Council resolutions and seek to pass a new, more effective resolution. The U.N. must impose the targeted sanctions promised under previous resolutions. And it must extend the arms embargo to include all of Sudan and thus truly ensure that weapons do not end up in Darfur.

The bill grants the President the authority to impose real sanctions—blocking of assets and denial of visas—to those responsible for genocide, war crimes and crimes against humanity, and requires that he report to Congress any waiver of those sanctions. Individual accountability changes behavior. This is a powerful tool, and I am hopeful that the President will use it to its fullest.

This bill has other critical provisions. It denies entry to our ports to ships working with Sudan's oil sector. It prohibits assistance to countries violating the arms embargo. And it calls for a Presidential envoy to bring the full weight of this administration to bear on stopping the genocide and resolving the crisis engulfing Sudan and the region.

Darfur must be a priority. The United States has faced resistance to multilateral sanctions against Sudan. But the answer is not to give up. The issue should be raised in bilateral and multilateral settings. Countries that do business with Sudan and seek to shield the government from sanctions need to understand that we are absolutely committed to stopping genocide and that our bilateral relations are at stake.

There is no time to lose. The situation in Darfur is deteriorating by the day. AU troops have been attacked, held hostage and killed. IDP camps have been overrun in recent weeks and dozens have been slaughtered. Hundreds of thousands of internally displaced persons can no longer be reached by humanitarian organizations. The conflict has spread into Chad, which already is straining to support 200,000 Darfur refugees. We are looking at the complete meltdown of the region. What positive efforts have been made in the last year and a half, the incredible work of NGOs, the important efforts of a couple thousand AU troops in a region the size of Texas, could soon be reversed.

I am grateful to my colleagues on both sides of the aisle who have supported this bill and have joined me in

demanding that we end this genocide. I must also recognize the incredible efforts of civic and student groups, people of faith of all religions and denominations, and Americans from all over the country and from all walks of life who have come together on this issue.

I have visited the IDP camps of Darfur and camps for Darfur refugees in Chad. But in our time, when news of human misery crosses the globe in an instant, none of us can pretend that we don't see. That is why so many of our citizens have risen up and demanded action, not just words.

The American people understand what Elie Wiesel said about Darfur well over a year ago. He asked:

How can a citizen of a free country not pay attention? How can anyone, anywhere not feel outraged? How can a person, whether religious or secular, not be moved by compassion? And above all, how can anyone who remembers remain silent?

Elie Wiesel was referring of course to the memory of the Holocaust from which the moral imperative of our day was borne: ''never again.'' Never again will we stand by. Never again will we forget our common humanity. Never again will we turn away.

Mr. MCCONNELL. I ask unanimous consent that the Brownback amendment at the desk be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2674) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (S. 1462), as amended, was read the third time and passed, as follows:

S. 1462

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 ''Darfur Peace and Accountability Act of 2005''.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) GOVERNMENT OF SUDAN.—

(A) IN GENERAL.—The term ''Government of Sudan'' means the National Congress Party, formerly known as the National Islamic Front, government in Khartoum, Sudan, or any successor government formed on or after the date of the enactment of this Act (including the coalition National Unity Government agreed upon in the Comprehensive Peace Agreement for Sudan), except that such term does not include the regional Government of Southern Sudan.

(B) OFFICIALS OF THE GOVERNMENT OF SUDAN.—The term ''Government of Sudan'', when used with respect to an official of the Government of Sudan, does not include an individual—

(i) who was not a member of such government prior to July 1, 2005; or

(ii) who is a member of the regional Government of Southern Sudan.

(3) COMPREHENSIVE PEACE AGREEMENT FOR SUDAN.—The term ''Comprehensive Peace Agreement for Sudan'' means the peace agreement signed by the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) in Nairobi, Kenya, on January 9, 2005.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) On July 22, 2004, the House of Representatives and the Senate declared that the atrocities occurring in the Darfur region of Sudan are genocide.

(2) On September 9, 2004, Secretary of State Colin L. Powell stated before the Committee on Foreign Relations of the Senate, ''genocide has been committed in Darfur and... the Government of Sudan and the [Janjaweed] bear responsibility—and genocide may still be occurring''.

(3) On September 21, 2004, in an address before the United Nations General Assembly, President George W. Bush affirmed the Secretary of State's finding and stated, ''[a]t this hour, the world is witnessing terrible suffering and horrible crimes in the Darfur region of Sudan, crimes my government has concluded are genocide''.

(4) On July 30, 2004, the United Nations Security Council passed Security Council Resolution 1556, calling upon the Government of Sudan to disarm the Janjaweed militias and to apprehend and bring to justice Janjaweed leaders and their associates who have incited and carried out violations of human rights and international humanitarian law, and establishing a ban on the sale or supply of arms and related materiel of all types, including the provision of related technical training or assistance, to all nongovernmental entities and individuals, including the Janjaweed.

(5) On September 18, 2004, the United Nations Security Council passed Security Council Resolution 1564, determining that the Government of Sudan had failed to meet its obligations under Security Council Resolution 1556, calling for a military flight ban in and over the Darfur region, demanding the names of Janjaweed militiamen disarmed and arrested for verification, establishing an International Commission of Inquiry on Darfur to investigate violations of international humanitarian and human rights laws, and threatening sanctions should the Government of Sudan fail to fully comply with Security Council Resolutions 1556 and 1564, including such actions as to affect Sudan's petroleum sector or individual members of the Government of Sudan.

(6) The Report of the International Commission of Inquiry on Darfur established that the ''Government of the Sudan and the Janjaweed are responsible for serious violations of international human rights and humanitarian law amounting to crimes under international law,'' that ''these acts were conducted on a widespread and systematic basis, and therefore may amount to crimes against humanity,'' and that Sudanese officials and other individuals may have acted with ''genocidal intent''.

(7) The Report of the International Commission of Inquiry on Darfur further notes that, pursuant to its mandate and in the course of its work, the Commission had collected information relating to individual perpetrators of acts constituting ''violations of international human rights law and international humanitarian law, including crimes against humanity and war crimes'' and that a sealed file containing the names of those individual perpetrators had been delivered to the United Nations Secretary-General.

(8) On March 24, 2005, the United Nations Security Council passed Security Council Resolution 1590, establishing the United Nations Mission in Sudan (UNMIS), consisting of up to 10,000 military personnel and 715 civilian police and tasked with supporting implementation of the Comprehensive Peace Agreement for Sudan and ''closely and continuously liais[ing] and coordinat[ing] at all levels with the African Union Mission in Sudan (AMIS) with a view towards expeditiously reinforcing the effort to foster peace in Darfur''.

(9) On March 29, 2005, the United Nations Security Council passed Security Council Resolution 1591, extending the military embargo established by Security Council Resolution 1556 to all the parties to the N'djamena Ceasefire Agreement and any other belligerents in the states of North Darfur, South Darfur, and West Darfur, calling for an asset freeze and travel ban against those individuals who impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities, are responsible for offensive military overflights, or violate the military embargo, and establishing a Committee of the Security Council and a Panel of Experts to assist in monitoring compliance with Security Council Resolutions 1556 and 1591.

(10) On March 31, 2005, the United Nations Security Council passed Security Council Resolution 1593, referring the situation in Darfur since July 1, 2002, to the prosecutor of the International Criminal Court and calling on the Government of Sudan and all parties to the conflict to cooperate fully with the Court.

(11) In remarks before the G–8 Summit on June 30, 2005, President Bush reconfirmed that ''the violence in Darfur is clearly genocide'' and ''the human cost is beyond calculation''.

(12) On July 30, 2005, Dr. John Garang de Mabior, the newly appointed Vice President of Sudan and the leader of the Sudan People's Liberation Movement/Army (SPLM/A) for the past 21 years, was killed in a tragic helicopter crash in southern Sudan, sparking riots in Khartoum and challenging the commitment of all the people of Sudan to the Comprehensive Peace Agreement for Sudan.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the genocide unfolding in the Darfur region of Sudan is characterized by atrocities directed against civilians, including mass murder, rape, and sexual violence committed by the Janjaweed and associated militias with the complicity and support of the National Congress Party-led faction of the Government of Sudan;

(2) all parties to the conflict in the Darfur region have continued to violate the N'djamena Ceasefire Agreement of April 8, 2004, and the Abuja Protocols of November 9, 2004, and violence against civilians, humanitarian aid workers, and personnel of the African Union Mission in Sudan (AMIS) is increasing;

(3) the African Union should rapidly expand the size and amend the mandate of the African Union Mission in Sudan (AMIS) to authorize such action as may be necessary to protect civilians and humanitarian operations, and deter violence in the Darfur region without delay;

(4) the international community, including the United Nations, the North Atlantic Treaty Organization (NATO), the European Union, and the United States, should immediately act to mobilize sufficient political, military, and financial resources to support the expansion of the African Union Mission

in Sudan so that it achieves the size, strength, and capacity necessary for protecting civilians and humanitarian operations, and ending the continued violence in the Darfur region;

(5) if an expanded and reinforced African Union Mission in Sudan fails to stop genocide in the Darfur region, the international community should take additional, dispositive measures to prevent and suppress acts of genocide in the Darfur region;

(6) acting under Article 5 of the Charter of the United Nations, the United Nations Security Council should call for suspension of the Government of Sudan's rights and privileges of membership by the General Assembly until such time as the Government of Sudan has honored pledges to cease attacks upon civilians, demobilize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance in the Darfur region, and allow for safe, unimpeded, and voluntary return of refugees and internally displaced persons;

(7) the President should use all necessary and appropriate diplomatic means to ensure the full discharge of the responsibilities of the Committee of the United Nations Security Council and the Panel of Experts established pursuant to section 3(a) of Security Council Resolution 1591 (March 29, 2005);

(8) the United States should not provide assistance to the Government of Sudan, other than assistance necessary for the implementation of the Comprehensive Peace Agreement for Sudan, the support of the regional Government of Southern Sudan and marginalized areas in northern Sudan (including the Nuba Mountains, Southern Blue Nile, Abyei, Eastern Sudan (Beja), Darfur, and Nubia), as well as marginalized peoples in and around Khartoum, or for humanitarian purposes in Sudan, until such time as the Government of Sudan has honored pledges to cease attacks upon civilians, demobilize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance in the Darfur region, and allow for safe, unimpeded, and voluntary return of refugees and internally displaced persons;

(9) the President should seek to assist members of the Sudanese diaspora in the United States by establishing a student loan forgiveness program for those individuals who commit to return to southern Sudan for a period of not less than 5 years for the purpose of contributing professional skills needed for the reconstruction of southern Sudan;

(10) the President should appoint a Presidential Envoy for Sudan to provide stewardship of efforts to implement the Comprehensive Peace Agreement for Sudan, seek ways to bring stability and peace to the Darfur region, address instability elsewhere in Sudan and northern Uganda, and pursue a truly comprehensive peace throughout the region;

(11) in order to achieve the goals specified in paragraph (10) and to further promote human rights and civil liberties, build democracy, and strengthen civil society, the Presidential Envoy for Sudan should be empowered to promote and encourage the exchange of individuals pursuant to educational and cultural programs, including programs funded by the United States Government;

(12) the international community should strongly condemn attacks against humanitarian workers and demand that all armed groups in the Darfur region, including the forces of the Government of Sudan, the Janjaweed, associated militias, the Sudan Liberation Movement/Army (SLM/A), the Justice and Equality Movement (JEM), and all other armed groups to refrain from such attacks;

(13) the United States should fully support the Comprehensive Peace Agreement for Sudan and urge rapid implementation of its terms; and

(14) the new leadership of the Sudan People's Liberation Movement (SPLM) should—

(A) seek to transform the SPLM into an inclusive, transparent, and democratic political body;

(B) reaffirm the commitment of the SPLM to bringing peace not only to southern Sudan, but also to the Darfur region, eastern Sudan, and northern Uganda; and

(C) remain united in the face of potential efforts to undermine the SPLM.

SEC. 5. SANCTIONS IN SUPPORT OF PEACE IN DARFUR.

(a) BLOCKING OF ASSETS AND RESTRICTION ON VISAS.—Section 6 of the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497; 50 U.S.C. 1701 note) is amended—

(1) in the heading of subsection (b), by inserting ''OF APPROPRIATE SENIOR OFFICIALS OF THE SUDANESE GOVERNMENT'' after ''ASSETS'';

(2) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively; and

(3) by inserting after subsection (b) the following new subsection:

''(c) BLOCKING OF ASSETS AND RESTRICTION ON VISAS OF CERTAIN INDIVIDUALS IDENTIFIED BY THE PRESIDENT.—

''(1) BLOCKING OF ASSETS.—Beginning on the date that is 30 days after the date of the enactment of the Darfur Peace and Accountability Act of 2005, and in the interest of contributing to peace in Sudan, the President shall, consistent with the authorities granted in the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block the assets of any individual who the President determines is complicit in, or responsible for, acts of genocide, war crimes, or crimes against humanity in Darfur, including the family members or any associates of such individual to whom assets or property of such individual was transferred on or after July 1, 2002.

''(2) RESTRICTION ON VISAS.—Beginning on the date that is 30 days after the date of the enactment of the Darfur Peace and Accountability Act of 2005, and in the interest of contributing to peace in Sudan, the President shall deny visas and entry to any individual who the President determines is complicit in, or responsible for, acts of genocide, war crimes, or crimes against humanity in Darfur, including the family members or any associates of such individual to whom assets or property of such individual was transferred on or after July 1, 2002.''.

(b) WAIVER.—Section 6(d) of the Comprehensive Peace in Sudan Act of 2004 (as redesignated by subsection (a)) is amended by adding at the end the following new sentence: ''The President may waive the application of paragraph (1) or (2) of subsection (c) with respect to an individual if—

''(1) the President determines that such a waiver is in the national interest of the United States; and

''(2) prior to exercising the waiver, the President transmits to the appropriate congressional committees a notification of the waiver that includes the name of the individual and the reasons for the waiver.''.

(c) SANCTIONS AGAINST CERTAIN JANJAWEED COMMANDERS AND COORDINATORS.—The President should immediately consider imposing the sanctions described in section 6(c) of the Comprehensive Peace in Sudan Act of 2004 (as added by subsection (a)) against the Janjaweed commanders and coordinators identified by former United States Ambassador-at-Large for War Crimes before the Subcommittee on Africa of the Committee on International Relations of the House of Representatives on June 24, 2004.

SEC. 6. ADDITIONAL AUTHORITIES TO DETER AND SUPPRESS GENOCIDE IN DARFUR.

(a) UNITED STATES ASSISTANCE TO SUPPORT AMIS.—Section 7 of the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497; 50 U.S.C. 1701 note) is amended—

(1) by striking ''Notwithstanding'' and inserting ''(a) GENERAL ASSISTANCE.—Notwithstanding''; and

(2) by adding at the end the following new subsection:

''(b) ASSISTANCE TO SUPPORT AMIS.—Notwithstanding any other provision of law, the President is authorized to provide assistance, on such terms and conditions as the President may determine and in consultation with the appropriate congressional committees, to reinforce the deployment and operations of an expanded African Union Mission in Sudan (AMIS) with the mandate, size, strength, and capacity to protect civilians and humanitarian operations, stabilize the Darfur region of Sudan and dissuade and deter air attacks directed against civilians and humanitarian workers, including but not limited to providing assistance in the areas of logistics, transport, communications, materiel support, technical assistance, training, command and control, aerial surveillance, and intelligence.''.

(b) NATO ASSISTANCE TO SUPPORT AMIS.—The President should instruct the United States Permanent Representative to the North Atlantic Treaty Organization (NATO) to use the voice, vote, and influence of the United States at NATO to advocate NATO reinforcement of the African Union Mission in Sudan (AMIS), upon the request of the African Union, including but not limited to the provision of assets to dissuade and deter offensive air strikes directed against civilians and humanitarian workers in the Darfur region of Sudan and other logistical, transportation, communications, training, technical assistance, command and control, aerial surveillance, and intelligence support.

(c) DENIAL OF ENTRY AT UNITED STATES PORTS TO CERTAIN CARGO SHIPS OR OIL TANKERS.—

(1) IN GENERAL.—The President should take all necessary and appropriate steps to deny the Government of Sudan access to oil revenues, including by prohibiting entry at United States ports to cargo ships or oil tankers engaged in business or trade activities in the oil sector of Sudan or involved in the shipment of goods for use by the armed forces of Sudan, until such time as the Government of Sudan has honored its commitments to cease attacks on civilians, demobilize and demilitarize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance, and allow for the safe and voluntary return of refugees and internally displaced persons.

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to cargo ships or oil tankers involved in an internationally-recognized demobilization program or the shipment of non-lethal assistance necessary to carry out elements of the Comprehensive Peace Agreement for Sudan.

(d) PROHIBITION ON ASSISTANCE TO COUNTRIES IN VIOLATION OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS 1556 AND 1591.—

(1) PROHIBITION.—Amounts made available to carry out the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) may not be used to provide assistance to the government of a country that is in violation of the embargo on military assistance with respect to Sudan imposed pursuant to United Nations Security Council Resolutions 1556 (July 30, 2004) and 1591 (March 29, 2005).

(2) WAIVER.—The President may waive the application of paragraph (1) if the President determines and certifies to the appropriate congressional committees that it is in the national interests of the United States to do so.

SEC. 7. MULTILATERAL EFFORTS.

The President shall direct the United States Permanent Representative to the United Nations to use the voice and vote of the United States to urge the adoption of a resolution by the United Nations Security Council which—

(1) supports the expansion of the African Union Mission in Sudan (AMIS) so that it achieves the mandate, size, strength, and capacity needed to protect civilians and humanitarian operations, and dissuade and deter fighting and violence in the Darfur region of Sudan, and urges member states of the United Nations to accelerate political, material, financial, and other assistance to the African Union toward this end;

(2) reinforces efforts of the African Union to negotiate peace talks between the Government of Sudan, the Sudan Liberation Movement/Army (SLM/A), the Justice and Equality Movement (JEM), and associated armed groups in the Darfur region, calls on the Government of Sudan, the SLM/A, and the JEM to abide by their obligations under the N'Djamena Ceasefire Agreement of April 8, 2004 and subsequent agreements, urges all parties to engage in peace talks without preconditions and seek to resolve the conflict, and strongly condemns all attacks against humanitarian workers and African Union personnel in the Darfur region;

(3) imposes sanctions against the Government of Sudan, including sanctions against individual members of the Government of Sudan, and entities controlled or owned by officials of the Government of Sudan or the National Congress Party in Sudan until such time as the Government of Sudan has honored its commitments to cease attacks on civilians, demobilize and demilitarize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance, and allow for the safe and voluntary return of refugees and internally displaced persons;

(4) extends the military embargo established by United Nations Security Council Resolutions 1556 (July 30, 2004) and 1591 (March 29, 2005) to include a total prohibition on the sale or supply of offensive military equipment to the Government of Sudan, except for use in an internationally-recognized demobilization program or for non-lethal assistance necessary to carry out elements of the Comprehensive Peace Agreement for Sudan;

(5) calls upon those member states of the United Nations that continue to undermine efforts to foster peace in Sudan by providing military assistance and equipment to the Government of Sudan, the SLM/A, the JEM, and associated armed groups in the Darfur region in violation of the embargo on such assistance and equipment, as called for in United Nations Security Council Resolutions 1556 and 1591, to immediately cease and desist; and

(6) acting under Article 5 of the Charter of the United Nations, calls for suspension of the Government of Sudan's rights and privileges of membership by the General Assembly until such time as the Government of Sudan has honored pledges to cease attacks upon civilians, demobilize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance in the Darfur region, and allow for safe, unimpeded, and voluntary return of refugees and internally displaced persons.

SEC. 8. CONTINUATION OF RESTRICTIONS.

Restrictions against the Government of Sudan that were imposed or are otherwise applicable pursuant to Executive Order 13067 of November 3, 1997 (62 Federal Register 59989), title III and sections 508, 512, 527, and 569 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (division D of Public Law 108–447), or any other similar provision of law, should remain in effect and should not be lifted pursuant to such provisions of law until the President transmits to the appropriate congressional committees a certification that the Government of Sudan is acting in good faith—

(1) to peacefully resolve the crisis in the Darfur region of Sudan;

(2) to disarm, demobilize, and demilitarize the Janjaweed and all government-allied militias;

(3) to adhere to United Nations Security Council Resolutions 1556 (2004), 1564 (2004), 1591 (2005), and 1593 (2005);

(4) to negotiate a peaceful resolution to the crisis in eastern Sudan;

(5) to fully cooperate with efforts to disarm, demobilize, and deny safe haven to members of the Lords Resistance Army; and

(6) to fully implement the Comprehensive Peace Agreement for Sudan without manipulation or delay, including by—

(A) implementing the recommendations of the Abyei Commission Report;

(B) establishing other appropriate commissions and implementing and adhering to the recommendations of such commissions consistent with the terms of the Comprehensive Peace Agreement for Sudan;

(C) adhering to the terms of the Wealth Sharing Agreement; and

(D) withdrawing government forces from southern Sudan consistent with the terms of the Comprehensive Peace Agreement for Sudan.

SEC. 9. ASSISTANCE EFFORTS IN SUDAN.

(a) ADDITIONAL AUTHORITIES.—Section 501(a) of the Assistance for International Malaria Control Act (Public Law 106–570; 114 Stat. 350; 50 U.S.C. 1701 note) is amended—

(1) by striking ''Notwithstanding any other provision of law'' and inserting the following:

''(1) IN GENERAL.—Notwithstanding any other provision of law'';

(2) by inserting ''civil administrations,'' after ''indigenous groups,'';

(3) by striking ''areas outside of control of the Government of Sudan'' and inserting ''southern Sudan, southern Kordofan/Nuba Mountains State, Blue Nile State, and Abyei'';

(4) by inserting before the period at the end the following: '', including the Comprehensive Peace Agreement for Sudan''; and

(5) by adding at the end the following new paragraph:

''(2) CONGRESSIONAL NOTIFICATION.—Assistance may not be obligated under this subsection until 15 days after the date on which the President has provided notice thereof to the congressional committees specified in section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1) in accordance with the procedures applicable to reprogramming notifications under such section.''.

(b) EXCEPTION TO PROHIBITIONS IN EXECUTIVE ORDER NO. 13067.—Subsection (b) of such section is amended—

(1) in the heading, by striking ''EXPORT PROHIBITIONS'' and inserting ''PROHIBITIONS IN EXECUTIVE ORDER NO. 13067'';

(2) by striking ''shall not'' and inserting ''should not'';

(3) by striking ''any export from an area in Sudan outside of control of the Government of Sudan, or to any necessary transaction directly related to that export'' and inserting ''activities or related transactions with respect to southern Sudan, southern Kordofan/Nuba Mountains State, Blue Nile State, or Abyei''; and

(4) by striking ''the export or related transaction'' and all that follows and inserting ''such activities or related transactions would directly benefit the economic recovery and development of those areas and people.''.

SEC. 10. REPORTS.

(a) REPORT ON AFRICAN UNION MISSION IN SUDAN (AMIS).—Section 8 of the Sudan Peace Act (Public Law 107–245; 50 U.S.C. 1701 note) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

''(c) REPORT ON AFRICAN UNION MISSION IN SUDAN (AMIS).—In conjunction with reports required under subsections (a) and (b) of this section thereafter, the Secretary of State shall submit to the appropriate congressional committees a report, to be prepared in conjunction with the Secretary of Defense, on—

''(1) efforts to fully deploy the African Union Mission in Sudan (AMIS) with the size, strength, and capacity necessary to stabilize the Darfur region of Sudan and protect civilians and humanitarian operations;

''(2) the needs of AMIS to ensure success, including in the areas of housing, transport, communications, equipment, technical assistance, training, command and control, intelligence, and such assistance as is necessary to dissuade and deter attacks, including by air, directed against civilians and humanitarian operations;

''(3) the current level of United States assistance and other assistance provided to AMIS, and a request for additional United States assistance, if necessary;

''(4) the status of North Atlantic Treaty Organization (NATO) plans and assistance to support AMIS; and

''(5) the performance of AMIS in carrying out its mission in the Darfur region.''.

(b) REPORT ON SANCTIONS IN SUPPORT OF PEACE IN DARFUR.—Section 8 of the Sudan Peace Act (Public Law 107–245; 50 U.S.C. 1701 note), as amended by subsection (a), is further amended—

(1) by redesignating subsection (d) (as redesignated) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

''(d) REPORT ON SANCTIONS IN SUPPORT OF PEACE IN DARFUR.—In conjunction with reports required under subsections (a), (b), and (c) of this section thereafter, the Secretary of State shall submit to the appropriate congressional committees a report regarding sanctions imposed under subsections (a) through (d) of section 6 of the Comprehensive Peace in Sudan Act of 2004, including—

''(1) a description of each sanction imposed under such provisions of law; and

''(2) the name of the individual or entity subject to the sanction, if applicable.''.

(c) REPORT ON INDIVIDUALS IDENTIFIED BY THE UNITED NATIONS IN CONNECTION WITH GENOCIDE, WAR CRIMES, AND CRIMES AGAINST HUMANITY OR OTHER VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW IN DARFUR.—Section 8 of the Sudan Peace Act (Public Law 107–245; 50 U.S.C. 1701 note), as amended by subsections (a) and (b), is further amended—

(1) by redesignating subsection (e) (as redesignated) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

''(e) REPORT ON INDIVIDUALS IDENTIFIED BY THE UNITED NATIONS IN CONNECTION WITH GENOCIDE, WAR CRIMES, AND CRIMES AGAINST

HUMANITY OR OTHER VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW IN DARFUR.—Not later than 30 days after the date on which the United States has access to any of the names of the individuals identified by the International Commission of Inquiry on Darfur (established pursuant to United Nations Security Council Resolution 1564 (2004)), or the names of the individuals designated by the Committee of the United Nations Security Council (established pursuant to United Nations Security Council Resolution 1591 (2005)), the Secretary of State shall submit to the appropriate congressional committees a report containing an assessment as to whether such individuals may be subject to sanctions under section 6 of the Comprehensive Peace in Sudan Act of 2004 (as amended by the Darfur Peace and Accountability Act of 2005) and the reasons for such determination.''.

Mr. MCCONNELL. Mr. President, I suggest we are getting pretty good at this.

The PRESIDING OFFICER. The Chair agrees.

YEAR OF POLIO EDUCATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration and the Senate now proceed to S. Res. 304.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A resolution (S. Res. 304) to designate the period beginning on November 1, 2005, and ending on October 31, 2006, as the Year of Polio Education.

There being no objection, the Senate proceeded to considerthe resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 304) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 304

Whereas 2005 is the 50th anniversary of the injectable polio vaccine;

Whereas the polio vaccines eliminated naturally occurring polio cases in the United States but have not yet eliminated polio in other parts of the world;

Whereas as few as 57 percent of American children receive all doses of necessary vaccines during childhood, including the polio vaccine;

Whereas the Centers for Disease Control and Prevention recommends that every child in the United States receive all doses of the inactivated polio vaccine;

Whereas the success of the polio vaccines has caused people to forget the 1,630,000 Americans born before the development of the vaccines who had polio during the epidemics in the middle of the 20th century;

Whereas at least 70 percent of paralytic polio survivors and 40 percent of nonparalytic polio survivors are developing post-polio sequelae, which are unexpected and often disabling symptoms that occur about 35 years after the poliovirus attack, including overwhelming fatigue, muscle weakness, muscle and joint pain, sleep disorders, heightened sensitivity to anesthesia, cold pain, and difficulty swallowing and breathing;

Whereas 2005 is the 131st anniversary of the diagnosis of the first case of post-polio sequelae and is the 21st anniversary of the creation of the International Post-Polio Task Force;

Whereas research and clinical work by members of the International Post-Polio Task Force have discovered that post-polio sequelae can be treated, and even prevented, if polio survivors are taught to conserve energy and use assistive devices to stop damaging and killing the reduced number of overworked, poliovirus-damaged neurons in the spinal cord and brain that survived the polio attack;

Whereas many medical professionals, and polio survivors, do not know of the existence of post-polio sequelae, or of the available treatments; and

Whereas the mission of the International Post-Polio Task Force includes educating medical professionals and the world's 20,000,000 polio survivors about post-polio sequelae through the international Post-Polio Letter Campaign, The Post-Polio Institute at New Jersey's Englewood Hospital and Medical Center, the publication of The Polio Paradox, and the television public service announcement provided by the National Broadcasting Company: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the need for every child, in America and throughout the world, to be vaccinated against polio;

(2) recognizes the 1,630,000 Americans who survived polio, their new battle with post-polio sequelae, and the need for education and appropriate medical care;

(3) requests that every State designate the period beginning on November 1, 2005, and ending on October 31, 2006, as the ''Year of Polio Education'' to promote vaccination and post-polio sequelae education and treatment; and

(4) requests that all appropriate Federal departments and agencies take immediate action to educate—

(A) the people of the United States about the need for polio vaccination; and

(B) polio survivors and medical professionals in the United States about the cause and treatment of post-polio sequelae.

DRIVE SAFER SUNDAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 326, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 326) designating November 27, 2005 as ''Drive Safer Sunday.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 326) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 326

Whereas motor vehicle travel is the primary means of transportation in the United States;

Whereas everyone on the roads and highways needs to drive more safely to reduce deaths and injuries resulting from motor vehicle accidents;

Whereas the death of almost 43,000 people a year in more than 6 million highway crashes in America has been called an epidemic by Transportation Secretary Norman Mineta;

Whereas according to the National Highway Transportation Safety Administration, wearing a seat belt saved 15,434 lives in 2004; and

Whereas the Sunday after Thanksgiving is the busiest highway traffic day of the year: Now, therefore, be it

Resolved, That the Senate—

(1) encourages—

(A) high schools, colleges, universities, administrators, teachers, primary schools, and secondary schools to launch campus-wide educational campaigns to urge students to be careful about safety when driving;

(B) national trucking firms to alert their drivers to be especially focused on driving safely during the heaviest traffic day of the year, and to publicize the importance of the day using Citizen's band (CB) radios and in truck stops across the Nation;

(C) clergy to remind their members to travel safely when attending services and gatherings;

(D) law enforcement personnel to remind drivers and passengers to drive particularly safely on the Sunday after Thanksgiving; and

(E) everyone to use the Sunday after Thanksgiving as an opportunity to educate themselves about highway safety; and

(2) designates November 27, 2005, as ''Drive Safer Sunday''.

LITTLE ROCK CENTRAL HIGH SCHOOL DESEGREGATION 50TH ANNIVERSARY COMMEMORATIVE COIN ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of H.R. 358, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 358) Little Rock Central High School Desegregation 50th Anniversary Commemorative Coin Act.

There being no objection, the Senate proceeded to considerthe bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Pryor amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2675) was agreed to, as follows:

(Purpose: To provide a complete substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Little Rock Central High School Desegregation 50th Anniversary Commemorative Coin Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) September 2007, marks the 50th anniversary of the desegregation of Little Rock Central High School in Little Rock, Arkansas.

(2) In 1957, Little Rock Central High was the site of the first major national test for the implementation of the historic decision of the United States Supreme Court in *Brown, et al. v. Board of Education of Topeka, et al.*, 347 U.S. 483 (1954).

(3) The courage of the ''Little Rock Nine'' (Ernest Green, Elizabeth Eckford, Melba Pattillo, Jefferson Thomas, Carlotta Walls, Terrence Roberts, Gloria Ray, Thelma Mothershed, and Minnijean Brown) who stood in the face of violence, was influential to the Civil Rights movement and changed American history by providing an example on which to build greater equality.

(4) The desegregation of Little Rock Central High by the 9 African American students was recognized by Dr. Martin Luther King, Jr. as such a significant event in the struggle for civil rights that in May 1958, he attended the graduation of the first African American from Little Rock Central High School.

(5) A commemorative coin will bring national and international attention to the lasting legacy of this important event.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereinafter in this Act referred to as the ''Secretary'') shall mint and issue not more than 500,000 $1 coins each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—The design of the coins minted under this Act shall be emblematic of the desegregation of the Little Rock Central High School and its contribution to civil rights in America.

(b) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(1) a designation of the value of the coin;

(2) an inscription of the year ''2007''; and

(3) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(c) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee established under section 5135 of title 31, United States Code.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this Act beginning January 1, 2007, except that the Secretary may initiate sales of such coins, without issuance, before such date.

(c) TERMINATION OF MINTING AUTHORITY.—No coins shall be minted under this Act after December 31, 2007.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—Notwithstanding any other provision of law, the coins issued under this Act shall be sold by the Secretary at a price equal to the sum of the face value of the coins, the surcharge required under section 7(a) for the coins, and the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, overhead expenses, and marketing).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS AT A DISCOUNT.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) SURCHARGE REQUIRED.—All sales shall include a surcharge of $10 per coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, and subsection (d), all surcharges which are received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Secretary of the Interior for the protection, preservation, and interpretation of resources and stories associated with Little Rock Central High School National Historic Site, including the following:

(1) Site improvements at Little Rock Central High School National Historic Site.

(2) Development of interpretive and education programs and historic preservation projects.

(3) Establishment of cooperative agreements to preserve or restore the historic character of the Park Street and Daisy L. Gatson Bates Drive corridors adjacent to the site.

(c) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

(d) CREDITABLE FUNDS.—Notwithstanding any other provision of the law and recognizing the unique partnership nature of the Department of Interior and the Little Rock School District at the Little Rock Central High School National Historic Site and the significant contributions made by the Little Rock School District to preserve and maintain the historic character of the high school, any non-Federal funds expended by the school district (regardless of the source of the funds) for improvements at the Little Rock Central High School National Historic Site, to the extent such funds were used for the purposes described in paragraph (1), (2), or (3) of subsection (b), shall be deemed to meet the requirement of funds from private sources of section 5134(f)(1)(A)(ii) of title 31, United States Code, with respect to the Secretary of the Interior.

The bill (H.R. 358), as amended, was passed.

UNANIMOUS CONSENT AGREEMENT H. CON. RES. 308

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, when the Senate receives from the House a correcting resolution relating to the Treasury-Transportation conference report, the text of which is identical to the concurrent resolution at the desk, the concurrent resolution be considered and agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 3058

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the previous order with respect to the conference report to accompany H.R. 3058 be modified to allow for adoption of the conference report, notwithstanding the adjournment of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION TO SIGN ENROLLED BILLS OR JOINT RESOLUTIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the majority leader, the majority whip, and the senior Senator from Virginia be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEES TO REPORT

Mr. MCCONNELL. Mr. President, I ask unanimous consent, notwithstanding the Senate's adjournment, committees be authorized to report legislative and executive matters on Thursday, December 8, 2005, from 10 a.m. to 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION TO MAKE APPOINTMENTS

Mr. MCCONNELL. Mr. President, I ask unanimous consent, notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive

session to consider the following nominations on today's Executive Calendar: Calendar 35, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 469, and all nominations on the Secretary's desk.

Further, I ask that the following committees be discharged from further consideration of the listed nominations and the Senate proceed to their consideration en bloc:

Foreign relations, Alejandro Daniel Wolff, Ronald L. Schlicher, Carol van Voorst, Ross Wilson, Donald M. Payne, Edward Randall Royce, Promotion List (pn999).

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF THE INTERIOR

Patricia Lynn Scarlett, of California, to be Deputy Secretary of the Interior.

IN THE AIR FORCE

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., section 12203.

To be major general

Brigadier General Larita A. Aragon, 0000
Brigadier General Tod M. Bunting, 0000
Brigadier General Craig E. Campbell, 0000
Brigadier General William R. Cotney, 0000
Brigadier General R. Anthony Haynes, 0000
Brigadier General Charles V. Ickes, II, 0000
Brigadier General Robert A. Knauff, 0000
Brigadier General James R. Marshall, 0000
Brigadier General Terry L. Scherling, 0000
Brigadier General Michael J. Shira, 0000
Brigadier General Emmett R. Titshaw, Jr., 0000

To be brigadier general

Colonel David S. Angle, 0000
Colonel Thomas M. Botchie, 0000
Colonel Richard W. Burris, 0000
Colonel Garry C. Dean, 0000
Colonel Michael J. Dornbush, 0000
Colonel Kathleen E. Fick, 0000
Colonel Edward R. Flora, 0000
Colonel James H. Gwin, 0000
Colonel Scott B. Harrison, 0000
Colonel David M. Hopper, 0000
Colonel Howard P. Hunt, III, 0000
Colonel Cynthia N. Kirkland, 0000
Colonel John M. Motley, Jr., 0000
Colonel Gerald C. Olesen, 0000
Colonel Alan W. Palmer, 0000
Colonel Michael L. Peplinski, 0000
Colonel Esther A. Rada, 0000
Colonel Alex D. Roberts, 0000

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., section 12203.

To be brigadier general

Colonel Steven R. Doohen, 0000

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel Daniel R. Eagle, 0000

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. David D. McKiernan, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Peter W. Chiarelli, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Keith W. Dayton, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John R. Wood, 0000

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. William T. Nesbitt, 0000

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under Title 10, U.S.C., Section 12203:

To be major general

Brigadier General Robert P. French, 0000
Brigadier General Donald J. Goldhorn, 0000
Brigadier General Richard B. Moorhead, 0000
Brigadier General Marvin W. Pierson, 0000
Brigadier General Stewart A. Reeve, 0000
Brigadier General Randall E. Sayre, 0000
Brigadier General Theodore G. Shuey, Jr., 0000
Brigadier General Thomas L. Sinclair, 0000
Brigadier General David A. Sprynczynatyk, 0000
Brigadier General Stephen F. Villacorta, 0000
Brigadier General Gregory L. Wayt, 0000
Brigadier General John J. Weeden, 0000
Brigadier General Deborah C. Wheeling, 0000

To be brigadier general

Colonel Ricky G. Adams, 0000
Colonel Stephen E. Bogle, 0000
Colonel Brent M. Boyles, 0000
Colonel Stephen C. Burritt, 0000
Colonel Andrew C. Burton, 0000
Colonel Cameron A. Crawford, 0000
Colonel Joseph G. DePaul, 0000
Colonel Mark C. DoW, 0000
Colonel Douglas B. Earhart, 0000
Colonel William L. Enyart, Jr., 0000
Colonel Glenn C. Hammond, III, 0000
Colonel David L. Harris, 0000
Colonel Robert A. Harris, 0000
Colonel Grant L. Hayden, 0000
Colonel John W. Heltzel, 0000
Colonel Leodis T. Jennings, 0000
Colonel Larry D. Kay, 0000
Colonel Jeff W. Mathis, III, 0000
Colonel Wendell B. McLain, 0000
Colonel Timothy S. Phillips, 0000
Colonel Janet E. Phipps, 0000
Colonel Stanley R. Putnam, 0000
Colonel Ronald J. Randazzo, 0000
Colonel Joseph M. Richie, 0000
Colonel King E. Sidwell, 0000
Colonel Eugene A Stockton, 0000
Colonel Timothy I. Sullivan, 0000
Colonel Richard E. Swan, 0000
Colonel James H. Trogdon, III, 0000
Colonel James D. Tyre, 0000
Colonel Terry L. Wiley, 0000

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Guy L. Sands-Pingot, 0000

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Mitchell L. Brown, 0000

IN THE NAVY

The following named officer fur appointment as Chief of Naval Personnel, United States Navy, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., 601 and 5141:

To be vice admiral

Rear Adm. John C. Harvey, Jr., 0000

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Frank Thorp, IV, 0000

IN THE COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under Title 14, U.S.C., Section 271:

To be rear admiral (lower half)

Capt. William D. Baumgartner, 0000
Capt. Manson K. Brown, 0000
Capt. John S. Burhoe, 0000
Capt. Wayne E. Justice, 0000
Capt. Daniel B. Lloyd, 0000
Capt. Robert C. Parker, 0000
Capt. Brian M. Salerno, 0000

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN561 AIR FORCE nominations (2242) beginning BRIAN F. * ABELL, and ending RAY A. * ZUNIGA, which nominations were received by the Senate and appeared in the Congressional Record of May 26, 2005.

PN1070 AIR FORCE nomination of Jon R. Stovall, which was received by the Senate and appeared in the Congressional Record of November 10, 2005.

PN1071 AIR FORCE nomination of Kenneth W. Bullock, which was received by the Senate and appeared in the Congressional Record of November 10, 2005.

PN1072 AIR FORCE nominations (2) beginning RANDALL S. LECHEMINANT, and ending SCOTT H. R. LEE, which nominations were received by the Senate and appeared in the Congressional Record of November 10, 2005.

PN1073 AIR FORCE nomination of Rena A. Nicholas, which was received by the Senate and appeared in the Congressional Record of November 10, 2005.

PN1074 AIR FORCE nomination of Jeffrey S. Brittig, which was received by the Senate and appeared in the Congressional Record of November 10, 2005.

PN1075 AIR FORCE nomination of Albert J. Bainger, which was received by the Senate and appeared in the Congressional Record of November 10, 2005.

IN THE ARMY

PN1009 ARMY nominations (5) beginning ROBINETTE J. AMAKER, and ending JOSEF H. MOORE, which nominations were received by the Senate and appeared in the Congressional Record of October 25, 2005.

PN1010 ARMY nominations (6) beginning TERRY K. BESCH, and ending JOHN R. TABER, which nominations were received by

the Senate and appeared in the Congressional Record of October 25, 2005.

PN1011 ARMY nominations (16) beginning KIMBERLY K. ARMSTRONG, and ending KELLY A. WOLGAST, which nominations were received by the Senate and appeared in the Congressional Record of October 25, 2005.

PN1012 ARMY nominations (38) beginning RANDALL G. ANDERSON, and ending JOHN H. TRAKOWSKI JR., which nominations were received by the Senate and appeared in the Congressional Record of October 25, 2005.

PN1016 ARMY nominations (5) beginning ROBERT DEMPSTER, and ending ERROL LADER, which nominations were received by the Senate and appeared in the Congressional Record of October 26, 2005.

PN1017 ARMY nominations (22) beginning MIMMS MABEE, and ending JIMMIE PEREZ, which nominations were received by the Senate and appeared in the Congressional Record of October 26, 2005.

PN1018 ARMY nominations (2) beginning MICHELLE BEACH, and ending HELEN LAQUAY, which nominations were received by the Senate and appeared in the Congressional Record of October 26, 2005.

PN1019 ARMY nominations (4) beginning GREGORY BREWER, and ending TERRELL MORROW, which nominations were received by the Senate and appeared in the Congressional Record of October 26, 2005.

PN1038 ARMY nominations (3) beginning WALTER J. AUSTIN, and ending KEITH C. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of November 4, 2005.

PN1076 ARMY nomination of Jack N. Washburne, which was received by the Senate and appeared in the Congressional Record of November 10, 2005.

PN1077 ARMY nominations (5) beginning BARRY J. BERNSTEIN, and ending JUAN M. VERA, which nominations were received by the Senate and appeared in the Congressional Record of November 10, 2005.

PN1078 ARMY nominations (2) beginning MELVIN S. HOGAN, and ending JOSEPH M. JACKSON, which nominations were received by the Senate and appeared in the Congressional Record of November 10, 2005.

IN THE COAST GUARD

PN843 COAST GUARD nomination of Kathleen M. Donohoe, which was received by the Senate and appeared in the Congressional Record of September 8, 2005.

PN984 Alejandro Daniel Wolff. of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Deputy Representative of the United States of America to the United Nations.

PN983 Alejandro Daniel Wolff, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be the Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Deputy Representative of the United States of America in the Security Council of the United Nations.

PN982 Ronald L. Schlicher, of Tennessee, 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 Cyprus.

PN1022 Carol van Voorst, of Virginia, 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 Iceland.

PN1023 Ross Wilson, of Maryland, 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 Turkey.

PN1065 Donald M. Payne, of New Jersey, to be a Representative of the United States of America to the Sixtieth Session of the General Assembly of the United Nations.

PN1066 Edward Randall Royce, of California, to be a Representative of the United States of America to the Sixtieth Session of the General Assembly of the United Nations.

The following-named Career Members of the Senior Foreign Service of the Department of State for promotion in the Senior Foreign Service to the classes indicated: Career Members of the Senior Foreign Service of the United States of America, Class of Career Minister:

R. Nicholas Burns, of Massachusetts
Eric S. Edelman, of Virginia
James Franklin Jeffrey, of Virginia
Kristie Anne Kenney, of Virginia

Career Members of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:

Kathleen Hatch Allegrone, of Virginia
Jonathan Mark Aloisi, of California
Jay N. Anania, of Connecticut
Alexander A. Arvizu, of Colorado
David L. Ballard, of Texas
William M. Bartlett, of Virginia
Patricia A. Butenis, of Virginia
Frederick Bishop Cook, of Florida
Ernest E. Davis, of Missouri
Kathleen R. Davis, of California
Scott H. Delisi, of Minnesota
David Tannrath Donahue, of Indiana
Edward Kwok Hee Dong, of California
Joseph R. Donovan, Jr., of New York
Patrick D. Donovan, of Virginia
Charles Lewis English, of Florida
Gary M. Gibson, of Maryland
Mary Ellen T. Gilroy, of Virginia
George A. Glass, of New Jersey
Patricia Haslach, of Oregon
William J. Haugh, of Virginia
Eric G. John, of Indiana
John J. Keyes III, of Florida
Michael David Kirby, of Ohio
L.W. Koengeter, of Florida
Alan Bryan Cedric Latimer, of Georgia
Sally Mathiasen Light, of Washington
Hugo L. Lorens, of Florida
Jackson C. McDonald, of Florida
William Joseph McGlynn, Jr., of California
Luis G. Moreno, of Florida
David D. Nelson, of South Dakota
Carol Zelis Perez, of Texas
Roger Dwayne Pierce, of Virginia
Marguerita D. Ragsdale, of Virginia
Charles Aaron Ray, of Texas
James P. Reid, of California
Ronald Sinclair Robinson, of Virginia
Leslie Ventura Rowe, of Washington
Daniel A. Russell, of Maine
John Frederick Sammis, of Virginia
Robin Renee Sanders, of New York
Kyle R. Scott, of Arizona
Daniel Bennett Smith, of Colorado
Douglas Gordon Spelman, of Virginia
Susan H. Swart, of Virginia
Harlan D. Wadley, of Washington
D. Bruce Wharton, of Virginia
James G. Williard, of Florida
Robert T. Yamate, of California

The following-named Career Members of the Foreign Service for promotion into the Senior Foreign Service, and for appointment as Consular officers and Secretaries in the Diplomatic Service, as indicated: Career Members of the Senior Foreign Service of the United States of America, Class of Counselor:

Richard Alan Albright, of Ohio
Gerald C. Anderson, of Illinois
David Egert Appleton, of New Hampshire
Gary G. Bagley, of California
Richard C. Beer, of Virginia
Scott D. Bellard, of the District of Columbia
Eric David Benjaminson, of Oregon
Earle C. Blakeman III, of the District of Columbia
John Brien Brennan, of Virginia
Dolores Marie Brown, of Virginia
Raymond Lewis Brown; of California
Sue Kathrine Brown, of Texas
Lee A. Brudvig, of California
Beatrice A. Camp, of Virginia
Lois Ann Cecsarini, of Connecticut
Judith Beth Cefkin, of Texas
Linda Carol Cheatham, of Texas
Andrew Gilman Chritton, of Texas
John W. Davison, of Pennsylvania
Thomas Lawrence Delare, of Virginia
J. Thomas Dougherty, of Wyoming
Mary Dale Draper, of California
Gordon K. Duguid, of Illinois
Susan M. Elbow, of the District of Columbia
Thomas Scott Engle, of the District of Columbia
Henry S. Ensher, of California
Paul Michael Fitzgerald, of Virginia
William E. Fitzgerald, of New York
Robert Stephen Ford, of Maryland
John Gilmore Fox, of California
Atim Eneida George, of California
Alan Eric Greenfield, of Maine
Jeri S. Guthrie-Corn, of California
Dean J. Haas, of California
Mary E. Hickey, of California
Greta Christine Holtz, of Florida
Jason P. Hyland, of Virginia
Kevin M. Johnson, of New York
Margaret Ellen Keeton, of California
Damaris A. Kirchhofer, of Hawaii
Edward J. Kulakowski, of Virginia
Jerry P. Lanier, of North Carolina
Edward Alex Lee, of Texas
David Erik Lindwall, of Texas
Eric H. Madison, of Virginia
Frank J. Manganiello, of Virginia
Alberta Mayberry, of Virginia
James P. McAnulty, of Virginia
Maria Elizabeth McKay, of Florida
Alan Greeley Misenheimer, of Virginia
Robin Jan Morritz, of Illinois
Christopher W. Murray, of the District of Columbia
Adam E. Namm, of Virginia
Patricia Nelson-Douvelis, of Virginia
Richard Norland, of Missouri
Maureen E. Park, of Virginia
Geeta Pasi. of New York
Lawrence G. Richter, of California
Ferial Ara Saeed, of California
Richard Milton Sanders, of Pennsylvania
Eric T. Schultz, of Colorado
Sandra Jean Shipshock, of Virginia
Gregory S. Stanford, of Florida
David L. Stone, of Louisiana
W. Stuart Symington IV, of Missouri
Lucy Tamlyn, of New York
Douglas B. Wake, of New York
Vivian S. Walker, of California
Charles H. Walsh, Jr., of Oregon
Laurie B. Weitzenkorn, of Florida
Mark A. Wentworth, of Maine
Bruce Williamson, of Virginia
Claud R. Young, Jr., of the District of Columbia

Career Members of the Senior Foreign Service, Class of Counselor, and Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Randall D. Bennett, of Maryland
David J. Benson, of Florida
Roger N. Cohen, of Florida
James T. Cronin, Jr., of Virginia
Rodney Allen Evans, of Virginia
Walter G. Felt, of Virginia
Lester S. Folensbee, of Virginia

William S. Green, of Ohio
Stephen Richard Hartwell, of New Hampshire
Mark Jeffrey Hipp, of Washington
Mark J. Hunter, of Florida
David G. Kidd, of Virginia
Timothy C. Lawson, of Ohio
Russell G. Le Clair, Jr., of Illinois
Patrick Joseph Meagher, of California
Thomas S. Miller, of Minnesota
Barry M. Moore, of Texas
Claude J. Nebel, Jr., of New Hampshire
Christopher J. Paul, of Florida
Robert G. Reed, of Virginia
Terrence K. Williamson, of Maryland
Jacob M. Wohlman, of Florida
Charles E. Wright, of California

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

PRESIDENTIAL $1 COIN ACT OF 2005

Mr. MCCONNELL. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 190, S. 1047.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1047) to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively to improve circulation of the $1 coin, to create a new bullion coin.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent the amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to be bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2676) was agreed to, as follows:

On page 6, strike lines 6 through 11, and insert the following:

''(B) CONTINUITY PROVISIONS.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A), the Secretary shall continue to mint and issue $1 coins which bear any design in effect before the issuance of coins as required under this subsection (including the so-called 'Sacagawea-design' $1 coins).

''(ii) CIRCULATION QUANTITY.—Beginning January 1, 2007, and ending upon the termination of the program under paragraph (8), the Secretary annually shall mint and issue such 'Sacagawea-design' $1 coins for circulation in quantities of no less than ⅓ of the total $1 coins minted and issued under this subsection.''.

On page 17, lines 6 and 7, strike ''transportation and''.

On page 17, line 7, strike ''and entities''.

On page 17, line 18, strike ''1-year'' and insert ''2-year''.

On page 17, line 24, strike ''prominently''.

On page 23, line 18, strike ''$20'' and insert ''$50''.

On page 24, line 2, strike ''$20'' and insert ''$50''.

On page 24, line 3, insert ''and proof'' after ''bullion''.

On page 24, line 4, strike ''not to exceed 500,000 in any year'' and insert ''in such quantities, as the Secretary, in the Secretary's discretion, may prescribe''.

On page 25, line 23, strike ''the face value of the coins; and'' and insert ''the market value of the bullion at the time of sale; and''.

On page 26, between lines 9 and 10, insert the following:

''(8) PROTECTIVE COVERING.—

''(A) IN GENERAL.—Each bullion coin having a metallic content as described in subsection (a)(11) and a design specified in paragraph (2) shall be sold in an inexpensive covering that will protect the coin from damage due to ordinary handling or storage.

''(B) DESIGN.—The protective covering required under subparagraph (A) shall be readily distinguishable from any coin packaging that may be used to protect proof coins minted and issued under this subsection.''.

The bill (S. 1047), as amended, was read the third time and passed.

S. 1047

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 ''Presidential $1 Coin Act of 2005''.

TITLE I—PRESIDENTIAL $1 COINS

SEC. 101. FINDINGS.

Congress finds the following:

(1) There are sectors of the United States economy, including public transportation, parking meters, vending machines, and low-dollar value transactions, in which the use of a $1 coin is both useful and desirable for keeping costs and prices down.

(2) For a variety of reasons, the new $1 coin introduced in 2000 has not been widely sought-after by the public, leading to higher costs for merchants and thus higher prices for consumers.

(3) The success of the 50 States Commemorative Coin Program (31 U.S.C. 5112(l)) for circulating quarter dollars shows that a design on a United States circulating coin that is regularly changed in a manner similar to the systematic change in designs in such Program radically increases demand for the coin, rapidly pulling it through the economy.

(4) The 50 States Commemorative Coin Program also has been an educational tool, teaching both Americans and visitors something about each State for which a quarter has been issued.

(5) A national survey and study by the Government Accountability Office has indicated that many Americans who do not seek, or who reject, the new $1 coin for use in commerce would actively seek the coin if an attractive, educational rotating design were to be struck on the coin.

(6) The President is the leader of our tripartite government and the President's spouse has often set the social tone for the White House while spear-heading and highlighting important issues for the country.

(7) Sacagawea, as currently represented on the new $1 coin, is an important symbol of American history.

(8) Many people cannot name all of the Presidents, and fewer can name the spouses, nor can many people accurately place each President in the proper time period of American history.

(9) First Spouses have not generally been recognized on American coinage.

(10) In order to revitalize the design of United States coinage and return circulating coinage to its position as not only a necessary means of exchange in commerce, but also as an object of aesthetic beauty in its own right, it is appropriate to move many of the mottos and emblems, the inscription of the year, and the so-called ''mint marks'' that currently appear on the 2 faces of each circulating coin to the edge of the coin, which would allow larger and more dramatic artwork on the coins reminiscent of the so-called ''Golden Age of Coinage'' in the United States, at the beginning of the Twentieth Century, initiated by President Theodore Roosevelt, with the assistance of noted sculptors and medallic artists James Earle Fraser and Augustus Saint-Gaudens.

(11) Placing inscriptions on the edge of coins, known as edge-incusing, is a hallmark of modern coinage and is common in large-volume production of coinage elsewhere in the world, such as the 2,700,000,000 2-Euro coins in circulation, but it has not been done on a large scale in United States coinage in recent years.

(12) Although the Congress has authorized the Secretary of the Treasury to issue gold coins with a purity of 99.99 percent, the Secretary has not done so.

(13) Bullion coins are a valuable tool for the investor and, in some cases, an important aspect of coin collecting.

SEC. 102. PRESIDENTIAL $1 COIN PROGRAM.

Section 5112 of title 31, United States Code, is amended by adding at the end the following:

''(n) REDESIGN AND ISSUANCE OF CIRCULATING $1 Coins Honoring Each of the Presidents of the United States.—

''(1) REDESIGN BEGINNING IN 2007.—

''(A) IN GENERAL.—Notwithstanding subsection (d) and in accordance with the provisions of this subsection, $1 coins issued during the period beginning January 1, 2007, and ending upon the termination of the program under paragraph (8), shall—

''(i) have designs on the obverse selected in accordance with paragraph (2)(B) which are emblematic of the Presidents of the United States; and

''(ii) have a design on the reverse selected in accordance with paragraph (2)(A).

''(B) CONTINUITY PROVISIONS.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A), the Secretary shall continue to mint and issue $1 coins which bear any design in effect before the issuance of coins as required under this subsection (including the so-called 'Sacagawea-design' $1 coins).

''(ii) CIRCULATION QUANTITY.—Beginning January 1, 2007, and ending upon the termination of the program under paragraph (8), the Secretary annually shall mint and issue such 'Sacagawea-design' $1 coins for circulation in quantities of no less than ⅓ of the total $1 coins minted and issued under this subsection.''.

''(2) DESIGN REQUIREMENTS.—The $1 coins issued in accordance with paragraph (1)(A) shall meet the following design requirements:

''(A) COIN REVERSE.—The design on the reverse shall bear—

''(i) a likeness of the Statue of Liberty extending to the rim of the coin and large enough to provide a dramatic representation of Liberty while not being large enough to create the impression of a '2-headed' coin;

''(ii) the inscription '$1' ; and

''(iii) the inscription 'United States of America'.

''(B) COIN OBVERSE.—The design on the obverse shall contain—

''(i) the name and likeness of a President of the United States; and

''(ii) basic information about the President, including—

''(I) the dates or years of the term of office of such President; and

''(II) a number indicating the order of the period of service in which the President served.

''(C) EDGE-INCUSED INSCRIPTIONS.—

''(i) IN GENERAL.—The inscription of the year of minting or issuance of the coin and

the inscriptions 'E Pluribus Unum' and 'In God We Trust' shall be edge-incused into the coin.

''(ii) PRESERVATION OF DISTINCTIVE EDGE.-The edge-incusing of the inscriptions under clause (i) on coins issued under this subsection shall be done in a manner that preserves the distinctive edge of the coin so that the denomination of the coin is readily discernible, including by individuals who are blind or visually impaired.

''(D) INSCRIPTIONS OF 'LIBERTY'.—Notwithstanding the second sentence of subsection (d)(1), because the use of a design bearing the likeness of the Statue of Liberty on the reverse of the coins issued under this subsection adequately conveys the concept of Liberty, the inscription of 'Liberty' shall not appear on the coins.

''(E) LIMITATION IN SERIES TO DECEASED PRESIDENTS.—No coin issued under this subsection may bear the image of a living former or current President, or of any deceased former President during the 2-year period following the date of the death of that President.

''(3) ISSUANCE OF COINS COMMEMORATING PRESIDENTS.—

''(A) ORDER OF ISSUANCE.—The coins issued under this subsection commemorating Presidents of the United States shall be issued in the order of the period of service of each President, beginning with President George Washington.

''(B) TREATMENT OF PERIOD OF SERVICE.—

''(i) IN GENERAL.—Subject to clause (ii), only 1 coin design shall be issued for a period of service for any President, no matter how many consecutive terms of office the President served.

''(ii) NONCONSECUTIVE TERMS.—If a President has served during 2 or more nonconsecutive periods of service, a coin shall be issued under this subsection for each such nonconsecutive period of service.

''(4) ISSUANCE OF COINS COMMEMORATING 4 PRESIDENTS DURING EACH YEAR OF THE PERIOD.—

''(A) IN GENERAL.—The designs for the $1 coins issued during each year of the period referred to in paragraph (1) shall be emblematic of 4 Presidents until each President has been so honored, subject to paragraph (2)(E).

''(B) NUMBER OF 4 CIRCULATING COIN DESIGNS IN EACH YEAR.—The Secretary shall prescribe, on the basis of such factors as the Secretary determines to be appropriate, the number of $1 coins that shall be issued with each of the designs selected for each year of the period referred to in paragraph (1).

''(5) LEGAL TENDER.—The coins minted under this title shall be legal tender, as provided in section 5103.

''(6) TREATMENT AS NUMISMATIC ITEMS.—For purposes of section 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

''(7) ISSUANCE OF NUMISMATIC COINS.—The Secretary may mint and issue such number of $1 coins of each design selected under this subsection in uncirculated and proof qualities as the Secretary determines to be appropriate.

''(8) TERMINATION OF PROGRAM.—The issuance of coins under this subsection shall terminate when each President has been so honored, subject to paragraph (2)(E), and may not be resumed except by an Act of Congress.

''(9) REVERSION TO PRECEDING DESIGN.—Upon the termination of the issuance of coins under this subsection, the design of all $1 coins shall revert to the so-called 'Sacagawea-design' $1 coins.''.

SEC. 103. FIRST SPOUSE BULLION COIN PROGRAM.

Section 5112 of title 31, United States Code, as amended by section 102, is amended by adding at the end the following:

''(o) FIRST SPOUSE BULLION COIN PROGRAM.—

''(1) IN GENERAL.—During the same period described in subsection (n), the Secretary shall issue bullion coins under this subsection that are emblematic of the spouse of each such President.

''(2) SPECIFICATIONS.—The coins issued under this subsection shall—

''(A) have the same diameter as the $1 coins described in subsection (n);

''(B) weigh 0.5 ounce; and

''(C) contain 99.99 percent pure gold.

''(3) DESIGN REQUIREMENTS.—

''(A) COIN OBVERSE.—The design on the obverse of each coin issued under this subsection shall contain—

''(i) the name and likeness of a person who was a spouse of a President during the President's period of service;

''(ii) an inscription of the years during which such person was the spouse of a President during the President's period of service; and

''(iii) a number indicating the order of the period of service in which such President served.

''(B) COIN REVERSE.—The design on the reverse of each coin issued under this subsection shall bear—

''(i) images emblematic of the life and work of the First Spouse whose image is borne on the obverse; and

''(ii) the inscription 'United States of America'.

''(C) DESIGNATED DENOMINATION.—Each coin issued under this subsection shall bear, on the reverse, an inscription of the nominal denomination of the coin which shall be '$10'.

''(D) DESIGN IN CASE OF NO FIRST SPOUSE.—In the case of any President who served without a spouse—

''(i) the image on the obverse of the bullion coin corresponding to the $1 coin relating to such President shall be an image emblematic of the concept of 'Liberty'—

''(I) as represented on a United States coin issued during the period of service of such President; or

''(II) as represented, in the case of President Chester Alan Arthur, by a design incorporating the name and likeness of Alice Paul, a leading strategist in the suffrage movement, who was instrumental in gaining women the right to vote upon the adoption of the 19th amendment and thus the ability to participate in the election of future Presidents, and who was born on January 11, 1885, during the term of President Arthur; and

''(ii) the reverse of such bullion coin shall be of a design representative of themes of such President, except that in the case of the bullion coin referred to in clause (i)(II) the reverse of such coin shall be representative of the suffrage movement.

''(E) DESIGN AND COIN FOR EACH SPOUSE.—A separate coin shall be designed and issued under this section for each person who was the spouse of a President during any portion of a term of office of such President.

''(F) INSCRIPTIONS.—Each bullion coin issued under this subsection shall bear the inscription of the year of minting or issuance of the coin and such other inscriptions as the Secretary may determine to be appropriate.

''(4) SALE OF BULLION COINS.—Each bullion coin issued under this subsection shall be sold by the Secretary at a price that is equal to or greater than the sum of—

''(A) the face value of the coins; and

''(B) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

''(5) ISSUANCE OF COINS COMMEMORATING FIRST SPOUSES.—

''(A) IN GENERAL.—The bullion coins issued under this subsection with respect to any spouse of a President shall be issued on the same schedule as the $1 coin issued under subsection (n) with respect to each such President.

''(B) MAXIMUM NUMBER OF BULLION COINS FOR EACH DESIGN.—The Secretary shall—

''(i) prescribe, on the basis of such factors as the Secretary determines to be appropriate, the maximum number of bullion coins that shall be issued with each of the designs selected under this subsection; and

''(ii) announce, before the issuance of the bullion coins of each such design, the maximum number of bullion coins of that design that will be issued.

''(C) TERMINATION OF PROGRAM.—No bullion coin may be issued under this subsection after the termination, in accordance with subsection (n)(8), of the $1 coin program established under subsection (n).

''(6) QUALITY OF COINS.—The bullion coins minted under this Act shall be issued in both proof and uncirculated qualities.

''(7) SOURCE OF GOLD BULLION.—

''(A) IN GENERAL.—The Secretary shall acquire gold for the coins issued under this subsection by purchase of gold mined from natural deposits in the United States, or in a territory or possession of the United States, within 1 year after the month in which the ore from which it is derived was mined.

''(B) PRICE OF GOLD.—The Secretary shall pay not more than the average world price for the gold mined under subparagraph (A).

''(8) BRONZE MEDALS.—The Secretary may strike and sell bronze medals that bear the likeness of the bullion coins authorized under this subsection, at a price, size, and weight, and with such inscriptions, as the Secretary determines to be appropriate.

''(9) LEGAL TENDER.—The coins minted under this title shall be legal tender, as provided in section 5103.

''(10) TREATMENT AS NUMISMATIC ITEMS.—For purposes of section 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.''.

SEC. 104. REMOVAL OF BARRIERS TO CIRCULATION.

Section 5112 of title 31, United States Code, as amended by sections 102 and 103, by adding at the end the following:

''(p) REMOVAL OF BARRIERS TO CIRCULATION OF $1 COIN.—

''(1) ACCEPTANCE BY AGENCIES AND INSTRUMENTALITIES.— Beginning January 1, 2006, all agencies and instrumentalities of the United States, the United States Postal Service, all non-appropriated fund instrumentalities established under title 10, United States Code, all transit systems that receive operational subsidies or any disbursement of funds from the Federal Government, such as funds from the Federal Highway Trust Fund, including the Mass Transit Account, and all entities that operate any business, including vending machines, on any premises owned by the United States or under the control of any agency or instrumentality of the United States, including the legislative and judicial branches of the Federal Government, shall take such action as may be appropriate to ensure that by the end of the 2-year period beginning on such date—

''(A) any business operations conducted by any such agency, instrumentality, system, or entity that involve coins or currency will be fully capable of accepting and dispensing $1 coins in connection with such operations; and

''(B) displays signs and notices denoting such capability on the premises where coins or currency are accepted or dispensed, including on each vending machine.

''(2) PUBLICITY.—The Director of the United States Mint, shall work closely with consumer groups, media outlets, and schools

to ensure an adequate amount of news coverage, and other means of increasing public awareness, of the inauguration of the Presidential $1 Coin Program established in subsection (n) to ensure that consumers know of the availability of the coin.

''(3) COORDINATION.—The Board of Governors of the Federal Reserve System and the Secretary shall take steps to ensure that an adequate supply of $1 coins is available for commerce and collectors at such places and in such quantities as are appropriate by—

''(A) consulting, to accurately gauge demand for coins and to anticipate and eliminate obstacles to the easy and efficient distribution and circulation of $1 coins as well as all other circulating coins, from time to time but no less frequently than annually, with a coin users group, which may include—

''(i) representatives of merchants who would benefit from the increased usage of $1 coins;

''(ii) vending machine and other coin acceptor manufacturers;

''(iii) vending machine owners and operators;

''(iv) transit officials;

''(v) municipal parking officials;

''(vi) depository institutions;

''(vii) coin and currency handlers;

''(viii) armored-car operators;

''(ix) car wash operators; and

''(x) coin collectors and dealers;

''(B) submitting an annual report to the Congress containing—

''(i) an assessment of the remaining obstacles to the efficient and timely circulation of coins, particularly $1 coins;

''(ii) an assessment of the extent to which the goals of subparagraph (C) are being met; and

''(iii) such recommendations for legislative action the Board and the Secretary may determine to be appropriate;

''(C) consulting with industry representatives to encourage operators of vending machines and other automated coin-accepting devices in the United States to accept coins issued under the Presidential $1 Coin Program established under subsection (n) and any coins bearing any design in effect before the issuance of coins required under subsection (n) (including the so-called 'Sacagawea-design' $1 coins), and to include notices on the machines and devices of such acceptability;

''(D) ensuring that—

''(i) during an introductory period, all institutions that want unmixed supplies of each newly-issued design of $1 coins minted under subsections (n) and (o) are able to obtain such unmixed supplies; and

''(ii) circulating coins will be available for ordinary commerce in packaging of sizes and types appropriate for and useful to ordinary commerce, including rolled coins;

''(E) working closely with any agency, instrumentality, system, or entity referred to in paragraph (1) to facilitate compliance with the requirements of such paragraph; and

''(F) identifying, analyzing, and overcoming barriers to the robust circulation of $1 coins minted under subsections (n) and (0), including the use of demand prediction, improved methods of distribution and circulation, and improved public education and awareness campaigns.

''(4) BULLION DEALERS.—The Director of the United States Mint shall take all steps necessary to ensure that a maximum number of reputable, reliable, and responsible dealers are qualified to offer for sale all bullion coins struck and issued by the United States Mint.

''(5) REVIEW OF CO-CIRCULATION.—At such time as the Secretary determines to be appropriate, and after consultation with the Board of Governors of the Federal Reserve System, the Secretary shall notify the Congress of its assessment of issues related to the co-circulation of any circulating $1 coin bearing any design, other than the so-called 'Sacagawea-design' $1 coin, in effect before the issuance of coins required under subsection (n), including the effect of co-circulation on the acceptance and use of $1 coins, and make recommendations to the Congress for improving the circulation of $1 coins.''.

SEC. 105. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) the enactment of this Act will serve to increase the use of $1 coins generally, which will increase the circulation of the so-called ''Sacagawea- design'' $1 coins that have been and will continue to be minted and issued;

(2) the continued minting and issuance of the so-called ''Sacagawea-design'' $1 coins will serve as a lasting tribute to the role of women and Native Americans in the history of the United States;

(3) the full circulation potential and cost-savings benefit projections for the $1 coins are not likely to be achieved unless the coins are delivered in ways useful to ordinary commerce;

(4) the coins issued in connection with this title should not be introduced with an overly expensive taxpayer-funded public relations campaign;

(5) in order for the circulation of $1 coins to achieve maximum potential—

(A) the coins should be as attractive as possible; and

(B) the Director of the United States Mint should take all reasonable steps to ensure that all $1 coins minted and issued remain tarnish-free for as long as possible without incurring undue expense; and

(6) if the Secretary of the Treasury determines to include on any $1 coin minted under section 102 of this Act a mark denoting the United States Mint facility at which the coin was struck, such mark should be edge-incused.

TITLE II—BUFFALO GOLD BULLION COINS

SEC. 201. GOLD BULLION COINS.

Section 5112 of title 31, United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

''(11) A $50 gold coin that is of an appropriate size and thickness, as determined by the Secretary, weighs 1 ounce, and contains 99.99 percent pure gold.''; and

(2) by adding at the end, the following:

''(q) GOLD BULLION COINS.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of the Presidential $1 Coin Act of 2005, the Secretary shall commence striking and issuing for sale such number of $50 gold bullion and proof coins as the Secretary may determine to be appropriate, in such quantities, as the Secretary, in the Secretary's discretion, may prescribe.

''(2) INITIAL DESIGN.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the obverse and reverse of the gold bullion coins struck under this subsection during the first year of issuance shall bear the original designs by James Earle Fraser, which appear on the 5-cent coin commonly referred to as the 'Buffalo nickel' or the '1913 Type 1'.

''(B) VARIATIONS.—The coins referred to in subparagraph (A) shall—

''(i) have inscriptions of the weight of the coin and the nominal denomination of the coin incused in that portion of the design on the reverse of the coin commonly known as the 'grassy mound'; and

''(ii) bear such other inscriptions as the Secretary determines to be appropriate.

''(3) SUBSEQUENT DESIGNS.—After the 1-year period described to in paragraph (2), the Secretary may—

''(A) after consulting with the Commission of Fine Arts, and subject to the review of the Citizens Coinage Advisory Committee, change the design on the obverse or reverse of gold bullion coins struck under this subsection; and

''(B) change the maximum number of coins issued in any year.

''(4) SOURCE OF GOLD BULLION.—

(A) IN GENERAL.—The Secretary shall acquire gold for the coins issued under this subsection by purchase of gold mined from natural deposits in the United States, or in a territory or possession of the United States, within 1 year after the month in which the ore from which it is derived was mined.

''(B) PRICE OF GOLD.—The Secretary shall pay not more than the average world price for the gold mined under subparagraph (A).

''(5) SALE OF COINS.—Each gold bullion coin issued under this subsection shall be sold for an amount the Secretary determines to be appropriate, but not less than the sum of—

''(A) the market value of the bullion at the time of sale; and

''(B) the cost of designing and issuing the coins, including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping.

''(6) LEGAL TENDER.—The coins minted under this title shall be legal tender, as provided in section 5103.

''(7) TREATMENT AS NUMISMATIC ITEMS.—For purposes of section 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.''.

''(8) PROTECTIVE COVERING.—

''(A) IN GENERAL.—Each bullion coin having a metallic content as described in subsection (a)(11) and a design specified in paragraph (2) shall be sold in an inexpensive covering that will protect the coin from damage due to ordinary handling or storage.

''(B) DESIGN.—The protective covering required under subparagraph (A) shall be readily distinguishable from any coin packaging that may be used to protect proof coins minted and issued under this subsection.''.

TITLE III—ABRAHAM LINCOLN BICENTENNIAL 1-CENT COIN REDESIGN

SEC. 301. FINDINGS.

Congress finds the following:

(1) Abraham Lincoln, the 16th President, was one of the Nation's greatest leaders, demonstrating true courage during the Civil War, one of the greatest crises in the Nation's history.

(2) Born of humble roots in Hardin County (present-day LaRue County), Kentucky, on February 12, 1809, Abraham Lincoln rose to the Presidency through a combination of honesty, integrity, intelligence, and commitment to the United States.

(3) With the belief that all men are created equal, Abraham Lincoln led the effort to free all slaves in the United States.

(4) Abraham Lincoln had a generous heart, with malice toward none, and with charity for all.

(5) Abraham Lincoln gave the ultimate sacrifice for the country he loved, dying from an assassin's bullet on April 15, 1865.

(6) All Americans could benefit from studying the life of Abraham Lincoln, for Lincoln's life is a model for accomplishing the ''American dream'' through honesty, integrity, loyalty, and a lifetime of education.

(7) The year 2009 will be the bicentennial anniversary of the birth of Abraham Lincoln.

(8) Abraham Lincoln was born in Kentucky, grew to adulthood in Indiana, achieved fame in Illinois, and led the nation in Washington, D.C.

(9) The so-called ''Lincoln cent'' was introduced in 1909 on the 100th anniversary of Lincoln's birth, making the obverse design the most enduring on the nation's coinage.

(10) President Theodore Roosevelt was so impressed by the talent of Victor David Brenner that the sculptor was chosen to design the likeness of President Lincoln for the coin, adapting a design from a plaque Brenner had prepared earlier.

(11) In the nearly 100 years of production of the ''Lincoln cent'', there have been only 2 designs on the reverse: the original, featuring 2 wheat-heads in memorial style enclosing mottoes, and the current representation of the Lincoln Memorial in Washington, D.C.

(12) On the occasion of the bicentennial of President Lincoln's birth and the 100th anniversary of the production of the Lincoln cent, it is entirely fitting to issue a series of 1-cent coins with designs on the reverse that are emblematic of the 4 major periods of President Lincoln's life.

SEC. 302. REDESIGN OF LINCOLN CENT FOR 2009.

(a) IN GENERAL.—During the year 2009, the Secretary of the Treasury shall issue 1-cent coins in accordance with the following design specifications:

(1) OBVERSE.—The obverse of the 1-cent coin shall continue to bear the Victor David Brenner likeness of President Abraham Lincoln.

(2) REVERSE.—The reverse of the coins shall bear 4 different designs each representing a different aspect of the life of Abraham Lincoln, such as—

(A) his birth and early childhood in Kentucky;

(B) his formative years in Indiana;

(C) his professional life in Illinois; and

(D) his presidency, in Washington, D.C.

(b) ISSUANCE OF REDESIGNED LINCOLN CENTS IN 2009.—

(1) ORDER.—The 1-cent coins to which this section applies shall be issued with 1 of the 4 designs referred to in subsection (a)(2) beginning at the start of each calendar quarter of 2009.

(2) NUMBER.—The Secretary shall prescribe, on the basis of such factors as the Secretary determines to be appropriate, the number of 1-cent coins that shall be issued with each of the designs selected for each calendar quarter of 2009.

(c) DESIGN SELECTION.—The designs for the coins specified in this section shall be chosen by the Secretary—

(1) after consultation with the Abraham Lincoln Bicentennial Commission and the Commission of Fine Arts; and

(2) after review by the Citizens Coinage Advisory Committee.

SEC. 303. REDESIGN OF REVERSE OF 1-CENT COINS AFTER 2009.

The design on the reverse of the 1-cent coins issued after December 31, 2009, shall bear an image emblematic of President Lincoln's preservation of the United States of America as a single and united country.

SEC. 304. NUMISMATIC PENNIES WITH THE SAME METALLIC CONTENT AS THE 1909 PENNY.

The Secretary of the Treasury shall issue 1-cent coins in 2009 with the exact metallic content as the 1-cent coin contained in 1909 in such number as the Secretary determines to be appropriate for numismatic purposes.

SEC. 305. SENSE OF THE CONGRESS.

It is the sense of the Congress that the original Victor David Brenner design for the 1-cent coin was a dramatic departure from previous American coinage that should be reproduced, using the original form and relief of the likeness of Abraham Lincoln, on the 1-cent coins issued in 2009.

NATIONAL FLOOD INSURANCE PROGRAM FURTHER ENHANCED BORROWING AUTHORITY ACT OF 2005

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4133, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4133) to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

There being no objection, the Senate proceeded to consider the bill.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2673) was agreed to, as follows:

AMENDMENT NO. 2673

On page 2 line 12 strike ''8,500,000,000'' and insert ''18,500,000,000''.

At the end insert the following:

"SEC. 3. EMERGENCY SPENDING.

The amendment made under section 2 is designated as emergency spending, as provided under section 402 of H. Con. Res. 95 (109th Congress).''

The bill (H.R. 4133), as amended, was read the third time and passed.

Mr. MCCONNELL. So Mr. President, we are near the end of this session.

ORDERS FOR MONDAY, DECEMBER 12, 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment under the provisions of H. Con. Res. 307 until 2 p.m. on Monday, December 12. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and then the Senate proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCONNELL. Mr. President, we have had a busy and productive week, and I believe we are now ready to adjourn for the Thanksgiving break. As I indicated, we will return to business on Monday, December 12. We expect to have some additional conference reports from the House, including the PATRIOT Act conference report. I do not anticipate votes on Monday, December 12 or Tuesday, December 13. However, Senators should be ready for a busy week beginning on Wednesday. That would be December 14. Votes are expected as early as Wednesday morning.

ADJOURNMENT UNTIL MONDAY, DECEMBER 12, 2005, AT 2 P.M.

Mr. MCCONNELL. 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 provisions of H. Con. Res. 307.

There being no objection, the Senate, at 6:19 p.m., adjourned until Monday, December 12, 2005, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate November 18, 2005:

DEPARTMENT OF THE INTERIOR

DAVID LONGLY BERNHARDT, OF COLORADO, TO BE SOLICITOR OF THE DEPARTMENT OF THE INTERIOR, VICE SUE ELLEN WOOLDRIDGE.

DEPARTMENT OF STATE

MICHAEL W. MICHALAK, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS UNITED STATES SENIOR OFFICIAL TO THE ASIA-PACIFIC ECONOMIC COOPERATION FORUM.

JAMES D. MCGEE, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNION OF COMOROS.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate Friday, November 18, 2005:

DEPARTMENT OF THE INTERIOR

PATRICIA LYNN SCARLETT, OF CALIFORNIA, TO BE DEPUTY SECRETARYOF THE INTERIOR.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF STATE

RONALD L. SCHLICHER, OF TENNESSEE, TO BE AMBASSADOR TO THE REPUBLIC OF CYPRUS.

CAROL VAN VOORST, OF VIRGINIA, TO BE AMBASSADOR TO THE REPUBLIC OF ICELAND.

ROSS WILSON, OF MARYLAND, TO BE AMBASSADOR TO THE REPUBLIC OF TURKEY.

DONALD M. PAYNE, OF NEW JERSEY, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

EDWARD RANDALL ROYCE, OF CALIFORNIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

UNITED NATIONS

ALEJANDRO DANIEL WOLFF, OF CALIFORNIA, TO BE THE DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR, AND THE DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS.

ALEJANDRO DANIEL WOLFF, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, DURING HIS TENURE OF SERVICE AS DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL LARITA A. ARAGON
BRIGADIER GENERAL TOD M. BUNTING
BRIGADIER GENERAL CRAIG E. CAMPBELL
BRIGADIER GENERAL WILLIAM R. COTNEY
BRIGADIER GENERAL R. ANTHONY HAYNES

BRIGADIER GENERAL CHARLES V. ICKES II
BRIGADIER GENERAL ROBERT A. KNAUFF
BRIGADIER GENERAL JAMES R. MARSHALL
BRIGADIER GENERAL TERRY L. SCHERLING
BRIGADIER GENERAL MICHAEL J. SHIRA
BRIGADIER GENERAL EMMETT R. TITSHAW, JR.

To be brigadier general

COLONEL DAVID S. ANGLE
COLONEL THOMAS M. BOTCHIE
COLONEL RICHARD W. BURRIS
COLONEL GARRY C. DEAN
COLONEL MICHAEL J. DORNBUSH
COLONEL KATHLEEN E. FICK
COLONEL EDWARD R. FLORA
COLONEL JAMES H. GWIN
COLONEL SCOTT B. HARRISON
COLONEL DAVID M. HOPPER
COLONEL HOWARD P. HUNT III
COLONEL CYNTHIA N. KIRKLAND
COLONEL JOHN M. MOTLEY, JR.
COLONEL GERALD C. OLESEN
COLONEL ALAN W. PALMER
COLONEL MICHAEL L. PEPLINSKI
COLONEL ESTHER A. RADA
COLONEL ALEX D. ROBERTS

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COLONEL STEVEN R. DOOHEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL DANIEL R. EAGLE

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. DAVID D. MCKIERNAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. PETER W. CHIARELLI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. KEITH W. DAYTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN R. WOOD

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WILLIAM T. NESBITT

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL ROBERT P. FRENCH
BRIGADIER GENERAL DONALD J. GOLDHORN
BRIGADIER GENERAL RICHARD B. MOORHEAD
BRIGADIER GENERAL MARVIN W. PIERSON
BRIGADIER GENERAL STEWART A. REEVE
BRIGADIER GENERAL RANDALL E. SAYRE
BRIGADIER GENERAL THEODORE G. SHUEY, JR.
BRIGADIER GENERAL THOMAS L. SINCLAIR
BRIGADIER GENERAL DAVID A. SPRYNCZYNATYK
BRIGADIER GENERAL STEPHEN F. VILLACORTA
BRIGADIER GENERAL GREGORY L. WAYT
BRIGADIER GENERAL JOHN J. WEEDEN
BRIGADIER GENERAL DEBORAH C. WHEELING

To be brigadier general

COLONEL RICKY G. ADAMS
COLONEL STEPHEN E. BOGLE
COLONEL BRENT M. BOYLES
COLONEL STEPHEN C. BURRITT
COLONEL ANDREW C. BURTON
COLONEL CAMERON A. CRAWFORD
COLONEL JOSEPH G. DEPAUL
COLONEL MARK C. DOW
COLONEL DOUGLAS B. EARHART
COLONEL WILLIAM L. ENYART, JR.
COLONEL GLENN C. HAMMOND III
COLONEL DAVID L. HARRIS
COLONEL ROBERT A. HARRIS
COLONEL GRANT L. HAYDEN
COLONEL JOHN W. HELTZEL
COLONEL LEODIS T. JENNINGS
COLONEL LARRY D. KAY
COLONEL JEFF W. MATHIS III
COLONEL WENDELL B. MCLAIN
COLONEL TIMOTHY S. PHILLIPS
COLONEL JANET E. PHIPPS
COLONEL STANLEY R. PUTNAM
COLONEL RONALD J. RANDAZZO
COLONEL JOSEPH M. RICHIE
COLONEL KING E. SIDWELL
COLONEL EUGENE A. STOCKTON
COLONEL TIMOTHY I. SULLIVAN
COLONEL RICHARD E. SWAN
COLONEL JAMES H. TROGDON III
COLONEL JAMES D. TYRE
COLONEL TERRY L. WILEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. GUY L. SANDS-PINGOT

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MITCHELL L. BROWN

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF NAVAL PERSONNEL, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., 601 AND 5141:

To be vice admiral

REAR ADM. JOHN C. HARVEY, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. FRANK THORP IV

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. WILLIAM D. BAUMGARTNER
CAPT. MANSON K. BROWN
CAPT. JOHN S. BURHOE
CAPT. WAYNE E. JUSTICE
CAPT. DANIEL B. LLOYD
CAPT. ROBERT C. PARKER
CAPT. BRIAN M. SALERNO

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH R. NICHOLAS BURNS AND ENDING WITH CHARLES E. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 17, 2005.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH BRIAN F. ABELL AND ENDING WITH RAY A. ZUNIGA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 26, 2005.

AIR FORCE NOMINATION OF JON R. STOVALL TO BE COLONEL.

AIR FORCE NOMINATION OF KENNETH W. BULLOCK TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH RANDALL S. LECHEMINANT AND ENDING WITH SCOTT H. R. LEE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 10, 2005.

AIR FORCE NOMINATION OF RENA A. NICHOLAS TO BE MAJOR.

AIR FORCE NOMINATION OF JEFFREY S. BRITTIG TO BE MAJOR.

AIR FORCE NOMINATION OF ALBERT J. BAINGER TO BE MAJOR.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH ROBINETTE J. AMAKER AND ENDING WITH JOSEF H. MOORE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 25, 2005.

ARMY NOMINATIONS BEGINNING WITH TERRY K. BESCH AND ENDING WITH JOHN R. TABER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 25, 2005.

ARMY NOMINATIONS BEGINNING WITH KIMBERLY K. ARMSTRONG AND ENDING WITH KELLY A. WOLGAST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 25 2005.

ARMY NOMINATIONS BEGINNING WITH RANDALL G. ANDERSON AND ENDING WITH JOHN H. TRAKOWSKI, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 25, 2005.

ARMY NOMINATIONS BEGINNING WITH ROBERT DEMPSTER AND ENDING WITH ERROL LADER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 26, 2005.

ARMY NOMINATIONS BEGINNING WITH MIMMS MABEE AND ENDING WITH JIMMIE PEREZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 26, 2005.

ARMY NOMINATIONS BEGINNING WITH MICHELLE BEACH AND ENDING WITH HELEN LAQUAY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 26, 2005.

ARMY NOMINATIONS BEGINNING WITH GREGORY BREWER AND ENDING WITH TERRELL MORROW, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 26, 2005.

ARMY NOMINATIONS BEGINNING WITH WALTER J. AUSTIN AND ENDING WITH KEITH C. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 4, 2005.

ARMY NOMINATION OF JACK N. WASHBURNE TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH BARRY J. BERNSTEIN AND ENDING WITH JUAN M. VERA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 10, 2005.

ARMY NOMINATIONS BEGINNING WITH MELVIN S. HOGAN AND ENDING WITH JOSEPH M. JACKSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 10, 2005.

IN THE COAST GUARD

COAST GUARD NOMINATION OF KATHLEEN M. DONOHOE TO BE CAPTAIN.

EXTENSIONS OF REMARKS

INTRODUCING THE SOUTHERN NEVADA READINESS CENTER ACT

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. PORTER. Mr. Speaker, I rise today along with my colleagues, Representative JIM GIBBONS and Representative SHELLEY BERKLEY, to introduce the Southern Nevada Readiness Center Act.

The purpose ofthe Southern Nevada Readiness Center Act is to convey 35–50 acres of land from the McCarran Airport Cooperative Management Area Boundary to the Nevada National Guard for the purpose of building the Nevada National Guard Readiness Center. This Readiness Center will serve Henderson and southwest Las Vegas, and will allow the Nevada National Guard to have better access to the facilities and equipment they need for training.

The National Guard is our Nation's first line of defense in an ever-changing world. As the Guard's role expands, it is important that they are given the facilities and equipment they need to protect both Nevada and America at large. This Readiness Center will help Nevada's National Guard to achieve this goal, and I look forward to working with Congress to pass this bill into law.

RECOGNIZING THE 60TH ANNIVERSARY OF THE DISAPPEARANCE OF THE 5 NAVAL AVENGER TORPEDO BOMBERS OF FLIGHT 19

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2005

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 500, recognizing the 60th anniversary the disappearance of five Avenger warplanes and one of the rescue aircraft sent to retrieve the lost pilots. The six planes flying out of the Naval Air Station of Banan River on December 5, 1945 contained a total of 27 men. These brave men have never been recovered. Their planes and all of their equipment have never been found, either.

As an interesting point, the disappearance of the planes happened somewhere off the eastern coast of Florida. The strange disappearance of these aircraft was the first incident in the lore of what became the story of the Bermuda Triangle. To date, the incident which we are acknowledging today is still the most cited example of strange occurrences in the Bermuda Triangle.

Mr. Speaker, we should remember the bravery of these 27 men by acknowledging the anniversary of their disappearance. It is a tragedy that for so many years, the cause of the disappearance has remained unknown, leaving the families of the fallen pilots without answers.

For over 225 years, the freedom of America has been maintained by the fighting men and women of our Nation's Armed Forces. These courageous soldiers, sailors and marines put their lives on the line every day to preserve the safety and security of our Nation. In honoring the 27 men lost on December 5, 1945, we also honor the hundreds of thousands of men and women of America's Armed Forces whose heroic actions go unheralded every day.

In passing this resolution, we also honor the families of the fallen pilots, whose sacrifices on behalf of our country will never be forgotten.

I strongly support H. Res. 500, and I encourage my colleagues to do the same.

PERSONAL EXPLANATION

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. KOLBE. Mr. Speaker, on November 16, I missed the vote H. Con. Res. 268, expressing the sense of the Congress regarding oversight of the Internet Corporation for Assigned Names and Numbers (#594). I intended to vote "aye."

CONGRATULATING DR. ULYSSES S. CURRY

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. COSTA. Mr. Speaker, I rise today to congratulate Dr. Ulysses S. Curry of Fresno, as the honored recipient of the Community Health Champion Award from West Fresno Health Care Coalition.

Dr. Curry has dedicated over 30 years of continuous medical service to Fresno and continues to devote his time to the community. Ever a generous doctor, Ulysses has donated much of his time to assist in the progression of the medical community in the Central Valley.

Upon graduation from Central High School in Omaha, Nebraska, Dr. Curry immediately attended the University of Kansas in 1939. Ulysses went on to Howard University to pursue his Master's Degree, followed by Meharry Medical College in Nashville, Tennessee from which he attained his medical degree. He did his internship at Saint Agnes Hospital in Raleigh, North Carolina immediately following medical school.

It was a residency program that originally brought Dr. Curry to California. After completing his residency in pediatrics at Fresno County General Hospital in Fresno, Dr. Curry moved to Denver, Colorado to finish his residency in internal medicine at Denver Veterans Administrative Hospital. Dr. Ulysses Curry permanently returned to Fresno and opened his General/Family Practice at which he continues to practice medicine.

Dr. Curry is affiliated with many hospitals in the Central Valley, such as Fresno Community Hospital, Clovis Community Hospital and Sierra Community. Ulysses also has memberships with many professional medical associations. He is an active member of Fresno-Madera Medical Society, John Hale Medical Forum, California Medical Association as well as a lifetime membership to the California Academy of Family Physicians and the American Academy of Family Physicians.

It is obvious from his extensive career that Dr. Ulysses S. Curry is worthy of such recognition from the West Fresno Health Care Coalition. It is with great pleasure that I stand today and congratulate Dr. Curry for all of his achievements.

HONORING RICHARD H. SHAPIRO

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. NEY. Mr. Speaker, I rise today to honor Richard H. Shapiro, Executive Director of the Congressional Management Foundation, CMF. Since 1988, Rick has tirelessly provided important and needed services in support of the institution of Congress. As Executive Director, Rick has become a leading expert on improving operations in the U.S. Congress. He has utilized that expertise in support of individual Member offices, in the training of literally thousands of Congressional staff, in providing research and best-practices information to House Administration, Committee and Member offices, and in writing landmark books and studies on Congressional management.

Mr. Speaker, Rick's involvement with Congress began in 1978, when he was a staff investigator at the former U.S. Senate Permanent Subcommittee on Investigations. While investigating Department of Defense procurement practices, Rick came to understand the importance of Congressional oversight. Effective oversight requires effective management, and as Rick came to understand this relationship, he came to appreciate the importance of good management in Congress.

Following graduate school, Rick returned to Congress as the Staff Director of the former House Post Office and Civil Service Subcommittee on Investigations, and subsequently as Staff Director at the House Small Business Subcommittee on Regulation and Business Opportunities. In those positions, he managed congressional staff and workload, laying the groundwork for his move to the Congressional Management Foundation as Deputy Executive Director in 1988. One year later, he became its Executive Director.

Rick is a management consultant with unparalleled expertise in how to provide management and leadership assistance in the unique environment of Congress. He conducts organizational assessments for individual offices, committee offices, leadership organizations and ultimately for Congress itself. He prepares and conducts surveys in support of change processes for congressional organizations; facilitates strategic planning sessions and develops written organization plans; facilitates group problem solving for House and Senate offices; and provides individual assessment and coaching to senior managers and Members of Congress. During his tenure at CMF, Rick has delivered dozens of training programs to address the needs of legislative and support staff. He has authored and supervised the production of several books and reports, including the biannual House and Senate Staff Salary Surveys, Frontline Management, a guide for state office staff, and Setting Course, A Congressional Management Guide, which most new members of Congress find an absolutely indispensable tool as they face the daunting task of setting up their offices after being elected. Most recently, Rick and CMF have gotten deeply involved in information technology related issues, such as website design and managing internet communication.

Mr. Speaker, CMF is not a large institution, nor is it a well-endowed one. It is, in fact, a small group of dedicated people whose sole goal is to help Congress become a more productive and effective institution through good management practices. There is a great deal of work to be done toward that end, and the staff at CMF, led by Rick, works very hard at reaching that goal. Under Rick's leadership, the range and quality of services CMF provides has grown significantly, and the institution of Congress has benefited greatly from this growth.

Mr. Speaker, for 16 years, Rick has worked tirelessly with staff on both sides of the aisle to improve the management of Congress. I believe that his contribution to the functioning of this body has been extraordinarily valuable, and my purpose in rising today is to express my appreciation for his years of good work.

Mr. Speaker, it is a great honor for me to recognize one of the most important contributors to the effective management of Congress, Mr. Richard H. Shapiro.

CONGRATULATING POLICE CHIEF JERRY DYER

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. COSTA. Mr. Speaker, I rise today to congratulate Police Chief Jerry Dyer of Fresno, California for receiving the 2005 Excellence In Public Service Award. The Fresno Bee, The Fresno Business Council and the Maddy Institute at California State University, Fresno, sponsor this prestigious award.

A dedicated advocate of justice, Jerry Dyer has devoted his entire professional career to safeguarding his community. The honor of receiving recognition for public service is long overdue and well deserved.

Mr. Dyer received his Bachelor's Degree in Criminology from California State University, Fresno and his Master's Degree in Management from California Polytechnic University at Pomona. He is a graduate of the California Command College, where his peers chose him as the Most Inspirational Student.

Chief Dyer has served with the Fresno Police Department for 26 years. His hard work and dedication to public safety did not go unrecognized and on August 1, 2001 he was named Chief of Police. During his tenure as Police Chief, the Fresno community has experienced three consecutive years of a decrease in crime, which resulted in a 33-year-low in crime for the year 2004.

Traffic safety has also been made a top priority of the Fresno Police Department since the appointment of Mr. Dyer as the Chief of Police; guided by the wisdom of Chief Dyer, the Fresno Police Department has received national and state recognition for its traffic safety efforts, which include the prestigious California Highway Patrol Commissioner's Award. The department has also received many other honors, such as first place in the International Association of Chiefs of Police "Law Enforcement Chief's Challenge" and "Impaired Driving Enforcement Award," as well as three consecutive first place awards in the "California Law Enforcement Chiefs Challenge."

Chief Jerry Dyer has worked tirelessly to make the Fresno Police Department one of the state's outstanding law enforcement organizations. He has initiated rigorous processes to have the Department nationally accredited through the Commission on Accreditation for Law Enforcement Agencies. In 2005 the Fresno Police Department was awarded accreditation status; less than 4 percent of law enforcement agencies in the United States have achieved this honor.

Chief Jerry Dyer personifies a hero in every aspect of the term. His sacrifices and belief in justice are admirable. The community of Fresno is honored to have a loyal, honest, and trustworthy leader of our police force and we applaud his dedication to providing a safe environment for our community.

CONGRATULATING THE CONCORD HIGH SCHOOL MARCHING MINUTEMEN ON THEIR SECOND IN THREE YEARS CLASS B STATE BAND CHAMPIONSHIP

HON. CHRIS CHOCOLA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. CHOCOLA. Mr. Speaker, I usually am not one to experience deja vu, but today I find myself in a familiar situation.

Two years ago, I rose to congratulate the Concord Marching Minutemen on their 2003 Class B Indiana State School Music Association Championship.

Today, I rise again to congratulate them on winning their second ISSMA championship in the past three years. On October 22, 2005, these young men and women won the 2005 Class B state marching band championship, edging out nine other competitors.

This is the band's third championship, and in 2002 and 2004, they were state runner-up.

The "All Aboard," train-themed program included "Tempered Steel" by composer Charles Young, and classic jazz hits "Take the 'A' Train" and "Happy Go Lucky Local" from Duke Ellington and Billy Strayhorn.

I'd like to congratulate drum majors Ashley Hardy, Jeremy Parker, and Laura Pauwels for leading their band to victory.

The 2005 Class B champs include: Flutes: Kelly Aaron, Kelsey Beabout, Kylie Bontrager, Jessica Cuzzocrea, Stephanie Czarnecki, Kari Dehart, Ashlee Field, Addie Hall, Anita Kaoma, Amanda King, Courtney Laughman, Jaymi Lechlitner, Krista Mevis, Erica Moskowitz, Colleen Nissley, Luke Overton, Caitlin Parker, Audrie Pressler, Rachel Pressler, Joseph Reed, Julie Richards, Elizabeth Robbins, Maria Rodriguez, Megan Rump, Allison Smart, Megan Vail, Brittany Victor, Kim Yoder; Piccolos: Cassie Rhude, Libby Watson; Clarinets: Audrey Acosta, Marisa Amos, Katy Bail, Dani Baugher, Maria Bernal, Lacey Conwell, Adilene Corona, Rachel Davis, Julie Elmore, Conor Gavin, Megan Gunn, Jenni Hillyer, Kylie Kern, Kayla Killian, Amber King, Tim Koscielny, Meredith Loucks, Catie Lynch, Nici Lynch, Holly Meyers, Jessica Miller, Krysta Miller, Molly Miller, Halie Murray, Jessica Partin, Brittany Price, Stephanie Quick, Jordan Reyes, Alison Roberts, Brooklyn Rogers, Nicole Smith, Tony Templeton, Chelsey VanAcker, Brooke Victor, Kayla Yoder, Sean Zimmerle; Bass Clarinets: Iris Bock, Craig Bone, Logan Bourdon, Mandy Himes, Jon Rhoades, Ana Rodriguez, Brian Zimmerle, Nathan Nelson; Alto Saxophone: Brent Boehner, Paige Conwell, Deb Elliott, Lizzie Fish, Ben Gooding, Lon Hambrice, Manuel Herrera-Inchima, Becca Hinson, Dustin Knight, Mike Koscielny, Alex Lung, Krystal McKenzie, Brandon Miller, Brandon Pollock, Matt Schmucker, Jared Schooley, Courtney Wallis, Chad Wegrecki; Tenor Saxophone: Tyler Bourdon, Andrew Fischer, Shane Collins, Keith Doyle, Rachelle Fox, Courtney Hemminger, Abigail Miller, Kayleigh Shurtz; Trumpets: Blake Baker, Donielle Bibby, Peter Bone, Mark Brown, David Campbell, Andrew Christophel, Benjamin Clark, Ryan Detwiler, Rayna Dimitroff, Colin Doherty, Jarod Eastham, Daniel Fischer, Tanner Free, Veronica Hill, Amanda Himes, Phil Jones, Bradley Kime, Matt Kinsman, Crystal Martinez, Kenny Mashala, Carl McAfoos, Jason Miller, DJ Mumaw, Kelly Schaffer, Laurie Schalliol, Jim Schoeffler, Steve Trout, Renee Wagner, Ryan Weaver; Flugelhorns: Thomas Davidhizar, Andrew Davis, Caine Espinoza, Mike Lakner, Julie McCarty, Andrew Smole; Mellophones: Kylie Eckmyre, Melanie Gingerich, Genni Housman, Stephen Kauffman, Kathy Lambright, Samantha Nagy; Trombones: Robyn Bortner, Mike Campbell, Sean Emmons, Chad Hoien, Matt Izak, Brandy Jackson, Steven Karanja, Jordan King, Kevin Lipp, Veronica Meade, Torey Miller, Jordan Parker, Brandon Schenk, Dustin Simmons, Tyler Stevens, Andrew Stout, Eric Wilsey, Teneen Zimmer; Baritones: Justin Alwine, Kris Baker, Chris Dean, Bryan Eichorst, Andy Ha, John Kauffman, Matt Lanouette, Robert Stout; Tubas: Travis Cox, Chris Crawford, Chris Holcomb, Suzanne Holcomb, Matthew Miller, Jeremy Rowe, Morgen Smith; Percussion: Cory Allison, Darlene Bennett, Matthew Bennett, Jen Bollero, Bryce Canen, Sarah-Jane Cikara, Amy Clark, Emma Cooper, Dylan Dufour, Giovanni Echeverria, Michael Johnson, April Mascola, Dustin McLain, Justin Miracle, Kelsey Prieshoff, Bryant Quist, Sarah Runswick, Allie Sawyer, Matt

Schnaars, Andrew Stevens, Kurt Tahara, Amber VanderReyden, Blake Varab, Mark Wyrick; Bass: Ben Jarvis; Sound Tech: Dawn Supper; Color Guard: Elise Arvidson, Marlene Arvidson, Tiffany Baker, Karen Berndt, Veronica Boggs, Heather Dean, Mikala Ellsworth, Ashley Elsasser, Laken Fordyce, DeAnna Jackson, Danielle Johnson, Leanne Johnson, Brittany Kauffman, Yolo Lopez-Perez, Alyssa Lung, Anne Lypka, Emily Mathieu, Jessica Meade, Alisa Peffley, Julie Reusser, Evanna Rodriguez, Brittany Rushing, Jessica Scott, Rachel Sirinek, Madeline Valle, Kristen Weaver, Megan Whitacre, Chellie Zou, Sara Zou.

The people behind the performers also deserve a note of congratulations. They include Director of Music Gay Burton, Assistant Band Directors Scott Spradling, Bryan Golden, April Oppenheim, and Steve Peterson, Dance & Color Guard instructor Colleen Molnar, Sound Technician Scott Preheim, and Percussion Specialist Derek Felix. Your hard work leading up to and throughout the season, planning the program, scheduling practices, and leading the band at competitions have been rewarded through their accomplishment. Shirley Dyer also deserves a note of thanks for helping make things run smoothly.

Mr. Speaker, as the parent of two teenagers myself, I would be remiss if I didn't also acknowledge the parents that help the band run efficiently. Your dedication to your children shows through on the field of competition in their award-winning performance.

Again, on behalf of very proud parents and the citizens of the Second Congressional District, I would like to congratulate the Concord Marching Minutemen on their Class B State championship.

CONGRATULATING HARRY ARMSTRONG

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. COSTA. Mr. Speaker, I rise today to congratulate Clovis City Council member Harry Armstrong of Clovis, California for receiving the Rose Ann Vuich Ethical Leadership Award. The Fresno Bee, The Fresno Business Council and The Maddy Institute at California State University, Fresno sponsor this prestigious award.

Harry Armstrong was born in Merced, California. Upon graduation from Merced Union High School he joined the American Armed Forces and fought in the Korean War. He is married to Jeanine and has three children: Tom, an attorney; Jim a businessman; and, Megan, a teacher.

The basic characteristics to be considered as a candidate for the Rose Ann Vuich Ethical Leadership Award are integrity, strength of character, exemplary ethical behavior, ability to build consensus, serving the public interest and vision for enhancing the community. Mr. Armstrong embodies every one of these characteristics and has set a standard by which all future public servants should use as a guide in their own service to the community.

Harry Armstrong is noted as standing firm against forces that would sweep aside the freedoms and ethics of our democratic form of government. Never did he blink or stray from his standards and beliefs in the process of public involvement in honest government. He has shown his strength of character in steadily standing by his morals and values.

A member of the Clovis City Council since 1970, Harry is the longest serving council member in the State of California. He was elected Mayor of Clovis on four occasions. Mr. Armstrong's leadership is not limited, however, to the Clovis City Council. He has also served on numerous boards and committees, President of the League of California Cities, Chair of the Fresno County Transportation Authority and the Clovis Planning Commission.

Mr. Armstrong's ability to stand up for what is right and encourage others to do the same is what has given him the continued, never straying, support of the community. His history of involvement and knowledge has created an environment for others to listen and learn.

The leadership and commitment Mr. Armstrong has shown for the community has never wavered, nor his honor in service. He personifies a man of principle and integrity. I am honored to express the gratitude the community has for Harry Armstrong and stand to show our appreciation.

FREEDOM FOR RICARDO RAMOS PEREIRA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Ricardo Ramos Pereira, a political prisoner in totalitarian Cuba.

Mr. Ramos Pereira is a member of the November 30 Democratic party and a member of the pro-democracy opposition in totalitarian Cuba. Unfortunately, those who believe that freedom, liberty, and the right to worship are the birthright of all men and women are targeted by the tyrant's machinery of repression.

According to an article for the Information Bridge Cuba Miami (IBCM), Mr. Ramos Pereira was arrested on January 25, 2002 for participating in a mass offered on behalf of all the political prisoners in Cuba. IBCM also reports that on February 28, 2002, Mr. Ramos Pereira was arrested for simply participating in a civic activity at the Catholic Church of the Passionists. More than 2 years later, in a sham trial, he was sentenced to 5 years in the totalitarian gulag.

Let me be very clear, Mr. Ramos Pereira is currently languishing in the depraved conditions of the totalitarian gulag for his belief in freedom. The U.S. State Department describes the conditions in the gulag as, "harsh and life threatening." The State Department also reports that police and prison officials beat, neglect, isolate, and deny medical treatment to detainees and prisoners. It is a crime of the highest order that people are imprisoned in these nightmarish conditions simply for their belief in democracy and freedom of religion.

Mr. Ramos Pereira is one of the many heroes of the peaceful Cuban democratic movement who are locked in the dungeons of the dictatorship for their beliefs. They are symbols of freedom and democracy who will always be remembered when freedom reigns again in Cuba. President Bush addressed those brave men and women who spread the light of freedom in the darkest corners of the world when he said, in his second inaugural address, "Democratic reformers facing repression, prison, or exile can know: America sees you for who you are: the future leaders of your free country."

Mr. Speaker, it is a profound embarrassment for mankind that the world stands by in silence and acquiescence while political prisoners are systematically tortured in totalitarian gulags. My Colleagues, we must demand the immediate and unconditional release of Ricardo Ramos Pereira and every political prisoner in totalitarian Cuba.

A TRIBUTE TO SGT. 1ST CLASS JAMES "JIM" S. OCHSNER

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. McINTYRE. Mr. Speaker, I rise today to pay tribute to Sgt. 1st Class James "Jim" S. Ochsner of Hope Mills, North Carolina, for serving his country valiantly with the 2nd Battalion, 3rd Special Forces Group (Airborne) at Fort Bragg, NC in Operation Enduring Freedom. On November 15, 2005, Sgt. 1st Class Ochsner sacrificed his life when an improvised explosive device was detonated while traveling near Lawara, Afghanistan. He was courageously serving his fourth tour of duty in Afghanistan, and our prayers and heartfelt thanks go to his family in this time of grief.

At an early age, Jim had a desire to serve in the military. His father was a Green Beret who served two tours of duty in Vietnam. Jim was proud of his father's service and commitment and strived to be just like him. In 1987, he enlisted in the U.S. Army as an artilleryman and served three years in Bamberg Germany with the 2nd Battalion 14th Field Artillery. Jim later served in the 82nd Airborne and completed a tour in South Korea before serving as a Special Forces Soldier. In 2004, he graduated from the Special Forces Operations and Intelligence Course and served as an intelligence specialist with the 2nd Battalion, 3rd Special Forces Group.

Jim is a highly decorated soldier, receiving the Bronze Star Medal with oak leaf cluster, the Army Commendation Medal for valor, the Army Commendation Medal for service, the Army Achievement Medal, the Good Conduct Medal and the National Defense Service Medal. In addition, he received the Afghanistan Campaign Medal, the Global War on Terrorism Medal, the Korean Defense Service Medal, the NCO Professional Development Ribbon, the Army Service Ribbon, the Overseas Service Ribbon, the Kuwait Liberation Medal (Saudi Arabia), the Kuwait Liberation Medal (Kuwait), the Combat Infantryman Badge, the Expert Infantryman Badge, the Parachutist Badge, the Air Assault Badge, the Driver and Mechanic Badges, and the Special Forces Tab.

Jim loved his family, and he is survived by his wife Ann, son Nicholas, and daughter Megan, who heard from him often during his deployments. He is also survived by his parents, Robert and Sandra, of Beach Park, Illinois, and his brother MSG Robert Ochsner II.

As a member of the U.S. Army, Jim dedicated his career to defending the values this nation holds dear. By risking his life to ensure the safety of others, John made the ultimate sacrifice. His valiant actions and steadfast service remind us of the gratitude we feel toward him and all the other servicemen and women who have lost their lives serving as guardians of this great country. John was indeed a man of courage and integrity.

Mr. Speaker, may the memory of Sgt. 1st Class James ''Jim'' Ochsner live on in our hearts, and may God's strength and peace be with his family.

CONGRATULATING MR. VERNON CONRAD

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. COSTA. Mr. Speaker, I rise today to congratulate Mr. Vernon Conrad of Reedley, California as the honored recipient of the Greater Fresno Area Chamber of Commerce ''Agriculturist of the Year'' award.

The Greater Fresno Area Chamber of Commerce awards an individual who exemplifies leadership and integrity in the Central Valley's agricultural business community every year at their awards luncheon. This year the organization could not have chosen an individual who is more deserving of this prestigious honor.

Mr. Conrad is a fourth generation Californian and his family has deep roots in east Valley agriculture; dating back to the late 1800s. He is a lifelong resident of Fresno County as a Reedley community member where he grows grapes and tree fruits. It is from this background that Vernon emerged as a respected agriculturist in the community. His leadership with the Fresno County Farm Bureau and Fresno County Board of Supervisors sets the bar high for those who follow in his foot steps.

Mr. Conrad served two terms as Fresno County Farm Bureau President and during his time with the Farm Bureau Mr. Conrad worked tirelessly to promote the Valley's agriculture agenda on a national level. He traveled to Washington, DC twice to testify before Congress on some of the Farm Bureau's major issues, such as concerns over water and acreage.

His concerted efforts on policy and advocacy eventually led Mr. Conrad down another path of activism as a Fresno County Supervisor. As a three term board member, Vernon, tackled various county dilemmas with renewed energy each time a new problem emerged. He focused on improving the efficiency of Fresno County operations, dealt with funding challenges and land use and zoning issues.

As if overcoming obstacles faced by the county and the farming community wasn't enough, Vernon also found time to serve on various committees and associations to work actively with agriculture groups. He was a board member of the Alta Irrigation District, Kings River Conservation District, Regional Water Quality Control Board and the Kings River Water Association. Through his work with these organizations, Mr. Conrad earned a seat representing California on the American Farm Bureau Federation's Natural Resources and Water Committee, on which he served as chair for five years.

Vernon Conrad's extensive efforts as an advocate of agriculture and the community have earned him the respect and admiration of his colleagues. It is with great pleasure that I stand today and congratulate Mr. Conrad for all of his achievements, and thank him for his commitment to our Valley.

A TRIBUTE TO PASTOR KENNY FOREMAN

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Ms. ZOE LOFGREN of California. Mr. Speaker, today I rise to recognize the achievements and life of Pastor Kenny Foreman. I've had the privilege of knowing Pastor Foreman for many years, and can personally attest to his lasting legacy of achievement through selfless ministry. His is the epitome of a life dedicated to serving others.

Pastor Foreman has been in ministry for over 50 years and has served as pastor of the Cathedral of Faith in San Jose, California for 35 years. Originally from Crowley, Louisiana, he has built the Church from just a few members to 10,000, offering over 70 vital ministries to meet the needs of the community.

Born the youngest of three children to Hansel and Mabel Foreman in Crowley, Louisiana, he was on the road ministering full-time as an evangelist by age 17. Pastor Foreman married Shirley Lowry in 1957, who has been his partner in commitment to ministry. Later, they would be joined by their two sons, Ken and Kurt, who are also part of the Cathedral of Faith team.

In 1965 he came to San Jose as the Pastor of The Friendly Bible Church, and soon after produced a weekly half-hour television program entitled, ''Kenny Foreman Presents Abundant Living,'' which was syndicated nationally. Today, Kenny Foreman is the only local minister and programmer who has remained on the air for 35 years. Throughout these years he has never received any income for his television ministry; all financial support received is funneled back into the operations of the ministry.

It soon became evident from the growth that the church would have to build. Thus, the Cathedral of Faith, a sanctuary that would seat nearly 3,000 people and its accompanying support structures, was conceived in Pastor Foreman's spirit. Eventually, the Grand Opening of the Cathedral of Faith was celebrated on March 15, 1981.

Pastor Foreman and Cathedral of Faith have an absolutely amazing record of community involvement. The work of the church has exploded into over 70 active Ministries including Reaching Out, a food assistance program which operates from a 16,000 foot distribution complex serving 50,000 families annually, and providing food for 200,000 people; California Youth Outreach, originally founded as Breakout Prison Outreach in 1982 in order to meet the needs of young men and women that had fallen prey to gangs and drugs, it also serves on the Mayor's gang task force; and Chaplaincy Ministry a program consisting of over 200 trained Chaplains who visit rest homes and convalescent hospitals each week.

Pastor Foreman's lifelong commitment to service has been honored by many organizations, and I am delighted to offer my heartfelt congratulations and gratitude to Pastor Kenny Foreman on his 40th Ministry Anniversary at the Cathedral of Faith in San Jose, California and to call Kenny Forman and Shirley friends.

HONORING CAPTAIN MICHAEL NOBLE

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. MARCHANT. Mr. Speaker, today I would like to take the opportunity to honor Captain Michael Noble. Born into a military family in Dallas, Texas in 1977, Mike Noble has experienced much in his short lifetime. His father, MG William Noble (USA, retired) and mother, Imogene, are no strangers to serving their country. William was a founding member of the 101st Airborne and served the division throughout World War II.

Mike graduated from St. Mark's High School in 1997, and then went on to the University of Texas. He entered the Army ROTC program and graduated with honors in 1998. Upon receiving his commission he went into Military Intelligence School and, subsequently, the Army Language Institute. After completing jump school, Mike followed in his father's footsteps and was assigned to the 902nd MI group of the 101st Airborne, a special honor.

Mike served with the NATO and U.N. peace-keeping forces in Kosovo. On September 11, 2001, Mike was working with NATO Command in Brussels. When he received news of the terrorist attacks in New York and Washington, D.C., he was immediately flown back to the United States, going to work at the Pentagon while it was actually still on fire. He would not leave the building for 17 days.

Most recently Mike was active in Afghanistan and involved with the liberation of Iraq. He was severely wounded on April 13, 2003 and medically retired from the military. I am proud to employ this two-time Purple Heart recipient as the military and veterans affairs liaison in my Irving office. His dedication to his country is commendable; Mike Noble is a true American hero and an inspiration to us all.

IN MEMORY OF MR. PAUL C. WHITE

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. COSTA. Mr. Speaker, I rise today to honor the memory of Mr. Paul C. White of Fresno, California. He is survived by his beloved wife of 38 years Sheila White, their six children: Paul II, Crystal, LaShelly, JePahl, Brandon, and Bryson, and his five grandchildren; Paul III, Asia, Kennedy, Darion, and Jaylin.

As a past Assistant Executive Director for the Fresno County Economic Opportunities Commission, Paul is remembered by all who knew him for his commendable service to the

community, his love for his family and his commitment to advance and strengthen the health care and social issues that impact impoverished people so often overlooked. Paul was unwilling to look the other way, and it is for his unrelenting efforts that we celebrate his life.

Mr. White learned from personal experience what certain sacrifices economically disadvantaged people are forced to make. He was born in Oklahoma City in 1947 as one of six children, raised by their mother in a house without running water or electricity. Paul's mother passed on when he was 11 and his grandparents raised all six children in Fresno.

Not to be overcome by tragedy, Paul graduated from Edison High School in 1962 as a star basketball player and school leader. He immediately began his college career at Fresno City College, where he received his Associate in Arts degree in 1968. Dedicated to being better equipped in life, Paul furthered his education at California State University, Fresno where he received his Bachelor of Arts in Public Administration and his Masters in Public Administration.

Paul always made sure everyone around him appreciated the many wonders life had to offer. In January of 1983, Paul had complete kidney failure. In 1986 his then 14-year-old daughter LaShelly had complete kidney failure as well. That same year, both Paul and LaShelly received a kidney transplant from the same donor. To think of the generosity of strangers during their time of loss, was very humbling to the family. Paul and his loved ones endured incredible health hardships, which allowed for his appreciation of life to grow and be passed on to the many lives he touched. Paul's family triumphed over dialysis as well as kidney transplants making their ties even stronger with each other.

Mr. White has served the Fresno community for over 30 years. His record of community service is quite long and includes membership in many different organizations. He was a member of the United Network for Organ Sharing, Minority Affairs Committee, California Donor Transplant Network, California Department of Health Services and Leadership Committee for the Black Infant Health Project. Paul was on the Board of Directors for West Fresno Health Care Coalition, Inc, the Marjaree Mason Center and the Boy Scouts of America.

His contributions have not gone unnoticed; some of his most notable awards include the Fresno Metro Ministry Award for "Living Out the Values of Justice in our Community," State of California Lieutenant Governor Cruz M. Bustamante, "Commendation," California State Senate and Assembly "Certificate of Recognition," California Transplant Donor Network "Excellence Award," and United Black Men of Fresno "President's Award" and "Certificate of Appreciation."

It goes without saying that Mr. Paul White was a positive influence in this community. His commitment to help those in need will forever live on in the lives of the people he so graciously touched.

CONGRESSIONAL TRIBUTE TO SERGEANT DENNIS KOZIKOWSKI

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to an outstanding member of the Menominee County Sheriff's Department, Sergeant Dennis Kozikowski. This year, Sgt. Kozikowski retired as the Road Patrol Sergeant for the Menominee County Sheriff's Department. During his retirement, he plans to continue another passion of his—working to promote veteran rights. Sgt. Kozikowski's 30 years as a law enforcement officer and his leadership for veteran causes stands as a shining example to us all.

Born to John and Lillian Kozikowski in Menominee, Michigan, Sgt. Kozikowski graduated from Menominee High School in 1965. He immediately joined the Army and requested to serve in the Vietnam War. After completing his basic training at Fort Leonard Wood in Missouri, Sgt. Kozikowski spent time serving at posts in Alabama and California before receiving his orders to serve in Vietnam.

Sgt. Kozikowski's 15-month tour in Vietnam impacted him in a way that changed his life. Sgt. Kozikowski earned the Army Commendation Medal, two Air Medals with "V" Devices for Valor Under Fire, Air Medals with 19 Oak Leaf Clusters because of 2000 aerial combat hours, Medal of Good Conduct, and medals awarded by the Republic of Vietnam including the Vietnam Cross of Gallantry with a Bronze Star, the Vietnam National Defense Ribbon and Vietnam Campaign Medal. Even as a decorated soldier, Sgt. Kozikowski recalls struggling to adjust upon his return. Although this transition served as a challenging time in his life, he credits this ability to eventually adjust back to civilian life as an experience that enabled him reach out to other veterans.

Sgt. Kozikowski found his calling in 1975 under the direction of colleague and mentor Sheriff Dean R. Burns. Sheriff Burns urged Dennis Kozikowski to consider law enforcement as a career based on his expert military training and courage under fire. Sgt. Kozikowski joined the Menominee County Sheriffs Department where he would spend the next 30 years in skilled positions such as the Marine Patrol, a Department Diver, Snow Patrol, and with Marine Safety. Sgt. Kozikowski received many letters of commendation for critical incidents he handled while a member of the Sheriffs Department.

When asked to talk about his brave deeds during his service with the Sheriffs Department, Sgt. Kozikowski humbly recalls a story of a Vietnam Veteran who had become frustrated with his inability to adjust to civilian life. The man went into a local bar and began shooting. Although the patrons inside were not injured, emergency response units concluded that force would be necessary to remove the armed man. Sgt. Kozikowski bravely entered the building, disarmed the man and took him into custody peacefully.

Sgt. Kozikowski said that he was successful in communicating with the frustrated veteran because he could relate to him. Sgt. Kozikowski not only used that common factor to help talk him out of the threatening incident, but after the fact he helped the veteran file a disability claim to receive veterans benefits. Noting the challenges veterans face upon return from Vietnam, Sgt. Kozikowski understood that he had a knack for reaching out to veterans to help them understand that resources were available to assist their needs. From that one incident, Sgt. Kozikowski began a decade of advocacy on behalf of veterans on a variety of issues. As a member of the Veterans of Foreign Wars (VFW) Post 1887 and a lifetime member of the Disabled American Veterans (DAV) Chapter 25 serving as the Legislative Chair, Sgt. Kozikowski works to promote veteran rights for better benefits.

This year, Sgt. Kozikowski was forced to retire early due to a spinal injury that has made his challenging work in law enforcement nearly impossible. A testament to his dedication to public service, he will tell you that this day came far too soon as he is sure he could serve for another 30 years easily. However, Sgt. Kozikowski looks forward to spending additional time with his two sons, John and Joe, who have followed valiantly in their father's footsteps; John as a member of the 82nd Airborne during Desert Storm; and Joe as a Carney-Nadeau Volunteer Fire Department and a member of the Menominee County Rescue Squad. Sgt. Kozikowski also looks forward to spending time with his two granddaughters, Kaitlin and Hanna, as well as a new grandchild on the way!

Although Sgt. Kozikowski's career with the Menominee County Sheriffs Department has ended, he will continue to serve the public as a true advocate for veteran rights. In fact, he is currently lobbying Congress to support legislation to provide mandatory funding for veterans health care. He has also been encouraging the members of veterans' organizations to write letters to Congress urging their support.

On a personal note, Mr. Speaker, as a former Michigan State Police Trooper myself, I have had the pleasure of knowing Sgt. Kozikowski over the years. As a resident of Menominee County, I have always trusted his dedicated service to the people of our community. I am also comforted to know that such a powerful advocate is working to strengthen veteran's legislation for our men and women of past and present wars.

Mr. Speaker, I ask the House of Representatives to join me in thanking Sergeant Dennis Kozikowski for his 30 years of service to the people of the State of Michigan and in wishing him well in his retirement endeavors. His commitment to community and to justice has been a model of public service. Dennis will be missed by the members of the Menominee County Sheriff's Department and the people he so competently and bravely served.

CONGRATULATING DR. NOEL SMITH

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. COSTA. Mr. Speaker, I rise today to congratulate Dr. Noel Smith of Fresno, California as the honored recipient of the Community Health Champion Award from West Fresno Health Care Coalition.

Dr. Noel Smith has been an outstanding contributor in the Fresno community for the

past 50 years and found a place in the hearts of all who know him.

Noel was born in La Brea, Trinidad in the West Indies. He attended Howard University in Washington, DC, where he received both his Bachelor's and Medical Degree. He was a Magna Cum Laude graduate and a member of the Honor Society.

His professional desire to reside in the State of California and his ambition to train in a public hospital led him to Fresno in 1951 where he interned at Fresno's University Medical Center.

After Dr. Noel Smith completed his internship, he completed his residency at the University Medical Center in Obstetrics-gynecology. Although he joined the private sector in 1958, Noel never stopped giving back to his community. He has been an active member on various committees such as the Supervisors Minority Adoption Committee, Model Cities Board Committee and Mayors Bi-Racial Committee.

Dr. Noel Smith has received many honors for his extraordinary public service to the community of Fresno. The 1990 Health Award from the NAACP Fresno Board, Portraits of Success Award from KSEE channel 24, the United Black Men Apple Award and the Education from the Black Men United are just a few of the honors he has received

Dr. Smith understands the power of education; for this reason he and his wife have made considerable educational contributions to the community. They founded the Children-A-Go-Go at Carver Middle School in Fresno, "Young Men and Young Women of Tomorrow" at Bethune Elementary School of Fresno and made various presentations at local High Schools on "Developmental Education."

We could go on and on about the remarkable contributions that Dr. Noel Smith has made to his grateful community. He is loved by family and friends, appreciated by his patients and admired by his colleagues. It is with great pleasure that I stand today and congratulate Dr. Noel Smith for all of his achievements.

COLLABORATIVE AGREEMENT BETWEEN THE NATIONAL PARK SERVICE AND SPRINGFIELD TECHNICAL COMMUNITY COLLEGE

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. NEAL of Massachusetts. Mr. Speaker, I am introducing legislation today authorizing the National Park Service to enter into a cooperative agreement with the Commonwealth of Massachusetts on behalf of Springfield Technical Community College. Over 30 years ago, in 1974, my predecessor, Congressman Edward Boland, and Senator EDWARD KENNEDY were successful in creating the Springfield Armory National Historic Site. This legislation set in motion three decades of cooperation between the National Park Service, which manages the Armory Museum, and Springfield Technical Community College. The Park Service and the college are neighbors that together occupy the National Historic Site.

Let me tell you a little bit about this site. The Springfield Armory was the first national armory in the United States. In fact, the armory was founded in 1777, when the site was selected as the location for laboratory specializing in the development, production and storage of guns and powder during the American Revolution.

Following the American Revolutionary War, in 1794, Congress officially established the Springfield Armory. George Washington visited the site, which was also the site of Shay's Rebellion. Physically, the Armory abuts Springfield's historic State Street, the city's main east-west thoroughfare, which was Ben Franklin's famed mail route. For much of the 19th century, the Springfield Armory developed, manufactured and supplied most of the small arms used by the United States armed services. The Springfield Armory National Historic Site has a rich heritage that is an integral part of our nation's history.

In 1968, the Armory was deactivated as a military installation and in 1974, Congress established the National Historic Site. The National Park Service has operated the Armory Museum on these grounds, and it houses the most outstanding and historically significant arms collection in the country.

The future and fate of both the Armory Museum and Springfield Technical Community College are inextricably linked. Many of the historic buildings on the site are actually located on the college's property, not on National Park Service land, although a visitor to the campus would not be able to tell where NPS property ends and college property begins. This land outside the portion of the site administered by NPS is known as the "Preservation Control Area." These college-owned buildings are subject to strict architectural and preservation rules. Many of these historic buildings owned by the college must be preserved and maintained pursuant to standards defined by the Secretary of the Interior. But these historic buildings are in a state of great disrepair and the college cannot easily move to maintain and preserve them absent the full participation of the Park Service. Not only does this deterioration of the facilities hurt the college, but also undermines the attractiveness of the National Park Service area, including the Armory Museum.

My legislation seeks to recognize and update the partnership that has existed over these many years between the Park Service and the college by authorizing the Park Service to enter into a cooperative agreement with the Commonwealth. It allows for the National Park Service to provide financial assistance to the College for the purpose of maintaining, preserving, renovating and rehabilitating the many historic structures within the Springfield Armory National Historic Site. The Park Service frequently enters into such cooperative agreements where the object of the agreement is of direct benefit to the Park Service and its mission, or for other public purposes. If these great historic buildings on the site can be renovated with the assistance of the Park Service, it will bring forward a more vibrant and attractive Historic Site and Museum. The Park Service and the college will be able to partner on many joint educational ventures that utilize these revitalized historic facilities.

The Springfield Armory National Historic Site is a treasure to the city of Springfield, the Commonwealth of Massachusetts and to the Nation. The site is in desperate need of renovation, and enactment of this legislation is the first step towards ensuring the preservation of a site, which has played so vital a role in America's history.

INTRODUCING WE THE PEOPLE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. PAUL. Mr. Speaker, I rise to introduce the We the People Act. The We the People Act forbids Federal courts, including the Supreme Court, from adjudicating cases concerning State laws and polices relating to religious liberties or "privacy," including cases involving sexual practices, sexual orientation or reproduction. The We the People Act also protects the traditional definition of marriage from judicial activism by ensuring the Supreme Court cannot abuse the equal protection clause to redefine marriage. In order to hold Federal judges accountable for abusing their powers, the act also provides that a judge who violates the act's limitations on judicial power shall either be impeached by Congress or removed by the President, according to rules established by the Congress.

The United States Constitution gives Congress the authority to establish and limit the jurisdiction of the lower Federal courts and limit the jurisdiction of the Supreme Court. The Founders intended Congress to use this authority to correct abuses of power by the federal judiciary.

Some may claim that an activist judiciary that strikes down State laws at will expands individual liberty. Proponents of this claim overlook the fact that the best guarantor of true liberty is decentralized political institutions, while the greatest threat to liberty is concentrated power. This is why the Constitution carefully limits the power of the Federal Government over the States.

In recent years, we have seen numerous abuses of power by Federal courts. Federal judges regularly strike down State and local laws on subjects such as religious liberty, sexual orientation, family relations, education, and abortion. This government by Federal judiciary causes a virtual nullification of the Tenth Amendment's limitations on Federal power. Furthermore, when Federal judges impose their preferred polices on State and local governments, instead of respecting the polices adopted by those elected by, and thus accountable to, the people, republican government is threatened. Article IV, section 40 of the Untied States Constitution guarantees each State a republican form of government Thus, Congress must act when the executive or judicial branch threatens the republican governments of the individual States. Therefore, Congress has a responsibility to stop Federal judges from running roughshod over State and local laws. The Founders would certainly have supported congressional action to reign in Federal judges who tell citizens where they can and can't place manger scenes at Christmas.

Mr. Speaker, even some supporters of liberalized abortion laws have admitted that the Supreme Court's Roe v. Wade decision, which overturned the abortion laws of all 50 States, is flawed. The Supreme Court's Establishment Clause jurisdiction has also drawn criticism

from across the political spectrum. Perhaps more importantly, attempts to resolve, by judicial fiat, important issues like abortion and the expression of religious belief in the public square increase social strife and conflict The only way to resolve controversial social issues like abortion and school prayer is to restore respect for the right of State and local governments to adopt polices that reflect the beliefs of the citizens of those jurisdictions. I would remind my colleagues and the Federal judiciary that, under our Constitutional system, there is no reason why the people of New York and the people of Texas should have the same polices regarding issues such as marriage and school prayer.

Unless Congress acts, a State's authority to define and regulate marriage may be the next victim of activist judges. After all, such a decision would simply take the Supreme Court's decision in the Lawrence case, which overturned all State sodomy laws, to its logical conclusion. Congress must launch a preemptive strike against any further Federal usurpation of the States' authority to regulate marriage by removing issues concerning the definition of marriage from the jurisdiction of Federal courts.

Although marriage is licensed and otherwise regulated by the States, government did not create the institution of marriage. Government regulation of marriage is based on State recognition of the practices and customs formulated by private individuals interacting in civil institutions, such as churches and synagogues. Having Federal officials, whether judges, bureaucrats, or congressmen, impose a new definition of marriage on the people is an act of social engineering profoundly hostile to liberty.

It is long past time that Congress exercises its authority to protect the republican government of the States from out-of-control Federal judges. Therefore, I urge my colleagues to cosponsor the We the People Act.

CONGRATULATING DR. EDWARD R. MOSLEY

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. COSTA. Mr. Speaker, I rise today to congratulate Dr. Edward R. Mosley of Fresno, as the honored recipient of the Community Health Champion Award from West Fresno Health Care Coalition.

The life of Dr. Edward Mosley has been extraordinary in every aspect. He has broken barriers, opened doors and won the hearts of all who know him.

Dr. Mosley was born in Chicago, Illinois in 1924. He grew up in a time where his skin color was the determining factor for his career goals. However, Edward continued on in his quest to reform the outlook of many African Americans in the Nation. He is truly a revolutionary in this regard and has not slowed down since.

Education has been a primary focus of Dr. Mosley since the age of 4 when he begged his grandmother to teach his how to read. He began school at age 6 and immediately excelled in all subjects. He became the ''talk of the town'' because of his intelligence. His school quickly adapted to their new star student by providing him with an advanced education. Edward graduated from high school at the age of 17 and was forced to take a year off before attending college. However, never deterred, he resumed his academic career and attended the University of Illinois. Ever the steadfast student, he worked to put himself through college and graduated to attend Mehary Medical School. He completed his medical internship at Harlem Hospital in New York and his residency at Tuskegee Veterans Hospital in Alabama. Dr. Mosley also spent two years in the United States Army where he was in charge of a prisoner of war camp in Korea.

It was the desire to live in California that initially brought Edward to Fresno. He established a medical office in the private sector and eventually collaborated with other doctors in the community to create the Westview Convalescent Hospital in Fresno. In recognition of Edward's accomplishments, he was the first African American elected official in Fresno when he was elected to serve on the State Community College Board of Trustees. Edward also served on many other boards in the community in efforts to advance the San Joaquin Valley.

Dr. Mosley has an impressive resumé that details his extensive professional career; however, it has been his outstanding devotion to community service and contributions to the medical community of Fresno for which he is being honored now. He has received many honors and recognitions, including being a Delegate to the Presidential Electoral College appointed by Governor Reagan in 1972, and being named honorary Mayor of Fresno for Contributions to the Community.

It is a tremendous honor to stand today and publicly recognize Dr. Edward Mosley for all of his contributions to the community. It is a privilege to extend congratulations to Dr. Mosley on behalf of the 20th District of California.

CONFERENCE REPORT ON H.R. 2528, MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2006

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. BLUMENAUER. Mr. Speaker, I support this bill which contains critical funding for Oregon veterans and their health programs. In addition, this bill contains funding for the BRAC process and military construction and housing that are important for Department of Defense efficiency and quality of life. I am disappointed that this conference report cut funds from the BRAC 1990 Account which is used to clean up unexploded ordnance and other contamination on closed military bases from a House-passed $378 million to $255 million. I will continue to work with Congress to ensure the military cleans up after itself and returns sites to productive use.

STATEMENT ON THE LOSS OF LANCE CORPORAL NICKOLAS D. SCHIAVONI

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. LANGEVIN. Mr. Speaker, it is with profound sorrow that I rise to recognize the death of LCpl Nickolas D. Schiavoni—a brave Marine who served with dignity and honor in Iraq. I join his family and the people of Rhode Island in mourning this great loss.

On Tuesday, November 15, Lance Corporal Schiavoni was killed by a suicide bomber near Karmah, Iraq, while conducting combat operations with his unit. He served with the 2nd Battalion, Second Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force, out of Camp Lejeune, North Carolina. Lance Corporal Schiavoni, age 26, was raised in Haverhill, Massachusetts; his mother, Stephany Kern, resides in Westerly, Rhode Island. This was Lance Corporal Schiavoni's second tour of duty in Iraq. He joined the Marines after meeting his wife, Gina Howe Schiavoni, who now lives with their two children, Marissa, 5, and Alex, 3, in North Carolina.

Lance Corporal Schiavoni's service as a Marine demonstrates his commitment to our nation's freedom. He was awarded a Purple Heart during his first tour of duty and died supporting a fellow member of his unit in an investigation of a suspicious vehicle. The humility, dedication and courage that helped him to flourish in the service are also visible in his life at home—those who knew him well highlight the deep reverence he held for his wife and family.

His loss causes us to reflect on the bravery demonstrated by our men and women in uniform as they carry out their obligations in the face of danger. When their nation called them to duty to preserve freedom, liberty and the security of their neighbors, they answered without hesitation. We remember those who have fallen not only as soldiers, sailors, airmen and marines, but also as patriots who made the ultimate sacrifice for their country. May we keep their loved ones in our thoughts and prayers as they struggle to endure this difficult period and mourn the heroes America has lost.

We will continue to hope for the safe and speedy return of all of our troops serving throughout the world.

IN RECOGNITION OF THE H. E. DOUGLAS, SR. MEMORIAL NEW SHOES FOR LITTLE FEET FOUNDATION

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. BURGESS. Mr. Speaker, I rise today to honor Dale Douglas and New Shoes for Little Feet Foundation. The New Shoes for Little Feet Foundation collects and distributes new shoes to needy children within the community of The Colony, Texas.

The H. E. Douglas, Sr. Memorial New Shoes for Little Feet Foundation was founded

by Dale Douglas and his wife. The idea for the foundation stemmed from the experience of Douglas' father, H. E. Douglas, Sr., who was a poor fieldworker who did not own a new pair of shoes until he was sixteen years old.

Nine years ago, Dale and his wife decided to turn their annual Christmas party into a catalyst for community service by asking their guests to bring a new pair of shoes to give to needy children within the community. The effort continued to grow with each subsequent year and has challenged an entire community.

The New Shoes for Little Feet Foundation works with area schools to collect the correct shoe sizes of needy students so that they can be matched with the right pair of shoes. The foundation has also partnered with The Colony Police Department to increase its outreach. Last year, the organization collected and distributed 377 new pairs of shoes to area schoolchildren.

It is with great honor that I stand here today to recognize the H. E. Douglas, Sr. Memorial New Shoes for Little Feet Foundation. It is the dedication that is personified by this organization that makes us certain that the future is bright for our nation and for our communities.

THE FRED F. HOLMES AWARD

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. McGOVERN. Mr. Speaker, the Fred F. Holmes award was established by the Veterans' Council of North Attleboro, Massachusetts, to recognize individuals who have had a positive effect on the lives of local veterans. On November 11, 2005, Veterans Day, it was my great pleasure to attend a ceremony honoring this year's recipient of the Holmes award, Mr. Joseph K. "Joey Irish" Clougherty.

Mr. Clougherty was born in Brookline, Massachusetts, in 1948. His family settled in South Boston, where he graduated from high school in 1966.

Mr. Clougherty enlisted in the United States Army in May 1967, and arrived in Vietnam later that November. Mr. Clougherty spent a year in Vietnam as part of the 5th Light Equipment Maintenance Company Long Binh and Headquarters Co. 185th Heavy Equipment Maintenance Battalion. After extending his stay in Vietnam for a total of twenty months, Mr. Clougherty returned to make his home in Dorchester, Massachusetts.

Mr. Clougherty spent ten years of service in the City of Boston Department of Public Works and Fire Department before eventually settling down in North Attleboro. Since 1995, Joe has served as the North Attleboro Assistant Veterans Agent, solving problems for the entire veteran community and their families.

Those who know Joe know he is a man of great compassion and loyalty, with an endless capacity for assisting those in need. This dedication is exemplified by the tremendous counseling and supportive services he has provided to the over 2,200 veterans of North Attleboro over the past decade.

The citizens of North Attleboro, and especially its veterans, are fortunate to have a person like Joe Clougherty in their midst. I know all my colleagues will join me in offering Mr. Clougherty our deep gratitude and heartfelt congratulations as this year's recipient of the Fred F. Holmes award.

HONORING THE LIFE AND LEGACY OF PASTOR ADRIAN ROGERS

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mrs. BLACKBURN. Mr. Speaker, the Lord knew what he was doing when he sent us Adrian Rogers. And we're so very thankful for that gift.

Dr. Rogers lived a life of service. He lived a life of grace. And we cannot help but be inspired by his accomplishments. For 32 years he preached a message of love, hope, and salvation. His inspirational leadership was on display each Sunday as anyone of the 30,000 Bellevue Baptist Church members can tell you.

Dr. Rogers not only reached out into his community, he reached out across America and this world to spread God's message. His years at Bellevue spreading the Word to millions through his Love Worth Finding ministry and his leadership of the Southern Baptist Convention will be remembered in the lives he changed and the example he set.

He was a great, great shepherd and a humble servant.

Regardless of the titles and leadership positions, we all know that Pastor Rogers was most proud to be a loving husband, father, and grandfather. On this day our prayers are with his family whom he loved so much. We thank the Rogers family for sharing him with us for all these years.

We will miss Pastor Rogers but we are grateful for his life. I rise today to mark the passing and recognize the service of a beloved Tennessean.

CONFERENCE REPORT ON H.R. 3058

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. BLUMENAUER. Mr. Speaker, I support the Conference Committee Report on the Transportation, Treasury, HUD, Judiciary Appropriations Act 2006, which provides essential funding for important infrastructure projects in Oregon and the rest of the nation. The bill provides $18 million to complete the Interstate MAX light rail project, which has been an incredible success in North Portland. Additionally, $15 million for a commuter rail project between. Wilsonville and Beaverton will provide further transportation alternatives in the region and anchor important development projects in each of these suburban cities.

I was heartened to see the $1.3 billion set aside for Amtrak. I am concerned, however, that the bill separates Amtrak's operations funding from its capital funding, essentially allowing the Department of Transportation to serve as a steward for Amtrak's capital money, handing out grants for approved projects. I am wary of this being yet another attempt by the administration to dismantle America's passenger rail system.

I am relieved to see that the Conference Committee did not eliminate funding for valuable for HUD programs such as Community Development Block Grants and the HOPE VI program. I am concerned, however, that many of these programs continue to be underfunded. The many individuals and families displaced by Hurricanes Katrina and Rita will increase demand for these valuable programs.

Despite these faults, the bill will fund important infrastructure improvements, create jobs, and make our communities safer, healthier and more economically secure.

DEFICIT REDUCTION ACT OF 2005

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. LANGEVIN. Mr. Speaker, today I rise in strong opposition to H.R. 4241, the Reconciliation Spending Cuts. This bill attempts to reduce the Republican-created budget deficit on the backs of those who can least afford it. H.R. 4241 does not reflect the values of Rhode Islanders and it takes from the poor to give tax cuts to the rich. As early as tomorrow, the same people who are voting to cut Medicaid, student loans, and food stamps will offer $57 billion in additional tax cuts for the richest Americans.

While Republicans claim this bill is necessary to offset the costs incurred by Hurricane Katrina, their actions do not match their words. Months before Hurricane Katrina struck, Republicans in the House voted for a budget that cut $15 billion more than the bill we are voting on today. The programs the Republicans are attempting to cut, like Medicaid and food stamps, are the very programs that benefit those who have been affected by the hurricanes. Not a single dollar cut in H.R. 4241 will actually go towards offsetting hurricane costs and reducing the deficit. Instead, today's cuts will fund the upcoming tax cut, but in typical Republican fashion, the spending cuts won't even cover the entire cost of the tax cuts they have planned.

While I am disappointed that we are voting on this bill at all, I am especially upset by a few specific provisions. First, this budget reconciliation will have a devastating impact on millions of low-income seniors, children, and people with disabilities across the country. This bill proposes billions in cuts to Medicaid, and Rhode Island alone will lose more than $66 million. Ultimately, these cuts are paid for by raising prices for those on Medicaid. Imposing cost sharing requirements on people who simply can't afford them will not save money. Instead, these cuts will result in patients waiting longer to seek care, longer lines in our emergency rooms, and greater burdens on doctors and hospitals, who will struggle to provide for this population. In the end, we will all pay for this mistake in some form. The Medicaid program provides access to health services for more than 51 million Americans—most of whom are among the most vulnerable members of our society. Now is the time to strengthen America's safety net, not weaken it with arbitrary and harmful cuts.

I am also appalled by the message this bill sends to the millions of American students

who rely on financial aid and federal student loan programs to gain access to higher education. By cutting spending on student loan programs by more than $10 billion, we are reneging on a commitment to these young Americans. At a time when college costs are rising faster than inflation, the bill proposes the largest cut in the history of the student loan programs.

Food stamps are an important layer of protection to ensure the very poor are able to feed themselves and their families, the most basic necessity. However, today's bill will reduce food stamp assistance by approximately $800 million over five years, and more than 200,000 people will lose their eligibility.

I am pleased to see that Republicans have removed the provision permitting drilling for oil in the Arctic National Wildlife Refuge. However, this was not a response to the public's overwhelming opposition to ruining this pristine wilderness area. Rather, it is a cynical ploy to gain a few votes from Members who would not otherwise vote for this bill.

I have outlined only a few of the many reasons every Member should oppose this legislation. So many of its other cuts would have negative impacts on our communities, such as reduced child support enforcement, which means more than $50 million in lower payments for Rhode Island's single parents.

If Republicans want a balanced budget, which this bill does not even begin to provide, they should learn from the past and reinstate what works: PAYGO budget rules and responsible tax and spending policies. Together, America can do better. We should be working together to address true priorities, like access to health care and soaring energy prices. I urge my colleagues to reject this travesty and instead focus on meaningful deficit reduction based on fairness and shared sacrifice.

IN RECOGNITION OF THE COLONY, TX, FOR HOSTING THE WALL THAT HEALS EXHIBIT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. BURGESS. Mr. Speaker, I rise today to recognize The Colony, TX, for hosting the moving exhibit The Wall That Heals, honoring the 58,349 fallen soldiers of the Vietnam War who paid the ultimate price in service to our country. The exhibition features a half-scale replica of the Vietnam Veterans Memorial in Washington, DC.

''Bringing The Wall Home'' to communities throughout our country allows the souls enshrined on the memorial to exist, once more, among family and friends in the peace and comfort of familiar surroundings. The traveling exhibit, known as The Wall That Heals, allows the many thousands of veterans who have been unable to cope with the prospect of ''facing The Wall'' to find the strength and courage to do so within their own communities, thus allowing the healing process to begin.

The Wall That Heals also features a Traveling Museum and Information Center providing a comprehensive educational component to enrich and complete visitors' experiences. The museum chronicles the Vietnam War era and the unique healing power of the Vietnam Veterans Memorial, while the information center serves as a venue for people to learn about friends and loved ones lost in the war.

It is with great honor that I stand here today to recognize The Colony for hosting The Wall That Heals. I am proud to represent a city dedicated to promoting education about the impact of the Vietnam War.

HONORING THE LIFE OF JOHN LEE

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. McGOVERN. Mr. Speaker, I rise today to note with sadness the passing of John Lee of Attleboro, MA. Mr. Lee died on October 22 at the age of 85.

John Lee was an academic and athletic star at Attleboro High School and later at Providence College. After serving his country in World War II as a captain in the Army Air Corps, he returned home to establish a successful, 53-year law practice. A towering pillar of his community, John Lee served as Attleboro city solicitor, legal counsel to the towns of Plainville and West Bridgewater and the Norton, Foxboro and Seekonk School Departments. He also served as a member of the Attleboro School Committee.

As Plainville Selectwoman Andrea Soucy recently said, Mr. Lee was not only a brilliant lawyer, but also a person of the highest character. ''He had tremendous integrity. He had the highest of ethics. He was very, very special,'' Ms. Soucy said.

In addition to his beloved wife Muriel, Mr. Lee is survived by 7 of his children and 16 grandchildren. Mr. Lee could always be seen at his grandchildren's games and activities.

John Lee represented the very best of citizenship, honor and integrity. I know that all of my colleagues in the House join me in sending our condolences to Muriel, the entire Lee family and all of those who knew and loved him.

HONORING THE 278TH REGIMENTAL COMBAT TEAM OF THE TENNESSEE NATIONAL GUARD

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mrs. BLACKBURN. Mr. Speaker, few words sound as good as ''welcome home.''

This is especially true for our men and women in uniform returning from the Middle East where they've been battling terrorism.

In Tennessee we're celebrating the return of our State's 278th Regimental Combat Team. We couldn't be prouder of them, and we want them to know how grateful we are.

Their service and dedication should inspire us all. They placed others above themselves. They fought not to conquer but to free. They fought to put right a terrible evil in this world. They fought so that others might know hope and freedom.

And they fought so that future generations of Americans would not have to live with the terror that we know all too well.

Their deeds placed them among the elite few in American history—in world history.

As Tennesseans, we know the separation has been rough and the days have seemed longer with them so far from us.

Their return has answered our prayers and we're so glad to have them back where they belong.

We are proud of the brave and noble thing they have done for us, and for our country. And we can't thank them enough. We will never forget those 10 among them who aren't returning, those 10 who made the ultimate sacrifice. They will live on in the freedom they've helped preserve. Their families and friends are in our thoughts and prayers.

From a grateful, grateful Nation we salute them, and we salute their families.

God Bless America and our 278th.

NORTH AMERICAN POLLINATOR PROTECTION CAMPAIGN

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. BLUMENAUER. Mr. Speaker, I would like to thank certain organizations and individuals for their outstanding work on the important, but often overlooked, issue of pollinators. As you know, pollinators are vital to food and medicine production, and their irreplaceable ecosystem services and declining populations merit attention and protection.

I am happy to say that significant progress is being made. On October 21, the North American Pollinator Protection Campaign, NAPPC, signed a joint memorandum of understanding with the U.S. Fish and Wildlife Service. The agreement proposes protecting pollinators on the nearly 100 million acres of habitat over which the Fish and Wildlife Service has jurisdiction. These lands, combined with another 200 million acres protected by the U.S. Forest Service, attest to the growing momentum behind this issue.

The successes of these organizations are impressive and encouraging, as is the dedication of certain individuals. On October 20, four such individuals were awarded the First Annual NAPPC Pollinator Advocate Award.

Don Pedro Cahun Uh, of Mexico, was recognized for his outstanding efforts to preserve not only traditional Mayan culture, but also the declining populations of the Yucatan Peninsula's native stingless bees.

Dale Bosworth, chief of the USDA Forest Service, pioneered pollinator awareness among U.S. Government agencies and paved the way for the protection of native plants and their pollinators on almost 200 million acres of land.

Bruce Knight, chief of the USDA Natural Resource Conservation Service, exhibited exemplary leadership in the creation of a highly successful pollinator habitat program.

Ron Krystynak, of the Canadian Embassy, was recognized for taking a lead role in North American pollinator conservation, and for his holistic approach to sustainable agriculture and ecology.

These individuals represent a variety of perspectives and a singularly effective leadership on this issue. Their achievements will carry us closer to the goal of sustainable ecosystems and communities.

RESOLUTION RECOGNIZING THE 25TH ANNIVERSARY OF AVID

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mrs. DAVIS of California. Mr. Speaker, I rise today to recognize a tremendous and extremely valuable asset to public education in the United States.

I am referring to the Advancement Via Individual Determination or AVID program that began in my hometown of San Diego 25 years ago.

Since then, it has helped hundreds of thousands of underachieving students across the United States learn the study habits and the skills needed for college. It has also helped thousands of students excel in the core subjects of reading, math, and the sciences.

Mary Catherine Swanson, a school teacher at San Diego's Clairemont High, created AVID in 1980 because she wanted to find a way to help students with mediocre academic records.

What has happened since then is nothing short of amazing.

AVID has grown from one classroom to 2,200 middle and high schools in 36 states.

The program emphasizes individual achievement while teaching new study habits. In addition, AVID encourages goal setting and works to lift self-expectations and self-esteem in students.

Nearly 260,000 students have benefited tremendously from these ground-breaking teaching methods.

Amazingly, over 95 percent of those who complete the AVID program attend college and nearly all of these students return for their sophomore year.

It is difficult to choose from the thousands of success stories produced by AVID. I am inspired each time I hear one of these stories.

Please allow me to share just a few of these stories with you today.

Some of you may remember Joanna Hayes for winning Gold in the women's 100-meter hurdles during the 2004 Summer Olympics in Greece.

Joanna's teachers remember her for her drive and determination to achieve in her classes.

Earlier in high school, however, Joanna faced a problem. She was a promising student athlete and knew she could likely land an athletic scholarship at a number of schools around the nation.

Unfortunately, her grades were low and she did not possess the academic credentials to attend her dream school, UCLA.

Joanna's high school guidance counselor told her about the AVID program and how it had helped a number of students greatly improve their grades.

She signed up and her grades began to improve dramatically.

She attended UCLA and became a world-class athlete attributing a great deal of her success to AVID.

I was also moved by the story of Truong-Son Vinh who arrived in the United States when he was 9 years old.

He fled Saigon just before it fell into the hands of the North Vietnamese in 1975. Tragically, his father was killed during the war.

Truong-Son Vinh's family ended up in San Diego where he found the AVID program.

With the help of AVID, he maintained an "A" average and excelled in math and the sciences throughout high school.

He applied the skills and study habits he learned through AVID and earned degrees in mechanical engineering and applied math from the University of California at San Diego and a master's degree from Cal. Tech.

This was just the beginning for Truong-Son Vinh.

After college, he went to work for NASA and contributed to the Space Shuttle program during the 1980s.

He later returned to school and earned a Ph.D and an MBA.

Mr. Speaker, it is stories like Joanna Hayes and Truong-Son Vinh's that have inspired me to introduce a resolution recognizing AVID and honoring the program on its 25th anniversary.

I am pleased to have the opportunity to introduce this resolution with my friend and colleague from Delaware, Congressman CASTLE.

Because of AVID, thousands of students have had the opportunity to achieve in our public schools and have had the opportunity to go on to college.

Again, this program has far exceeded anyone's expectations.

I thank Mary Catherine Swanson for having a vision and working hard to implement this vision beginning with one classroom at Clairemont High.

In addition, please allow me to thank the administrators of the AVID program for their hard work promoting the program on a national level.

Also, the work the teachers and tutors do in the AVID program is nothing short of amazing. Because of their dedication, AVID has turned the lives around of thousands of our young people.

Finally, I would just like to take a moment to recognize the students who had the courage to take on the rigorous academic track required by AVID and who had the desire to one day go to college.

I introduce this resolution today to honor AVID and all it has accomplished.

If we are to eliminate the achievement gap in the United States, I believe we need to build upon the programs that have already decreased the size of the gap successfully.

AVID is clearly one of these programs.

We will also need to turn to AVID and other proven programs already showing success in assisting our kids make gains in the areas that our nation is lagging far behind. I refer specifically to math and the sciences.

If we are to be competitive in the world economy, we need programs such as AVID to help our children excel in math, the sciences, and other key programs.

IN HONOR AND TRIBUTE OF JOAN DIDION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Joan Didion, established author, wife and mother. Her current novel, The Year of Magical Thinking, traces her journey through one year after her husband's sudden death and her daughter's grave illness.

Joan Didion was born in Sacramento, California and graduated from the University of California at Berkeley. Didion is the author of five novels and eight books of non-fiction. Her distinguished works and publications were collected into Slouching Towards Bethlehem released in 1968 and The White Album in 1979. These books established Didion's name as an author and observer of American politics and culture with deepening personal reflections mixed with analysis.

Didion married John Gregory Dunne, also an established writer, in 1964 and together they had a daughter, Quintana. The family lived in California until moving to New York City in 1988. In 2003, their family was shocked to learn that Quintana had a fatal illness. Months after learning their daughter's bad news, John suddenly died.

They had just returned home from visiting their daughter in the hospital. Joan later learned her husband died of a massive coronary attack. Unable to bear with the grief that settled in, Joan began writing what turned into her latest book, The Year of Magical Thinking. This book chronicles her feelings and memories after John's death and the sickness of her daughter. Sadly, even after a brief recovery, Quintana died months after Joan finished the book.

Mr. Speaker and Colleagues, please join me in recognizing Joan Didion on her accomplishments as a writer and her courage as a grieving wife and mother. Her unwavering strength during difficult times should be an inspiration to all of us.

HAPPY 101ST BIRTHDAY TO MAGGIE KATIE BROWN KIDD

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. SCOTT of Georgia. Mr. Speaker, I rise today to fulfill an annual obligation to wish a happy birthday to Ms. Maggie Katie Brown Kidd. This year, it is my distinct pleasure to wish Ms. Kidd a happy 101st birthday. Although her birth date is December 8th, she will be celebrating with her family on November 25, 2005.

Ms. Kidd has led a long life of devoted service, always lending a helping hand to any of her relatives or neighbors. She carries on the tradition of her beloved husband "Doc" who earned that nickname precisely for such a reputation. So in addition to celebrating her birthday, we are celebrating another year of her contributions to our community. To mark this occasion and her contributions I am awarding her a "Certificate of Special Congressional Recognition."

Mr. Speaker, I ask my colleagues to join me, Maggie's children, her grandchildren and her great-grandchildren in wishing her a happy 101st birthday.

RECOGNIZING THE CONTRIBUTIONS OF EVE NEWMAN

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to recognize Mrs. Eve Newman for her contributions and dedicated service to the Commonwealth of Virginia.

I first met Mrs. Newman when I was a teenager working alongside her daughter, Lee, as a volunteer for the Republican National Committee. Her impressive, professional nature inspired the young volunteers she was overseeing at the time. Mrs. Newman and her husband, the late Eugene L. Newman, were longtime residents of Fairfax County and unselfishly served their community over the years. Mrs. Newman and her daughter now reside in Strasburg, Virginia, where she remains active in her community.

Over her lifetime, Mrs. Newman has held several distinguished positions and has received countless awards for her service. Mrs. Newman served as the general registrar for Fairfax County for eight years, was president of the Voter Registrars Association of Virginia, president of the Republican Women's Club and Board member of the State Board of Republican Women. With each organization, she dedicated herself fully to each cause and came up with innovative ideas to improve the organization. While serving on the State Board of Republican Women, she organized a scrap booking contest that was an instant success for a number of years. While serving as the registrar for Fairfax County, she created a tabulation system utilizing age brackets as an election prediction tool.

Her love and dedication to the Republican Party is matched by her love for the arts. She studied at the Art Institute in Philadelphia, and has she served on the Board of Directors of the Wayside Theatre located in the Shenandoah Valley. Mrs. Newman was not a board member that simply warmed a seat; she served as an active participant who contributed immensely to the theatre. Her assistance was merited in 2002 when she was awarded the theatre's highest honor, the Leo M. Bernstein Award. Mrs. Newman is also an accomplished artist; her most notable artistic contribution can be seen on each official document of the Virginia Federation of Republican Women, as she is the designer of the official seal.

On Saturday, November 20th, many from around the Commonwealth will gather with Eve at a luncheon in her honor. Mr. Speaker, in closing, I call upon my colleagues to join me in recognizing her accomplishments and applauding her for all that she has done.

TO RECOGNIZE THE 40TH ANNIVERSARY OF THE ECONOMIC OPPORTUNITY COMMISSION OF SAN LUIS OBISPO COUNTY

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. THOMAS. Mr. Speaker, I rise today to recognize the 40th anniversary of the founding of the Economic Opportunity Commission of San Luis Obispo County (EOC), which will be celebrated on December 9th. I would like to congratulate the board members, staff and volunteers of the EOC for all they have accomplished and wish them well as they continue to serve the residents of San Luis Obispo and nine other counties in California.

The EOC is a private, nonprofit public benefit community action agency (CAA) that was designated by the San Luis Obispo County Board of Supervisors as the CAA for the County in December 1965. The EOC strives to address and alleviate poverty in San Luis Obispo County, in part through community-based programs designed to help individuals and families develop the skills needed to enhance their stability and economic independence. In addition, the EOC also uses strong community partnerships with churches, county government, and other service providers to assist the local community.

I appreciate the assistance the EOC provides to the residents of San Luis Obispo County. Its Board of Commissioners, employees, and volunteers are to be commended for their efforts, which have helped thousands of people over the past 40 years. Accordingly, I ask my colleagues to join me in congratulating the EOC as they celebrate their 40th anniversary.

REGARDING WASHINGTON STATE PROFESSOR OF THE YEAR BRUCE PALMQUIST

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HASTINGS of Washington. Mr. Speaker, I wish to pay tribute to 2005 Washington State Professor of the Year—Mr. Bruce Palmquist.

The U.S. Professors of the Year awards, sponsored by the Council for Advancement and Support of Education, recognize college and university professors for their excellence in undergraduate teaching and mentoring.

For over a decade, Mr. Palmquist has taught science to students at Central Washington University using innovative teaching strategies to actively engage his students in learning. He has taught his students to embrace the University's motto "by teaching, we learn." This teaching approach has motivated students to achieve a higher standard.

Mr. Palmquist recognizes the importance of access to higher education. He worked to establish a teacher education program at a community college one hundred miles from Central Washington University, so that students could more easily access higher education. Mr. Palmquist's dedication to the program and students is apparent as he travels over 200 miles per week to advise enrolled and potential students, promote the program, and help students with course work.

In a society where teachers do not always receive the appreciation they deserve, I am pleased to honor and commend Mr. Palmquist for his dedication to students in Central Washington. Mr. Palmquist is a teacher who is willing to work hard for his students, and expects his students to work hard for him in return.

To Mr. Palmquist and the professors across America that are educating tomorrow's leaders, thank you.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. JOHNSON of Illinois. Mr. Speaker, on rollcall No. 597, I was inadverently detained. Had I been present, I would have voted "yea."

AZERBAIJAN ELECTIONS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Ms. ROS-LEHTINEN. Mr. Speaker, I appreciate the opportunity to share a few thoughts with my colleagues on recent the elections in Azerbaijan.

While the recent November 6th parliamentary elections in Azerbaijan failed to meet U.S. and international standards for a free and fair process, there were some notable improvements over the previous elections.

According to the State Department, the Government of Azerbaijan: allowed large numbers of candidates to register; provided candidates with greater access to the media; allowed exit polls and extensive monitoring by domestic and foreign observers; improved voter lists; and took other actions contributing to a more orderly and transparent vote.

However, there were widespread reports of major irregularities and fraud—including concerning vote tabulation, as well as intimidation of voters and observers—that may have disenfranchised voters in many districts.

In response, Azerbaijani leader Aliyev has, thus far, reportedly: ordered the Justice Minister to fully investigate the election results; dismissed two governors and other officials for election fraud; annulled the outcome of the elections in a fourth voting district; and is probing the results from 20 of the country's voting constituencies for possible violations.

Just this week, it was reported that Aliyev dismissed Vagif Ragimov, the governor of Zagatala, a region in western Azerbaijan near the border with Georgia, for alleged interference in ballot counting. Two days earlier, after a three-hour discussion, the Central Election Commission (CEC) reportedly canceled results in the #110 Zagatala constituency in response to reported violations in a majority of the polling stations.

Ragimov was reportedly the third governor to be dismissed for attempted vote tampering.

These are positive steps but further corrective actions must be taken. For example, investigations should not be limited exclusively to election day problems but must address reports of post-election crackdowns and suppression of dissent.

I therefore urge Mr. Aliyev to continue to work closely with the United States, the rest of the international community, and all segments of Azerbaijani society to undertake the necessary reforms to provide for a future in which free, fair and transparent elections are regularly held in a fully democratic Azerbaijan.

A REPORT PREPARED BY EUGENE B. KOGAN

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Ms. WATSON. Mr. Speaker, I want to bring to the attention of my colleagues a report prepared by Eugene B. Kogan on the role of Congress in the implementation of U.S. foreign policy. Mr. Kogan is the John Kenneth Galbraith Fellow at the Americans for Democratic Action (ADA). The report is entitled The War Congress: Shouldering the Responsibilities of A U.S. Global Role.

Mr. Kogan's report is particularly timely in the aftermath of September 11, 2001, and the U.S. intervention in Iraq. The report focuses on the role of Congress in these two seminal events and its abdication of effective oversight over the Bush administration's foreign policy decisions.

Mr. Kogan states in the report: "The lack of congressional oversight over the Bush Administration's foreign policy can compromise the ability of the United States to build a more secure world. Accountability is eroded in wartime, and the war on terrorism is not any different, except that it will shape America's world role for the next half a century or more. In this critical period of U.S. history, it is important for Congress to exercise its Constitutional responsibility by holding the Executive Branch accountable for its foreign policy decisions."

Congress plays a vital role in the formulation of our Nation's foreign policy. I commend Mr. Kogan's report to my colleagues as they consider the future congressional role in the war on terrorism and U.S. intervention in Iraq.

DEFICIT REDUCTION ACT OF 2005

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. UDALL of Colorado. Mr. Speaker, this bill does not deserve to pass and I certainly will not vote for it.

That's not because I think all is well with the budget—far from it. Even before the hurricane winds and waves arrived and the levees broke, the Federal budget was already on a dangerous course marked by tidal waves of red ink and towering piles of debt. Since 2001, the budget surplus that President Clinton and a Republican Congress bequeathed President Bush had been erased and our country was now in debt to the tune of $8 trillion, or $25,000 for every American man, woman and child.

And then, as they brought death and destruction, Katrina and Rita delivered another blow to the Federal budget—and sounded a wake-up call about the fiscal and economic risks we have been running. I had hoped that the result might be recognition by both the Bush Administration and Congress that now we need to face hard reality and not continue with budget policies based on defying the laws of fiscal gravity. It's about time. But this bill—which would implement part of an overall Republican budget—goes in exactly the wrong direction.

As it comes to the floor, the bill would cut more than $50 billion over 5 years from a wide variety of programs—not because they are no longer needed and not because they are wasteful, but because the Republican leadership has decided the Americans served by these programs must sacrifice in order to help offset the cost of over $106 billion in tax cuts. And, after imposing these penalties on millions of America, the overall plan—service cuts for many Americans, tax cuts for relatively few—will not result in a balanced budget, but even bigger deficits and more delay in correcting our fiscal course.

In short, the Republican prescription for our budget problems is a toxic compound of misguided priorities and fiscal irresponsibility—in other words, more of the same mistakes as before, except worse.

And it's not like there aren't better ways to approach our budgetary problems.

For example, there is H.R. 3966, the Stimulating Leadership In Cutting Expenditures (or "SLICE") Act, a bill I introduced last month that is cosponsored by Members on both sides of the aisle and endorsed by the American Conservative Union, Americans for Tax Reform, Citizens Against Government Waste, Freedom Works, the Small Business Enterprise Council, and the National Taxpayers Union.

Its purpose is to promote Presidential leadership and Congressional accountability on proposals to reduce other spending in order to offset the costs of responding to the recent natural disasters.

Toward that end, it would authorize the President to identify specific items of Federal spending that he thinks should be cut and would require Congress to vote on each of those items. It would apply not only to regular appropriations, but also to the transportation bill that was passed and signed into law earlier this year. In each case, if the president proposes a cut, Congress would have to vote on it—we could not ignore the proposal, as can be done under current law—and if a majority approved the cut, it would take effect.

As our budget situation has grown worse, there has been a lot of talk about "earmarks," meaning funding allocations initially proposed by Members of Congress rather than by the Administration. Some people are opposed to all earmarks—but I am not one of them. I think Members of Congress know the needs of their communities, and that Congress as a whole can and should exercise its judgment on how tax dollars are to be spent. So, I have sought earmarks for various items that have benefited Colorado and I will continue to do so. But I know—everyone knows—that some earmarks might not be approved if they were considered separately, because they would be seen as unnecessary, inappropriate, or excessive.

Dealing with that problem requires leadership and accountability. The SLICE bill would promote both, and by requiring us to focus on individual spending items it would make it possible to weigh the relative costs and benefits of each. But the Republican leadership has rejected that approach. Instead, they are insisting on bringing up this omnibus bill without allowing the House to even consider any amendments—except ones they decide they must make in order to pass it with only votes by Republican Members.

That is the wrong approach, and the bill is the wrong result—for the whole country, and particularly for Colorado and the West.

The bill is especially bad for Colorado because of some parts of it—developed by the Resources Committee—will directly affect our State. For example, there is the part that deals with oil shale.

Oil shale has great potential as an energy source, so it's an important part of our energy policy. And it's important to the taxpayers, who own most of it. They have an interest in what return they will get for this resource. But it's particularly important for Colorado, because our State has some of the most important deposits of oil shale, and Coloradans—particularly those on the Western Slope—will be directly affected by its development.

A new report from the Rand Corporation spells out the great benefits that can come from developing oil shale. But it also makes clear it's important for the development to happen in the right way. The report says oil shale development will have significant effects, not just on the land but also on air quality and on both the quality and quantity of our very limited water supplies. And it says what Coloradans know already—large-scale oil shale development will bring significant population growth and is likely to put stress on the ability of local communities to provide needed services.

In short, the report reminds us how much Colorado and our neighbors had at stake when Congress debated the oil shale provisions of the new Energy Policy Act that's been on the books for just over 2 months now. And while there are lots of things in that law I don't like, I think the parts dealing with oil shale are appropriate and deserve a chance to work before we rush to change them. But this legislation would tear up that part of the new law and replace it with provisions that not only would be bad public policy but would be a direct threat to Colorado.

That's why in the Resources Committee I offered an amendment that would have revised the oil shale sections in several important ways. Unfortunately, the Republican leadership of the committee opposed any changes to those sections, and my amendment was defeated.

What is the significance of that? Well, to begin with, current law says the Interior department has to consult with the Governor of Colorado and other relevant States, as well as with local governments and other interested parties, before going ahead with large-scale oil shale leasing The bill repeals that requirement for consultation. My amendment would have retained it.

Similarly, current law permits an orderly, measured program for oil shale development. But this bill would mandate a massive development program on a crash basis. It says Interior must lease a minimum of 35% of the oil shale lands in Colorado, Utah, and Wyoming within just a one-year period. It's not clear if this means 35% of the three-state total or 35% of the oil-shale lands in each state. Either way, it's a requirement for a fast and massive commercial leasing program:

The Interior Department says there are about 16,000 square miles of oil shale lands in Colorado, Utah, and Wyoming combined. That's more than 10 million acres, and about 72% of that is federal land. So, even if the intent is to require leasing 35% of the three-

state total, not 35% in each state, that's more than 2.5 million acres—all in one year!

Mandating leases for that much land, that fast, risks putting a big part of Northwestern Colorado on the fast track to becoming a national sacrifice zone. It's like a trip in a time machine—back to the mistaken crash-development policy of the Carter Administration. That was a mistake then and it would be a mistake now. That's why my amendment would have deleted that requirement, allowing current law to stand.

Also, current law requires the Interior Department to prepare a programmatic environmental impact statement (EIS) on oil shale, with a tight deadline for completion. That's the right thing to do. Work has started on that EIS, and Coloradans look forward to reading it. But reading something before evaluating it must be too old-fashioned for the Republican leadership, because the bill says that the EIS is ''deemed'' to be good enough—meaning that it cannot be questioned or challenged—and no further environmental analysis will be done for a full 10 years—no matter what problems the State of Colorado or anyone else may have with the EIS.

That's like giving an ''A'' grade before a student even turns in the homework—it may be good for the student's ''self-esteem,'' but it doesn't ensure careful work. And careful work on oil shale is essential because the stakes are so high for Colorado's land, water, and communities. That's why my amendment would have deleted that and allowed current law to stand.

Finally, current law tells the Interior Department to set oil-shale royalty rates that will do two things—encourage development of oil shale and also ensure a fair return to the taxpayers. But the bill would repeal this, replacing it with specific rates to be charged for the first 10 years of commercial oil shale production, and requiring that after that the rates must be adjusted according to a formula tied to certain oil prices. This is a blatant example of micromanagement, with nothing to show it is fair to the taxpayers. My amendment would have deleted that that attempt at long-term political price-fixing, and replaced it with the language of the current law.

The Congressional Budget Office's report on these oil shale provisions estimates that they will not do much to raise revenue or otherwise help balance the budget. So, there is no budgetary reason to include them in this bill, while from the standpoint of what is best for Colorado and its communities there is every reason to change them in the way that my amendment would have done—and I cannot support them unless such changes are made.

And that is also the case with the parts of the bill dealing with the Mining Law of 1872.

As Westerners know all too well, that law—dating from the administration of President Ulysses S. Grant—still governs the mining of gold, silver, and other ''hardrock'' minerals on federal lands. It still allows private companies to get a patent—an ownership deed—to public lands containing valuable minerals for a mere $2.50 to $5.00 per acre, the same prices that were set in 1872, without paying the taxpayers a fee like that paid for the Federal oil, gas, or other minerals developed under more modern law. Since 1872, more than $245 billion worth of minerals have been extracted from public lands at these bargain-basement prices, and nearly as much land as in the entire state of Connecticut has been sold to the mining industry for less than $5 an acre.

Because the mining industry doesn't need patents—they can and do mine on unpatented claims and because there are so many problems associated with patenting, annually since 1994 Congress has renewed a moratorium on the patenting of mining claims. But this bill would repeal that moratorium. And while the bill would raise the price of patents, it would not require payments that reflect the value of the minerals involved. So, according to the Congressional Budget Office, this provision would raise only about $158 million over the next five years. This is not real reform—it is a continued subsidy for the ''hardrock'' mining industry. But other provisions in this part of the bill are worse.

For example, the bill would allow claim holders to patent land without proving there is a valuable mineral deposit as long if they already have a permit to mine or have reported to the SEC that there is a ''probable'' mineral reserve there. This means that claim holders can purchase public land without having to prove that they can or will construct a viable mine. And it allows the sale of ''mineral development lands''—meaning any land with a valuable mineral deposit as well as lands that were once mineralized and were previously mined—for the purpose of ''sustainable economic development.'' According to John Leshy, who served as Solicitor of the Interior and who is an expert on the mining law, the result will be to ''put in the hands of corporations the keys to privatize millions of acres of federal land''—setting the stage for a massive fire sale of Federal lands for bargain-basement prices.

And in Colorado, a state with a long and rich mining history, the results could be dramatic. As the Denver Post has noted, ''Coloradans could unexpectedly see suburban sprawl on mountainsides they thought were protected open spaces . . . It's an invitation to condo developers, mini-mansion home builders and other speculators to snatch up federal lands that otherwise would never leave public ownership. . . . Just in Colorado, old mining patents encompass 123,000 acres. Most existing claims are next to or surrounded by national forests, parks or other public lands. Many also are near former mining towns that have become pricey resorts such as Aspen, Telluride, Breckenridge and Crested Butte. Twenty-three of Colorado's 24 ski areas are on national forests and so are vulnerable under the proposal.''

In short, as the Denver Post's editors rightly observe, these provisions ''really aren't about mining; they're about real estate speculation,'' which is why they have called on us to ''erase them from the budget reconciliation bill.''

But of course, since no amendments are permitted, we can't erase that part, or any other part of the legislation. The only choice before us is to vote yes or no on the entire bill.

And, as I said, the bill is just one part of a larger budget plan—one that insists on pushing ahead on the same course that has led to the serious fiscal problems that now confront us—setting the stage for more top-heavy tax cuts while we are putting the costs of war and everything else the government does on the national credit card. This cannot go on forever. Sooner or later, something has to give.

So, Mr. Speaker, there is an urgent need to rethink and revise our budget policies, including both taxes and spending. But this bill reflects a refusal to do that rethinking. And for me the only viable choice is to vote no—no on the oil shale provisions, no on the mining provisions, and no on all the rest of this very unnecessary, very unbalanced, very short-sighted, and very unwise legislation.

DEFICIT REDUCTION ACT OF 2005

SPEECH OF

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. TERRY. Mr. Speaker, as the House of Representatives considers passage of the Deficit Reduction Act, I rise in overall support of H.R. 4241. As the process moves forward, I urge my colleagues in this chamber and in the conference to consider some additions and changes.

The actual estimated average cost to a community retail pharmacy to dispense prescription drugs ($9.25) is greater than the minimum multi-source dispensing fee established by H.R. 4241 ($8.00). Because H.R. 4241 does not establish a dispensing fee for single source medications, commonly known as brand-name drugs, I urge my colleagues to consider an increase in dispensing fees for both single source and multisource medications that adequately compensates community retail pharmacies for their cost to dispense prescription drugs within the Medicaid program. In addition, I urge my colleagues to encourage the states to conduct mandatory comprehensive studies to determine actual distribution expenses incurred by community retail pharmacies participating in the Medicaid program so that fair and equitable distribution reimbursement rates can be established.

We should also do all we can to provide incentives to increase the distribution of generic therapeutic equivalent drugs when they are available. While our bill provides higher dispensing fees for generics based on Retail Average Manufacturers Price (RAMP) plus cost, I still do not feel that there is enough incentive in our model to encourage effective use of generics. I encourage continued work in conference to increase the utilization of generics, which in itself has significant savings potential.

H.R. 4241 establishes a new benchmark formula for establishing reimbursement rates for community retail pharmacies participating in the Medicaid program. The benchmark formula, known as RAMP, can often be significantly out of date because it is updated on a quarterly basis and it often is not determined and posted for another quarter. Because pharmaceuticals prices are updated on a daily basis, the RAMP has the potential to be as much as six months out of date. Accordingly, I urge my colleagues to consider modifying requirements related to RAMP from a quarterly recalculation basis to a monthly basis so that community retail pharmacies do not have to absorb significant financial losses due to fluctuations in real cost.

TRIBUTE TO ALBERT SPADA

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HINCHEY. Mr. Speaker, I rise today to honor my good friend and constituent Albert Spada for his distinguished professional career and impressive record of community service. Al retired earlier this year as Ulster County Clerk, a position he has held since 1967. I would like to recognize and thank him for his outstanding leadership in Ulster County both as an elected official and an active and dedicated member of the community.

Al was elected to the office of Ulster County Clerk at the age of 34, the youngest county clerk in New York at the time. Prior to his election, Al served as Deputy Clerk for Ulster County and legislative aide to New York State Assemblyman Kenneth Wilson and New York State Senator E. Ogden Bush. Prior to that, Al served in the United States Air Force during the Korean Conflict as a Staff Sergeant. After serving as chief of the Air Force supply depot in Japan, he received an honorable discharge from military service.

For more than 35 years, Al served the people of Ulster County with distinction and honor. His responsiveness and accessibility to county residents defined his tenure in office. Al established himself as the preeminent advocate for Ulster County residents on matters pertaining to the functions of his office and other county government business. Over the nearly 4 decades that he was in office, Al's personal efforts have positively affected the lives of countless Ulster County residents. All of these attributes contributed to Al being the longest serving County Clerk in Ulster County since George Clinton held the position in the late 18th century.

Al has received numerous honors over the years including the Lifetime Achievement Award from the New York State Association of County Clerks and the Man of the Year Award from the local chapter of the Veterans of Foreign Wars. Al has been a member of the New York Association of County Clerks since 1966 and has served on the boards of Benedictine and Kingston Hospitals, the New York State Advisory Board of Public Works and the Kingston Housing Authority, where he currently sits as chairman. He has served on the Heritage Advisory Committee, the New York State Sports Authority and the Ulster County United Way. Most notably perhaps, Al has been a lifetime member of the Glasco Volunteer Fire Department.

In addition to the many accomplishments and accolades that Al has received over the years, he is widely regarded as a friend to many people throughout the community. His loyalty and generosity, as well as his extraordinary sense of humor, have endeared him to countless Ulster County residents and while his presence in the county building will be greatly missed, we will all take comfort in knowing that he will remain an active member of our community.

Mr. Speaker, I am delighted to congratulate my friend Albert Spada and his family on the occasion of his retirement after so many years of dedicated service to the residents of Ulster County. I offer him my warmest personal wishes for a healthy and happy retirement along with my deep appreciation for his friendship and his longstanding commitment to public service.

A TRIBUTE TO THE BERKSHIRE JUVENILE COURT

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. OLVER. Mr. Speaker, I wish to recognize and honor the Berkshire Division of the Juvenile Court Department of the Trial Court of the Commonwealth of Massachusetts, on this, National Adoption Day, for their dedication to the hundreds of children in foster care in Berkshire County, Massachusetts, and for their promotion of adoption, which allows over 30 children per year to enter into loving and nurturing families.

Today, in Pittsfield, Massachusetts, sixteen adoptions will be performed in honor of National Adoption Day and in recognition of November as Adoption Awareness Month throughout the United States.

I want to thank the Berkshire Juvenile Court, under the guidance of the Honorable First Justice Paul E. Perachi, for their dedication and commitment to the children and families of Berkshire County, Massachusetts.

RECOGNIZING THE OUTSTANDING EFFORTS OF BALTIMORE FIRE CAPTAIN KENNETH HYDE, SR.

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. RUPPERSBERGER. Mr. Speaker, I rise before you today to recognize the outstanding efforts of one heroic individual who has greatly impacted the safety of the Baltimore community. He stands by 24 hours a day, 7 days a week in case of emergency. Whether he's disturbed from his slumber or called away from a family dinner, Baltimore Fire Captain and Riviera Beach Fire Chief Kenneth Hyde, Sr. readily awaits his next call to action.

Mr. Hyde holds two very demanding positions as he is the Baltimore City Fire Captain and the head of the Riviera Beach Volunteer Fire Company. That means he rarely enjoys a day of rest. However, he never complains, and neither do his crews. He has participated in the rescue of passengers of the water taxi, Lady D which overturned last year in Baltimore's Inner Harbor. He has assisted with the recent Hurricane Katrina cleanup, as well as countless other disasters.

While he primarily focuses on local mishaps, his interest lies in terrorism preparedness. He develops strategies for possible attacks, and devotes many of his weekends to either attending or conducting training sessions.

Mr. Hyde comes from a long line of firemen; his father, both grandfathers, brother, and now son, are all firemen. In addition, his wife is a dispatcher for the Baltimore City Fire Department, and his sister is in charge of the cadet program for the Riviera Beach Fire Department. It's obvious the Hyde family is dedicated to the safety of the citizens of Maryland.

Mr. Speaker, I ask that you rise with me today to applaud the incredible efforts of Mr. Kenneth Hyde in his unselfish commitment to protecting the people of the United States.

DEFICIT REDUCTION ACT OF 2005

SPEECH OF

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. RUPPERSBERGER. Mr. Speaker, I rise today in opposition to this legislation.

Mr. Speaker, there is so much wrong with this legislation that I do not know where to begin.

This "deficit reduction act" is a tool for the majority party to justify their tax cuts that are poorly timed and do not benefit the American citizens who need help the most. It is irresponsible to cut funding for vital programs in order to make up for lost revenues due to tax cuts that benefit the wealthy. If we do not fix this deficit, we are forcing future generations to pay for Congress's fiscal irresponsibility. There are no useful deficit reduction measures in this bill.

This budget reconciliation bill cuts essential government programs that serve the most vulnerable members of our society. Society and government are judged by how we take care of those in need and we must do better. All totaled, the bill cuts spending by $53.9 billion dollars which includes cuts to Medicaid, Food Stamps, student loans, and child support.

The cuts to the Medicaid program total $11.9 billion or 22 percent of all of the cuts in this legislation. These cuts will result in premium increases for all participants and a reduction in benefits that will cause millions of children to lose some preventative and treatment services. At a time when health concerns are at the forefront of many people's minds, we should not be making cuts to Medicaid that will make it harder for people to afford the care they need.

The cuts to the Food Stamp Program total $844 million dollars. These cuts would be the result of new limitations on who is qualified to receive food stamps. Under this legislation, some families receiving other types of federal assistance would be ineligible to receive food stamps. It is outrageous that we are cutting this and other programs that have been proven to help those who are the most in need.

The reductions in funding to child support programs total $4.9 billion or 9 percent of all of the cuts in this legislation. This is just plain wrong. States rely on this funding to aid their efforts in establishing and enforcing child support orders; orders that are necessary if families and children are ever going to receive the support owed to them.

According to the Census Bureau for the most recent year that data is available (2001), only 45 percent of custodial parents have received the full amount of child support owed to them. There are an estimated 13.4 million parents with custody of 21.5 million children under age 21 whose other parent lives elsewhere. About 5-in-6 of those 13.4 million parents are mothers.

Twenty-five percent of single mothers with children in the United States are below the poverty level. We must do all that we can to

help mothers and their children receive the child support that is owed to them. Cutting funding to States for child support enforcement is obviously moving in the wrong direction.

As Members of Congress we cannot continue to allow ill-timed and badly targeted tax cuts for the wealthy while at the same time cutting government programs that help people improve the quality of their lives and their wellbeing.

If we continue along this path we will be shortchanging our children, our grandchildren and their children to come. They will inherit a government and a country that turned its back on the people who needed them most and they will be forced to pick up the pieces.

We cannot let this happen. I am committed to serving the people of the Second District of Maryland and I will not support legislation such as this that will negatively impact my constituents or the United States as a whole.

This legislation is just plain wrong and I urge my colleagues to oppose the bill.

VETERANS DAY COMMEMORATION AT DODONA MANOR

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. WOLF. Mr. Speaker, I was honored to participate in Veterans Day observances held at the George C. Marshall International Center at Dodona Manor in Leesburg, Virginia.

The commemoration was organized by U.S. Army retired Colonel Gerhard L. Jacobson and featured U.S. Army retired Lieutenant General Frank A. Camm as the keynote speaker. I would like to share for our colleagues the stirring remarks by General Camm.

VETERANS DAY SPEECH

NOVEMBER 11, 2005

Thank you, Jake . . . Mr. Price, fellow veterans and American citizens . . . as a descendant of the Rector family on nearby Goose Creek, I am proud to join you here at Dodona Manor, the home of one of our greatest veterans, General George Marshall, in paying tribute to the service of America's veterans.

This is the day we remember our debt to those who've worn the uniform of the United States. This is the day we thank and honor ALL who have. served honorably in the military—in wartime or peacetime. We honor them for their patriotism, their love of country, and their willingness to serve and sacrifice for the common good. And we thank them for their service, expressing our appreciation of their contributions to national security, and recognizing that all who served have sacrificed and done their duty. Today, all veterans can be certain that the Nation they served and the people they defended are grateful.

It is appropriate, indeed, to observe Veterans Day here at Dodona Manor, the home of General Marshall, who was born just 125 miles from here on New Year's Eve 125 years ago. . . Having lived next door to General Marshall in Washington in 1938, having seen him speak at West Point, and having served in the Army's War Plans Division that he had headed 20 years before, I've been inspired by numerous accounts of this man whom President Roosevelt considered to be the Pershing of World War II and whom President Truman said was the greatest military man the Nation ever produced.

General Marshall's 50 years of public service epitomize the selfless service so distinctive of our veterans. . . After serving General Pershing in and after World War I, General Marshall commanded troops in China, revamped officer training at Fort Benning, became Army Chief of Staff and exemplified selfless service in his gracious acceptance of President Roosevelt's keeping him in Washington during World War II instead of acceding to his desire to command troops in Europe. . . He gave selfless service again when heading toward well-deserved retirement in 1945. . . He had just entered Dodona Manor when a telephone call came from President Truman asking him to forego his first vacation in years and devote many months as a special presidential envoy to China . . . He extended his selfless service again and again when he became Truman's Secretary of State from 1947 to 49 creating the Marshall Plan, . . . and when he shortly thereafter accepted President Truman's request to take over the American Red Cross. . . After the Korean War began in 1950, President Truman interrupted General Marshall's vacation at a Michigan fishing camp to call him back to further selfless service in Washington as Secretary of Defense. . . Meanwhile, Senator Joe McCarthy was castigating George Marshall for treason, calling him a man (quote) ''guilty of an immense conspiracy'' and making (quote) ''common cause with Stalin''—General Marshall refused to respond, saying, (quote) ''If I have to explain at this point that I am not a traitor to the United States, I hardly think it's worth it.''. . . Shortly after retiring again to Dodona Manor in 1951, he agreed to chair the American Battle Monuments Commission. And in 1953, upon becoming the first professional soldier to receive the Nobel Peace Prize, he typically credited it to others, telling reporters it was a tribute (quote) ''to the American people.'' . . . Indeed, all of us veterans are proud to count General Marshall as one of us!

Our veterans have borne the cost of America's wars and stood watch over America's peace. Among the 42 million veterans of American wars, over 600 thousand died in battle and over 2 million were wounded. Today some 20 million living Americans wear the proud title of veteran. They include a few dozen survivors of World War I, over 3 million of World War II, 3 million of the Korean War, 8 million of the Vietnam War, and 2 million of the Wars in Iraq and Afghanistan.

Fortunate to have a number of veterans with us here today, I want to acknowledge them, . . . so I ask all veterans present to please stand for us to recognize you? . . . (APPLAUSE). . . Thank you. . . Like Henry the Fifth in Shakespeare, we vets have a special bond with those with whom we've served. . . Trapped and outnumbered by the French army, Henry spoke to his men before the battle. His address is a classic in military legend: ''For he today that sheds his blood with me shall be my brother'' . . . And laying into slackers who'd avoided serving, he declared, ''and gentlemen in england now abed . . . shall think themselves accursed they were not here.''. . .

Today, our soldiers, sailors, marines and airmen serve in 120 countries throughout the world during our ongoing conflicts in Afghanistan and Iraq. And the legacy of our veterans continues to inspire each of them to answer the call of duty. As we join in thanking our veterans for their service, let's applaud them not only for their past service, but the example they set for our current and future military. . . After the Korean War, our veterans returned home to a country indifferent to their service. . . After Vietnam, our military faced scorn from some circles. . . Indifference and scorn have no place in our heroes' homecoming. . . Instead, let's show our gratitude by welcoming all of our heroes when they return to the cities and towns they have so bravely defended.

Now with the Global War on Terrorism, we cannot take our past peace and prosperity for granted. Our veterans know that freedom isn't free and that eternal vigilance is the price we must pay for our liberty. We must resolve to keep faith with our veterans as this nation fights and wins the Global War on Terrorism.

We must resolve to thank and support all our veterans for their outstanding and selfless service to our nation and to thank them not only today, Veterans Day, but every day. Remember our veterans and the price they paid physically, financially, and emotionally to keep this nation safe. . . And remember our troops, America's future veterans, sons and daughters, who have selflessly made the decision to defend our count and all it stands for.

Additionally, let's remember that veterans' families and military families have also paid the price for freedom. Though we may not be able to adequately thank our veterans, our soldiers, and their families, . . . we must always support them.

With your support, our soldiers, America's future veterans, will continue to honor their sacred duty of protecting our nation, our fellow citizens, and the freedoms we hold so dear.

Remember the Biblical questions: ''Whom shall I send? and Who will go for us?''. . . And whoever answers with the Biblical reply of ''Here am I. Send me'' . . . will return a veteran. Let us honor that veteran and resolve on this Veterans Day to remember that he or she goes for us and deserves our support and respect.

TRIBUTE TO CHILD ADVOCACY CENTER AWARDEES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. KILDEE. Mr. Speaker, I am pleased to stand before you today on behalf of one of my district's premier human service organizations, the Child Advocacy Center of Genesee County. On Thursday, November 10, the Center will hold its inaugural Awards Dinner, where they will acknowledge several individuals who have shown tremendous courage, kindness, and selflessness through acts of goodwill toward our young people.

Polly Sheppard will have the distinction of being awarded the first Volunteer of the Year Award.

The honor of the Mental Health Therapist of the Year Award will be presented to Penny Lantz.

The cooperation between the CAC and the Michigan Department of Human Services will be shown, as Linda Crouch and Director Denise Chambers will receive DHS Worker of the Year awards.

The CAC will recognize its friends in law enforcement, as Detective Matt Bade of the Burton Police Department, and Detective Diana Mills of the Mt. Morris Police Department will be honored as Police Officers of the Year. John Greene and Marcie Mabry will be honored as Prosecutors of the Year.

The Sponsor of the Year Award will be presented to the Ruth Mott Foundation.

Additionally, Dr. Edwin Gullekson will be honored as the CAC 2005 Physician of the Year.

Mr. Speaker, I applaud these wonderful men and women for all they have done for others. Through their actions, they ensure that our children are able to enjoy healthy, productive, and safe lives, and I ask my colleagues in the 109th Congress to please join me in recognizing their heroic efforts.

HONORING CUB SCOUT PACK 88 OF THE BSA'S DES PLAINES VALLEY COUNCIL AND THEIR 60 YEARS OF SERVICE

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. LIPINSKI. Mr. Speaker, I rise today in honor of Cub Scout Pack 88 of the Boy Scouts of America's Des Plaines Valley Council on their 60th anniversary.

In 1930, the Boy Scouts of America created a new opportunity called Cub Scouting for boys younger than Boy Scout age. A year-round, home-centered program used by chartered organizations, Cub Scouting emphasizes involvement between boys and their parents, adult leaders, and friends. In the multidimensional plan of the Boy Scouts of America, Cub Scouting is where it all begins.

For the past 60 years, Cub Scout Pack 88 has been a cornerstone of service in the Des Plaines Valley communities. They have combined fun with educational activities and lifelong values. Parents and sons of Pack 88 spend quality time together going places, doing projects, talking, and reading. Pack 88 also provides a healthy, safe environment in which boys learn important values and develop self-confidence.

For these reasons, it is my honor to recognize Cub Scout Pack 88 on their 60th anniversary. I look forward to many more years of their continued service to our community and our youth.

DEFICIT REDUCTION ACT OF 2005

SPEECH OF

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. ENGEL. Mr. Speaker, the majority should be absolutely ashamed of the bill before us today. It is simply unconscionable that the majority is not only moving forward with reconciliation but that they are increasing cuts all under the guise of paying for Hurricane Katrina relief. Under their rules, they won't even allow amendments to this monstrosity—shutting down any meaningful opportunity of offering even slight improvements to this bill. The fact of the matter is that the irresponsible tax cuts for the wealthy have run our country's fiscal order into the red with over $8 trillion in debt. Even before Hurricane Katrina, the budget resolution called for $35 billion in cuts to programs for the poor to partially offset the $106 billion in tax cuts in the same budget resolution. The math simply doesn't add up.

It is interesting that the majority continues to use terms like personal responsibility when justifying the draconian cuts to services, cruel penalties and cost sharing for the poor that will essentially block access to care while failing to exercise the same responsibility in their own fiscal disorder. The general fund of the Government of the United States is paid for with borrowed money, over $1 billion a day. To make ends meet while continuing to pass tax cuts, we borrow heavily from China, Japan and other foreign nations, knowing full well our children and grandchildren will one day be saddled with our debt. In the meantime, they pretend we can shore up our economy with a few simple reforms that will have devastating consequences for the most vulnerable children, seniors and other impoverished people, which won't really affect the trillions of dollars of debt created by the majority's fiscal irresponsibility.

What is irresponsible are the billions of dollars in cuts the majority is making to the Medicaid program. We already have 45 million uninsured Americans. Without Medicaid and SCHIP, the percentage of uninsured Americans, including children, would be a lot higher. As we all know, health care coverage isn't meaningful unless it is accessible and comprehensive. The proposals included in this bill will undoubtedly prove to be a barrier to care as it permits States to significantly increase the amounts Medicaid beneficiaries payout of pocket for premiums and copayments for healthcare services, again, all in the name of personal responsibility.

Mr. Speaker, but what about the low-income mother trying to care for her family by stretching her budget to cover housing, electricity, clothing and now increased cost-sharing and copayments for medical care? Why are we setting her up for failure when she has to make choices between her medical care and her children and her utility bills, all important to the wellbeing of her and her family? How have we fulfilled our professional responsibility if we put her in the position of making these impossible choices? I can assure you, these mothers are as familiar with personal responsibility and strapped budgets as any Member of Congress in this room.

Part of the problem that I have with these proposals are that the "reforms" are budget driven in that the solutions offered are far less important than the anticipated savings associated with them. I urge this committee to scrap these massive changes to Medicaid. While there are certainly ways to modernize, improve, and reform this program, it must be done with the compassion and thoughtful consideration it deserves.

A sensible improvement to this bill would be to permit early treatment under Medicaid to those with HIV. Under current Medicaid rules, most HIV positive people must meet both an income standard and be disabled—by AIDS—before they can receive access to Medicaid provided care and treatment that could have prevented them from becoming ill so quickly. This policy runs counter to current Federal HIV treatment guidelines which call for early access to medical care and treatment including the use of combination antiretroviral therapy. Medical costs for those with advanced AIDS are significantly higher than costs for caring for HIV positive people, and this is a burden on the States' Medicaid budgets.

I offered an amendment in the Energy and Commerce Committee markup for Medicaid reform to give States the OPTION of amending their Medicaid eligibility requirements to included uninsured, pre-disabled low-income people living with HIV. ETHA, which has been introduced by Leader PELOSI in prior Congresses and Senator SMITH and Senator CLINTON in the Senate, is modeled after the successful Breast and Cervical Cancer Prevention and Treatment Act, BCCA, that allows States to provide early access to Medicaid to women with cancer. Forty nine States have implemented the BCCA, designed to preserve health and prevent unnecessary and high-cost medical interventions. As with the BCCA, ETHA includes an enhanced Federal match rate of 65 percent to 83 percent to encourage States to participate in offering the services.

Although my amendment failed in committee, Senators CLINTON and SMITH successfully offered a demonstration version of the Early Treatment for HIV Act on the Senate floor. I tried to offer that amendment on the House floor but the Republican leadership would not permit any amendments. It is my fervent hope that this provision survives conference.

Outside of the jurisdiction of the Energy and Commerce Committee, on which I serve, are even more cruel cuts to working families and vulnerable populations. Billions in cuts to student aid programs, child support enforcement, foster care and SSI disability payments. They cut food stamps, eliminated nutritional school lunch and breakfast programs for hundreds of thousands of families and children—the list goes on.

Mr. Speaker, you should be ashamed to allow our Congress to even consider such proposals, let alone vote on them, while continuing to promote tax cuts for the wealthy. I vote "no" on this monstrosity and urge my colleagues to do the same.

DEFICIT REDUCTION ACT OF 2005

SPEECH OF

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. CUMMINGS. Mr. Speaker, I rise in opposition to the Budget Reconciliation Bill, H.R. 4241, reported on a partisan basis by the House Committee on the Budget.

My colleagues have already highlighted many of the harsh cuts that would be made in this bill. These include, but are not limited to, cuts in Medicaid spending of nearly $12 billion, cuts in the student loan program of more than $14 billion, $840 million in cuts in the food stamp programs, $4.9 billion in cuts to the State child support enforcement programs, $577 million in cuts to the foster care program and $470 million in cuts to the Federal housing rehab program.

Let's be very clear on this point. These cuts will do nothing to reduce our growing deficit and, despite what many Republicans have tried to claim, they will not offset the costs we will rightly incur to recover from the catastrophic devastation of Hurricanes Katrina and Rita.

In fact, while cutting almost $50 billion in much needed social programs for the most needy, the bill "reconciles" another $70 billion

in tax cuts for the absolute least needy—adding another $16–20 billion to the Federal deficit. So I ask, what sense does this heartless bill make?

While I am glad the manager's amendment tries to soften the blow to the vulnerable by making sure that children who currently receive school lunches will not be cut off, as well as by making other small vote garnering changes to the Medicaid and food stamp programs, these are small pluses that do very little to outweigh the many minuses of this bill.

Mr. Speaker, to achieve this deficit increase, the budget reconciliation bill before us today would cut precisely those programs that help the poor, the sick, the weak, and the young so that the wealthiest among us can receive additional tax cuts.

Let me review for a moment what the tax cuts already enacted have done to our Nation.

According to the Urban Institute-Brookings Institution Tax Policy Center, as a result of the tax cuts implemented by the administration and by the Republican leadership in Congress to date, households with incomes exceeding $1 million can expect to receive tax cuts this year that will average $103,000.

According to the Center on Budget and Policy Priorities, after adjusting for inflation, the after-tax income of the 1 percent of tax filers with the highest incomes rose by nearly $49,000 in 2003 while the lowest 75 percent of tax filers saw their incomes decrease in 2002.

Not surprisingly, as income disparity has grown, the poverty rate in this Nation has increased from 11.7 percent in 2001 to 12.7 percent in 2004, and there are now more than 37 million Americans living in poverty in this Nation, including 13 million children.

Further, according to the U.S. Department of Agriculture, last year there were more than 38 million individuals living in households that at some point during the year were food "insecure," meaning that they were unable to afford to buy enough food to feed themselves.

On September 16, President Bush traveled to New Orleans to announce a bold and ambitious plan to rebuild the gulf coast region following the hurricanes. During his speech, the President acknowledged that poverty and indifference had left so many of our fellow Americans vulnerable to the hurricanes in the gulf region.

Unfortunately, the budget reconciliation bill before us illustrates in the starkest possible terms that as the storm and its revelations about our society begin to fade from the front pages to the back pages, the Republican leadership of this House has chosen to repudiate the President's commitment to address poverty.

Rather than embrace the President's call for action, the Republican leaders of this House have put forward a bill that will continue policies of neglect and indifference in service to what they see as the greater good: continued tax cuts for the wealthiest in this Nation.

The budget reconciliation act before us presents a stark choice for all Members of the House of Representatives—between supporting tax cuts for the wealthiest among us or opposing reductions in our already thin social safety net.

I urge my colleagues to make the moral choice today. Budgets reflect the moral compass of a nation. This budget reconciliation package is devoid of humanity and compassion and would take our Nation far off course of helping its neediest citizens. I urge my colleagues to stand with the children, the elderly, and the vulnerable of our Nation by voting against this reconciliation act.

If its passage occurs, I implore the conferees to be compassionate and fair and to restore and maintain the social safety net for our neediest citizens.

DEFICIT REDUCTION ACT OF 2005

SPEECH OF

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. HIGGINS. Mr. Speaker, I rise to express my opposition to and concern about the devastating cuts to essential services passed in this House today as part of the budget reconciliation package.

The cuts this body adopted today will have disastrous impacts on the western New York communities I represent. The unnecessary cuts to health, education and children's programs will be particularly hard felt in and among the working families of Erie and Chautauqua Counties.

The ranks of the uninsured continue to swell in this country, and more and more Americans are concerned that someday they may find themselves without health insurance and unable to afford needed care. In fact, over 45 million Americans are currently without health insurance. Medicaid represents this government's promise to provide health care to Americans who can least afford it. Over 4 million New Yorkers are enrolled in this quite literally life-saving program, including 1.8 million children. I voted against the bill today because it will cut Medicaid spending by more than $11 billion. That's an $11 billion cut from caring for children suffering from leukemia, from pregnant mothers struggling to survive and from mentally disabled men and women trying to make a place for themselves in our communities; we should not make our budget cuts on their backs. Instead, we should be increasing health care access to more Americans, not fewer. If Medicaid is expanding, it's because fewer Americans can afford health insurance, let's not deny them the only access to care available to them.

I am also concerned that this legislation cuts over $14 billion from successful Federal student loan programs—the largest cuts ever to student aid. This is the wrong cut at the wrong time, because college costs continue to skyrocket with no end in sight. In fact tuition at 4-year public colleges has increased 46 percent since 2001. Children from working families in Erie and Chautauqua Counties, and over 470,000 students across the State, depend on these loans to afford college and they depend on college as the key to economic opportunity. These cuts will needlessly deny that opportunity to young people in western New York who want to go to Medaille, Canisius, the University of Buffalo, my alma mater, Buffalo State, and others.

The reconciliation package is also an abdication of our responsibility to children. The bill cuts child support enforcement by almost $5 billion, abandoning single parents and rolling back the progress our society has made in this field. Children are not responsible for divorce or for parents abandoning their families. Let's not turn back the clock and make them carry that responsibility. The bill cuts $577 million from foster care programs. And perhaps most troubling, it cuts $796 million from food stamps, which represent our promise that amid this country's great wealth, no American child, whether in the cold winters of Erie County or the sun baked mountains of Arizona, should starve.

What is perhaps most objectionable about this process is the doubletalk used to sell these cuts. While we have been told that these spending cuts are necessary to reduce the deficit, they do nothing of the sort. Instead, the $50 billion in spending cuts are coupled with $106 billion in tax cuts for the wealthiest Americans. That means that all of these cuts, all of them, will be used to pay for irresponsible tax cuts that we can't afford and that do not put money back in the pockets of my hard-working constituents in Buffalo; not one dime will actually go to reduce the deficit.

In fact, this reconciliation process will increase, not decrease, the deficit. I agree that it is well past time for Congress to put our fiscal house in order, but to call this package a deficit reduction measure at best makes no sense, and at worst is patently dishonest. We need to do better by the American people and I pledge to do better for the people of Western New York. Frankly, they do not deserve this bad budget.

Mr. Speaker, I object to the cuts this House adopted today, and I object to the slight of hand used to sell them.

DEFICIT REDUCTION ACT OF 2005

SPEECH OF

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. STARK. Mr. Speaker, most Americans watching their televisions looked on in horror at the extent of the poverty and desperation among the victims of Hurricane Katrina. President Bush and congressional Republicans apparently looked at these pictures with indifference and disdain.

I am forced to believe this because their budget bill—the so-called Deficit Reduction Act—aims to cut more than $50 billion from nearly every poverty program this country offers for the sake of later passing approximately $60 billion in tax breaks for the wealthiest Americans.

Sadly, their recent actions fit neatly with their track record. Since the Republicans gained control of both the White House and Congress in 2001, 1.7 million more Americans live in poverty, average median income has declined $1,700, and the minimum wage—which has not been increased since 1997—has its lowest purchasing power since 1990.

This budget continues the Republican trend of failing the American people in every possible way.

The Republican budget requires poor mothers with children under age 6 to double their weekly work hours from 20 to 40 in order to remain eligible for job training and vocational education. Yet, it fails to provide $10.5 billion for childcare funding which the non-partisan

Congressional Budget Office estimated would be needed for mothers to afford to work the longer hours and maintain their benefits.

Disgracefully, their proposals don't stop there. The Republican budget leads to $24 billion less in child support payments. It also cuts $14.3 billion from Federal student aid programs so the average student borrowing for college will now pay an additional $5,800. It cuts health care for disabled and impoverished people, aid for abused and neglected foster children, financial assistance to the aged and disabled poor and food subsidies.

However, they don't cut everything. In true Republican, let-them-eat-cake fashion, the Republican budget does have one program to help those in need. The bill provides two $40 coupons to people so that they can buy converter boxes for their television sets, so they can watch digital television.

Together, America can do better than trading crisp, clean digital television for food, health care and education. I urge my colleagues to vote against this disgrace and not pay for tax cuts for millionaires on the backs of the poor.

HONORING ERIE COMMUNITY COLLEGE DIRECTOR OF ATHLETICS, RALPH J. GALANTI, JR.

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HIGGINS. Mr. Speaker, it is with great pleasure and gratitude that I stand here today to recognize Ralph J. Galanti, Jr., Erie Community College Director of Athletics who is retiring after 36 years of service to ECC.

Born and raised in the City of Lackawanna, over the last three and one-half decades Ralph ''Chico'' Galanti has completely transformed ECC's athletic program, putting ECC on the map in the college sports world.

As coach of the ECC hockey team, Galanti led the team to appearances at eight NJCAA national championships, winning five regional titles.

In his role as Athletic Director, Galanti was instrumental in brining football to ECC and had a hands on role in the development of ECC's Burt Flickinger Athletic Center, a facility awarded for its design, which not only serves the college but the entire community, hosting national athletic events.

Galanti's ongoing efforts increased enrollment at the school where he pushed students to balance athletics and academics.

For his accomplishments, Chico has been inducted into the Greater Buffalo Hall of Fame and the National Junior College Athletic Association Hockey Coaches Hall of Fame.

The Ralph and Grace Galanti Memorial Scholarship fund honor's Ralph's parents, and continues his legacy of commitment, by assisting the student athletes in our community.

Mr. Speaker, it is with great pleasure I recognize Ralph Galanti, Jr., a man whose devotion to Erie Community College has shaped the lives of thousands of ECC students and left a positive mark on the entire Western New York community. On behalf of the residents of New York's 27th Congressional District I would like to wish Chico health and happiness in his retirement by using his signature farewell, ''be happy.''

HONORING THE LIFE OF LIEUTENANT COLONEL THOMAS A. WREN

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor the life of Lieutenant Colonel Thomas A. Wren and to recognize his service to our Nation.

Lt. Col. Wren graduated from George Mason University and received a commission in the Army Reserve through the Reserve Officer Training Corps. He joined the 80th Division Army Reserve unit in 1984 and held positions in Virginia, Delaware, Maryland and Pennsylvania. He was called to active duty four times since 2000, serving in Bosnia, Afghanistan and Iraq. While not on active duty, Lt. Col. Wren worked as a project manager at Sytel working on projects at USAID, USDA, Army Research Laboratory as well as the State Department. His numerous decorations include two Bronze Stars.

His most recent assignment was assisting with the training of the Iraqi military. Tragically, Lt. Col. Wren was killed in an accident on November 5, 2005 in Tallil, Iraq, in support of Operation Iraqi Freedom.

Words cannot express the gratitude we feel to those who have made the ultimate sacrifice for our country. This is a debt that can never be repaid. I know words are not much comfort for the family of Lt. Col. Wren, who are no doubt suffering in the wake of the loss of this intelligent and dedicated man. I hope they will take some solace in knowing that we will never forget Lt. Col. Wren's sacrifice or the sacrifices made by other patriots like him in defense of our Nation.

Mr. Speaker, I call upon my colleagues to remember in our minds and in our hearts the bravery and sacrifice of Lt. Col. Thomas A. Wren, as well as that of all the men and women of the armed services who honorably protect the American people.

COERCED STERILIZATIONS IN THE CZECH REPUBLIC AND SLOVAKIA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. SMITH of New Jersey. Mr. Speaker, last week, the district court in the Czech town of Ostrava reached a very important decision. The court concluded that, in 2001 after the birth of her second child, a local Romani woman was sterilized without informed consent. In fact, since last year, the Czech Ombudsman has been examining dozens of similar cases. Although he has not yet issued any public findings, it is expected that the Ombudsman will confirm that many other Romani women experienced similar violations of their rights, as documented by several Czech human rights groups and the European Roma Rights Center.

Sadly, the issue of sterilizations without informed consent is not new in this region. As early as 1977, the dissident group Charter 77 reported on systematic efforts to target Romani women in Czechoslovakia for coerced sterilization. While the vast majority of sterilizations in the Czech Republic and Slovakia since 1989 were performed with informed consent, the Ostrava case demonstrates that the practice of performing sterilizations without informed consent did not completely end with the fall of the communist regime.

That precedent-setting court decision sheds light on a number of legal points in one specific case. At the same time, there are many larger questions still at issue, including whether racism against Roma contributed to the abuse. Frankly, given the large percentage of Roma among the victims of sterilization without informed consent compared with the small percentage of the Czech population that Roma constitute, it is hard for me to believe that race did not play some role. There are, of course, other possible factors to consider: what role did a poor quality of medical care or training play in these cases of medical malpractice? Did a lack of respect for an individual's liberty—a hold-over mentality from the totalitarian period—also contribute to the abuse?

I welcome the Ostrava court's decision and commend the plaintiff in that case, Helena Ferencikova, for her courage in bringing it forward. I have also been heartened by the apparent seriousness of the Ombudsman's investigation into this difficult and sensitive matter.

Unfortunately, similar issues in neighboring Slovakia continue to be met with government denials and stonewalling.

In 2003, the Slovak Government concluded a year-long investigation into allegations that some Romani women were sterilized without informed consent, even after the fall of communism. That investigation was deeply flawed. At one point, for example, a spokesperson for the Minister for Human Rights threatened that anyone bringing forward allegations of sterilization without informed consent would go to jail, one way or another. This is not the way to foster confidence in an investigation or to encourage victims to speak out.

Significantly, the Czech investigation and the Slovak investigation both revolved around the same 1992 Czechoslovak law on sterilizations, put in place before the two countries split apart. Czech authorities have understood that law as requiring that sterilizations had to be requested by the person who was going to be sterilized, that there had to be evidence of consent by that person, and that consent had to be meaningfully informed. Being ''informed'' means, for example, that the expectant mother must be told why the procedure is necessary. If someone was given false information about the procedure, which was the case in many instances, then she was not meaningfully ''informed.''

When interpreting the same law, however, Slovak authorities maintained that consent did not have to be ''informed.'' Accordingly, Slovak investigators examined numerous cases where there was no informed consent but still concluded there was no violation of the 1992 law because, according to their twisted logic, consent didn't have to be informed!

In reality, the Slovak Government seemed to organize its investigation into the sterilization cases in a way that was designed to cover up the magnitude of the problem. The Slovak Government's investigation revealed seven cases of Romani minors who were sterilized in violation of the then-existing Slovak law. In reality, the Slovak Government's

interpretation of the concept of ''consent'' could not be reconciled with modern health norms and had to be changed to explicitly require that consent is informed. (The new law went into effect at the beginning of this year.) In reality, numerous international officials have repeatedly expressed concern over the sterilization practices in the Slovak Republic and the inadequacy of the Slovak Government's response to them, including in the April 2005 report on the situation of Roma issued by the Council of Europe's Human Rights Commissioner.

In light of all this, it is extremely frustrating to read that Slovak officials have, in recent months, made misleading statements about this important issue. Apparently one official has even declared that ''illegal sterilizations of Romani women never happened in Slovakia.''

Mr. Speaker, when the institutions of justice are perceived to follow one set of rules for the majority and another for minorities, this is a recipe for social unrest—as we know from our own painful history.

I understand that it is always a difficult exercise for any government to admit its own wrongdoing or the wrongdoings of the majority society—we know this, too. But Romani mistrust of government institutions will only deepen if the Slovak Government persists in denying the wrongs perpetrated against their community.

CONGRATULATING THE VENICE HIGH SCHOOL LADIES' VOLLEYBALL TEAM

HON. KATHERINE HARRIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Ms. HARRIS. Mr. Speaker, I rise today to congratulate the Venice High School Lady Indians volleyball team, on their recent victory in the 2006 Class 5A state volleyball championship.

The team's 26–7 regular season record and championship victory certainly deserve applause; however, the manner in which they achieved their goal truly makes them champions.

Under the leadership of Coach Brian Wheatley, this band of sisters turned a potentially disappointing season into a modern-day Cinderella story. Runners-up in 2004, the team began the season with only two returning starters, offering little hope for anything more than a ''rebuilding'' season. However, a little hope and a lot of grit and determination was all this team needed.

They saw in each other the desire to succeed, the willingness to sacrifice and the wisdom to work as a team; with perseverance and commitment to each other, they refused to give up.

In the end, the season was a learning experience. And it was an experience in which the entire community shared. The Lady Indians deserve their championship, and they deserve our thanks for a season of inspiration.

The members of the 2005 Venice High School Varsity volleyball team are: Leah Bodi, Marla Cooke, Dana Dumas, Natalie Gaudreau, Ashley Graf, Nickie Halbert, Julie Howlett, Casie Richards, Casey Taylor, Michaela Trimble, and Danielle Witte.

To this collection of Cinderellas, I offer my congratulations.

RECOGNITION OF TESSA VELLEK

HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HULSHOF. Mr. Speaker, I rise today in recognition of a very special young woman. Tessa Vellek, who hails from my hometown of Columbia, MO, is only eleven years old, but has already accomplished a lifetime of charitable work. Tessa has created a highly successful charitable organization operated by children, known as Euphoria, because, as she stated, ''I wanted an organization where kids could decide how they wanted to help other people. I wanted the community to see that we aren't just followers, but a group of motivated youth seeking to make Columbia a better place.'' Among their many volunteering activities, Tessa and her friends have collected books for schools, shelters and hospitals, gathered food for the homeless and entertained seniors living in retirement communities.

Tessa was recently recognized for her efforts. Every year, Nestlé honors outstanding young women and men for philanthropic activities in their local community. Out of 158 applicants, Nestlé selects 24 young people for their Very Best in Youth award. This year, Nestlé picked Tessa as one of the nation's Very Best in Youth. I could not be prouder of this young woman. Not only has she dedicated significant amounts of her free time to helping out those who are less fortunate, Tessa has also amassed an impressive academic record, including earning straight A's, receiving prestigious academic achievements and winning an award in the National PTA Reflections Essay Contest. I have no doubt she will be highly successful in whatever career she pursues, although a budding passion for literature and creative writing could lead her to become a novelist. These volunteering experiences will surely provide Tessa excellent material to draw from in her writing.

After seeing the devastation of Hurricane Katrina, Tessa organized a Ride/Walk fundraising event in Columbia to help those in the Gulf Coast affected by the hurricane. Nestlé generously agreed to match whatever funds were raised. Out of the $210,000 raised nationwide, Tessa and her Ride/Walk event netted $71,000. The combined $420,000 has been donated to the American Red Cross Hurricane Katrina Relief Fund, which has been invaluable to aiding the plight of storm victims. I am always amazed at the generosity, benevolence and leadership of to day's youth. With people like Tessa and the other Nestlé youth recipients, I strongly believe the future of our nation is in good hands.

I hope my colleagues share in my admiration of Tessa's good works and encourage all Americans to follow this fine young woman's lead and get involved with chritable works in communities and neighborhoods across our great land.

TRIBUTE TO DENNIS B. UNDERWOOD

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. GARY G. MILLER of California. Mr. Speaker, I rise today to pay tribute to the life and memory of Dennis B. Underwood, an esteemed Western water expert and chief executive officer and general manager of the Metropolitan Water District of Southern California. Mr. Underwood passed away November 2 at his home in Alta Loma, California.

In commemorating the life of Dennis Underwood, I would like to highlight some of the notable contributions of his career as a humble public servant of this great nation. With a career that spanned nearly four decades, Mr. Underwood took part in water resource development and management at both the state and federal levels. Perhaps his biggest contribution to California's water supply was during his role as the Metropolitan Water District's vice president of Colorado River resources, which he was instrumental in the development of a plan that would bring the state's water use in compliance within its legal apportionment of usage from the Colorado River. Additionally, Mr. Underwood played a central role in negotiating one of the nation's largest habitat conservation programs covering 27 species along approximately 450 miles of the lower Colorado River. During his brief tenure as CEO and general manager of the Metropolitan Water District, Mr. Underwood launched initiatives that sought to further enhance relationships with public agencies as well as seeking new partners to preserve California's water future.

Dennis Underwood's desire to serve his country expanded beyond public service as he honorably served in the military during the Vietnam War as a captain with the U.S. Army Corps of Engineers. Mr. Underwood won the admiration of his colleagues through his respectful interaction and clear sense of leadership; qualities which he carried with him later in life.

Mr. Speaker, please join me in honoring the life of Dennis B. Underwood and recognizing the lasting contributions and accomplishments that highlighted his career in water resource development and management.

TRIBUTE FOR THE AMERICAN AND INTERNATIONAL SOCIETIES FOR YAD VASHEM

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise to express my support and admiration for the American and International Societies for Yad Vashem, which will convene for their Annual Tribute Dinner on November 20th in New York. The American and International Societies for Yad Vashem are the development arms of Yad Vashem, the Holocaust Martyrs' and Heroes' Remembrance Authority in Jerusalem, Israel.

The American and International Societies for Yad Vashem provide a great service to the

United States and the entire world. Through Yad Vashem's collection of testimonies from Holocaust survivors and families to the database of victims' names, they work to restore the dignity of those who perished and suffered at the hands of the Nazis. Through continuous documentation, Yad Vashem honors the lives and accomplishments of Holocaust survivors. Additionally, they develop educational programs to ensure that future generations never forget the lessons of the Holocaust.

This past year, thanks to the help of development efforts by the American and International Societies for Yad Vashem, the museum celebrated the grand opening of the new Holocaust History Museum at Yad Vashem. This phenomenal museum uses technology and symbolism to convey the story of European Jewry during the Holocaust.

This year's Annual Tribute Dinner will honor two outstanding couples who have impacted the lives of countless individuals across generations, Mindy and Ira Mitzner of Houston, Texas, and Marilyn and Barry Rubenstein of Brookville, New York. Through their tireless efforts, these couples have made remembering the Holocaust a sacred legacy. Their lives reflect the understanding that our society must heal and remember in order to prevent this catastrophe from repeating itself.

I applaud the American and International Societies for Yad Vashem for their vital work in honoring the memory and legacy of Holocaust victims and survivors.

LEGISLATION TO ABOLISH AVIATION BARRIERS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. PORTER. Mr. Speaker, today I am proud to have introduced the "Abolishing Aviation Barriers Act of 2005".

Currently there are two laws governing commercial aviation in the U.S. based on miles of flight restrictions. One governs the use of New York's LaGuardia Airport (LGA) and the other governs usage of Washington, D.C.'s Reagan National Airport (DCA). Restrictions exist at LaGuardia on the departure or arrival of non-stop flights to or from airports that are farther then 1,500 miles from LGA. Reagan National has a similar restriction for non-stop flights to or from airports 1,250 miles from DCA. These restrictions are commonly referred to as "perimeter rules."

The original purpose of these perimeter rules was to restrict LGA and DCA airports to business travelers flying to and from East Coast and Midwest cities and to promote traffic to other, newer airports by diverting long haul flights to Newark and Kennedy airports in the New York area and Dulles airport in the Washington, D.C. area. However, over the years, the federal government has made many changes and granted numerous exceptions to the perimeter rule at DCA because the air traveling public is eager for travel options.

Today, there are nonstop flights between Washington Reagan National and Denver, Las Vegas, Los Angeles, Phoenix, Salt Lake City and Seattle. LGA's rule was enacted by the Port Authority of New York and New Jersey with an exception already contained therein—for flights between Denver and LGA. It was justified on the basis of ground congestion, i.e. automobiles. The old road network that gave rise to this excuse has long since been replaced with the help of federal money.

In fact, a 1999 study by the Transportation Research Board stated that perimeter rules "no longer serve their original purpose and have produced too many adverse side effects, including barriers to competition . . . The rules arbitrarily prevent some airlines from extending their networks to these airports; they discourage competition among the airports in the region and among the airlines that use these airports; and they are subject to chronic attempts by special interest groups to obtain exemptions."

That same year, the Government Accountability Office (GAO) stated that the "practical effect" of the perimeter rule "has been to limit entry" of other carriers. The GAO found that airfares at LaGuardia and Washington National are approximately 50 percent higher on average than fares at similar airports unconstrained by the perimeter rule.

Mr. Speaker, I have introduced this legislation to promote more consumer choice and lower airfares for not only my own constituents, but for all of our air travelers.

GULF OPPORTUNITY ZONE PUBLIC FINANCE RELIEF ACT OF 2005

SPEECH OF

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2005

Mr. THOMAS. Mr. Speaker, I submit the following correspondence for the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, November 17, 2005.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services, Washington, DC.

DEAR CHAIRMAN OXLEY: I am writing concerning H.R. 4337, the "Gulf Opportunity Zone Public Finance Relief Act of 2005," which passed the House last night by unanimous consent.

Section 4 of the bill allows for the Federal guarantee of certain State bonds. I recognize the Committee on Financial Service's jurisdictional interest in Section 4 of the bill, and agree that by allowing the bill to be passed, the Committee on Financial Services does not relinquish any jurisdiction over H.R. 4337 or similar legislation. I would also support your request to be represented on a conference on H.R. 4337, if one should become necessary.

Finally, I will include this letter and your response in the Congressional Record under the portion for floor consideration of this measure.

Best regards,

BILL THOMAS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, November 17, 2005.

Hon. WILLIAM THOMAS,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR CHAIRMAN THOMAS: I have received your letter concerning H.R. 4337, the "Gulf Opportunity Zone Public Finance Relief Act of 2005," which the House passed last night. The bill was also introduced yesterday and was referred to the Committee on Ways and Means.

I appreciate your recognition that the Committee on Financial Services has a jurisdictional interest in section 4 of the bill. This section allows for the Federal guarantee of certain State bonds. However, I understand that the need to move this bill expeditiously did not permit consideration of the bill by this Committee. It is my understanding this procedure will not prejudice the Committee on Financial Services with respect to its prerogatives on this or similar legislation. I appreciate your support for a request for conferees from this Committee in the event of a House-Senate conference.

I hope that this exchange of correspondence will appear in the Congressional Record. Thank you for your assistance in this matter.

Your truly,

MICHAEL G. OXLEY,
Chairman.

IN HONOR OF HICKORY FIRST ASSEMBLY OF GOD'S DEDICATION TO SERVICE

HON. PATRICK T. McHENRY

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. McHENRY. Mr. Speaker, in recognition of their new building dedication on November 20, 2005, I commend Hickory First Assembly of God for their committed service to communities locally and globally for almost 50 years. The first small group of faithful believers set the standard for selfless service that church members today still honor and follow.

Pastor Brian Campbell, the devoted pastoral staff, and a team of church members have worked together to plan a new space with additional seating in the sanctuary and more room for fellowship in the foyer, offices and nurseries. The expansions are part of Hickory First Assembly's efforts to continue the mission of Acts 1:8, which says "But you will receive power when the Holy Spirit comes on you; and you will be my witnesses in Jerusalem, and in all Judea and Samaria, and to the ends of the earth."

Locally, the church reaches out to those in need by organizing teams to serve in the community. Nationally, church teams ministered in the Gulf Coast region after Hurricane Katrina; And internationally members actively participate in foreign missions through financial giving and traveling with groups to different countries in need.

As Christians, we are called to do great things for God. Living in a free nation, we have the privilege to practice our faith and make a difference in the lives of others. Truly a gateway church, Hickory First Assembly demonstrates a positive influence on the community by consistently communicating and living out biblical values.

COMMEMORATING THE 50TH ANNIVERSARY OF THE SOROPTIMIST WOMEN OF GARLAND

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HENSARLING. Mr. Speaker, today, I would like to help celebrate the 50th anniversary of the Soroptimist Women of Garland. Soroptimist International was founded in 1921 as an international organization of business and young professionals who work to improve the lives of fellow women and girls. In 1954, the Soroptimist Club of Garland was chartered with Mrs. Lillie Alma Bradfield serving as the first president.

Today the Soroptimist Women of Garland are dedicated to providing service opportunities to women focusing their service endeavors on the local community. They support community projects ranging from renovating domestic violence shelters and providing mammograms for low-income women, to sponsoring self-esteem workshops for teenage girls. In addition, the Soroptimist Women of Garland raise funds to support charities such as Meals on Wheels and scholarships for students from the Garland Independent School District.

The Soroptimist Women of Garland are truly helping make our community and our country a better place to live. As the Congressional representative for this outstanding service organization, it is my pleasure to honor them as they celebrate their 50th anniversary.

HONORING RETIRING ERIE COUNTY LEGISLATOR JEANNE Z. CHASE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HIGGINS. Mr. Speaker, I rise to honor the public service of Erie County Legislator Jeanne Z. Chase, who has served the residents of the Erie County Legislature's 12th Legislative district, which currently includes the towns of Boston, Brant, Eden, Evans, Hamburg, and North Collins, since her initial appointment in 1997, and who will leave the Legislature at the conclusion of her current term at the end of this year.

Jeanne Chase has been, above all else, someone dedicated to the sound and effective representation of her constituents, all of whom are also residents of the 27th Congressional district. It is her commitment to her constituents and to her community at large that has always impressed me about Jeanne Chase, and it is why I am delighted to honor her service to Erie County today.

Jeanne Chase is a lifelong resident of the Town of Evans. A graduate of Immaculata Academy, and SUNY Fredonia, Jeanne worked in the private sector for many years before seeking appointment to the 12th district seat upon the resignation of then-Legislator Bert Villarini in 1997. Jeanne defeated a well-known and well-funded challenger in her first election in 1997 and won re-election to her seat in three succeeding elections.

Jeanne Chase is a longtime member of the Legislature's Public Safety committee, and has always placed the safety of her constituents as a top priority. As Chair of the Legislature's Public Safety committee from 2002 to 2003, Erie County moved forward with the construction of the state-of-the-art Public Safety Campus, which, when completed, will become the communications center and focal point for all police, fire and emergency services in our region. A longtime supporter of crime victims' rights, Jeanne has supported initiatives that increase protection for crime victims throughout New York State, and worked to establish a Domestic Violence Satellite Office in the Southtowns. Jeanne has seen many public accomplishments but cites as her greatest accomplishments her family. Husband Rob and daughter Chelsea are proud of Jeanne's service to her constituents, and we are as well.

Jeanne Chase has chosen not to leave public service. She is applying her experience in the field of real estate to her service as Town Assessor in the Town of Evans. I am proud and grateful, Mr. Speaker, to call to the House's attention the dedicated public service of Erie County Legislator Jeanne Chase, and I am certain that the whole House would join me in offering to Jeanne and to her entire family wishes of good luck and Godspeed in the months and years to come.

TRIBUTE TO THE CHURCH OF THE EPIPHANY 100TH ANNIVERSARY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. PAYNE. Mr. Speaker, I ask my colleagues here in the House of Representatives to join me as I rise to acknowledge the Church of the Epiphany which will launch a year-long celebration of events and activities celebrating 100 years as a parish in Orange, New Jersey on Sunday, November 20, 2005.

The Church of the Epiphany represents the faith and fortitude of New Jersey's African-American Episcopalians living in the Oranges. It began as a Sunday school for "colored" children in November 1905. Miss Ruth Marsh of Grace Church, located on Main Street in Orange, founded the Sunday school program and taught its 7 students. Through the efforts of Grace church's sexton, Mr. Thomas Johnson, the Sunday school developed into the Epiphany Mission with a small congregation led by the rectors of Grace Church. By 1908, Lay Reader George Marshall Plaskett, an African American student in the General Theological Seminary held the services under the direction of the Grace Church Rector. Father Plaskett went on to lead Epiphany as its rector for 50 years after his ordination and entrance into the priesthood. Under his leadership, Epiphany thrived as an active and integral part of the community providing spiritual education and guidance, and community service.

In 1909 Epiphany's congregation purchased a lot on the corner of South Center and Pierson Streets in Orange and the first service in the new building was held on January 29, 1911. In 1916 the Epiphany Mission sought financial independence from Grace Episcopal Church and in 1930 Epiphany was admitted to the Diocese after an ecclesiastical separation from Grace Church. While located on Pierson Street, the church served as the congregation's spiritual home under the leadership of five rectors; The Rev. John H. Edwards, The Rev. Leonard Harris, The Rev. James E. Williams, The Rev. A. Warren Bridgeman. Since 1987, the Reverend Canon Gervais A.M. Clarke, Ph.D. has served as Epiphany's sixth Rector at its present location on Main Street, Orange.

On December 14, 1986, following the dissolution of Grace Church by the Diocese of Newark, Epiphany moved to the old Grace Church building at 105 Main Street. In an effort to honor and retain Epiphany's history and create a new home that would provide a place for worship, fellowship, education and outreach, the congregation incorporated a marble altar, pipe organ, and other furnishings from Epiphany's original properties into the renovated church. With pride, Epiphany celebrated its first service on Main Street in January 1987.

Mr. Speaker, I know my colleagues agree that the Church of the Epiphany has every right to be proud of the lasting contributions that it has made to the residents of Orange. Overcoming obstacles caused by segregation and demographic change, and addressing the needs of its neighbors are the legacy of Epiphany's forefathers and mothers. I rise today to honor Epiphanites, who for 100 years have steadfastly and faithfully created a community of worship and service in Orange.

RECOGNITION OF THE CENTRAL HIGH SCHOOL VOLLEYBALL TEAM

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to an outstanding group of young women from Southern Illinois. The Central High School volleyball team from Breese, Illinois, won the 2005 Class A State championship on November 12, after going through the State finals without losing a single game. The Cougars finished the season with 33 wins and 9 losses.

Mr. Speaker, I want to congratulate Head Coach Jim Cook and assistant coach Kelly Potthast on a truly outstanding season. Most of all, I want to recognize the members of the 2005 State champion Breese Central Cougars volleyball team: Britni Holtmann, Melanie Gartside, Bethany Becker, Sarah Barth, Megan Winkeler, Cassy Becker, Lindsay Holtmann, Amanda Backes, Lauren Endres, Kelsi Scheer, Kelsey Straeter, Lauren Budde, Cassandra Deiters, Brittany Schrage, Kassi Buehne.

These young women 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.

HONORING DAVID KRAMER

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Ms. LEE. Mr. Speaker, I rise today to honor the extraordinary life and achievements of David P. Kramer of Oakland, California.

Serving the working people of California for 34 years, David Kramer has been known throughout his career for his dedication to civil rights as well as his unwavering commitment to the labor movement. Today our community comes together to celebrate his career and achievements on the occasion of his retirement from SEIU Local 535 in Berkeley, California.

David Kramer was born in Pittsburgh, Pennsylvania in 1941. After graduating from Scott High School in North Braddock, Pennsylvania in 1959, he attended the Carnegie Institute of Technology, now known as Carnegie Mellon University. Following his studies there, he was hired by the Ford Motor Company, where he worked toward honing the skills he had acquired in school. However, in 1964 he quit his job and immersed himself in the burgeoning civil rights movement that was gaining strength throughout the United States.

As part of the Congress of Racial Equality (CORE), David was involved in countless picketing and protest efforts that were aimed at achieving integration and equal employment. He was part of a crew of 60 involved in testing and enforcing the Civil Rights Act of 1964 through the integration of public facilities and voter registration procedures in Monroe, West Monroe, New Rhodes, and Baton Rouge, among other places in Louisiana. When he returned to Detroit in the spring of 1965, he became the first community organizer to work for the West Central Organization, which rallied members of the African American and rural Appalachian communities, together with neighborhood churches, union halls, block clubs, and social organizations. This coalition organized around issues such as school and police community relations, tenant rights, and urban renewal.

In 1967, David enrolled in the University of Michigan Graduate School of Social Work, where he graduated with a Masters of Social Work degree in Community Organizing in 1968. As part of his studies, he served in the Wayne County Office of Equal Opportunity and Detroit People Against Racism (PAR), an organization of which he eventually served as the executive director. During this time he also became deeply involved in the anti-Vietnam War movement, participating in demonstrations across the country, including at the Democratic Convention in 1968.

In 1969 he worked as a ''lumper'' on the night shift in a warehouse in Detroit, where he began to get more involved with the labor movement as a member of Teamsters Local 299 and from which he still holds his honorable withdraw card. In 1971, David was appointed as a field representative of SEIU Local 535. His was first assigned to represent the Santa Clara County social workers and to organize county eligibility workers for Local 535, and was instrumental in securing representation rights for the workers. From 1971 to 1976, David worked with the Santa Clara County, Sacramento County, Stanislaus County, Berkeley, St. Vincent's School, Irwin Memorial Blood Bank, Sunny Hills, and Alameda County chapters of SEIU, and was elected to the Executive Committee of the Central Labor Council of Alameda in 1975. In the following year, David underwent an intense and unforgettable experience in which a 49-day strike involving 5,000 members took place, the longest county-wide strike in California history. In October 1976, he became the Executive Director of SEIU Local 616, where he served until May of 1980. He ultimately resigned from 616 in order to pursue a career as a self-employed carpenter.

In 1982, David returned to the labor movement and joined the Alameda County Tri-Local agency shop campaign to serve as an organizer, and in 1983 he once again became an organizer for Local 535, albeit for only a short period of time. During this time, he aided in the largest union security election in the history of the labor movement to date, involving more than 80,000 State workers and four bargaining units, of which 3 were won.

When David permanently returned to Local 535, he succeeded in organizing the North Bay Regional Center. He also made negotiations for the first contract for the Clinica de la Raza, and served the San Francisco chapter of Local 535 for 2 years. In November 1988, he became the northern regional director of Local 535, where he supervised 14 field staffs in 535's Sacramento, Oakland, Santa Clara, and Fresno offices. David Kramer was eventually named Executive Director of Local 535 in the fall of 1996. Less than a year later in June of 1997, he was elected to serve on the SEIU's International Executive Board, a position he will continue to hold until February 2006.

David also serves our community on the Oakland Board of Port Commissioners, a post to which he was nominated by former Oakland Mayor Elihu Harris. He has been reappointed three times since, making his record fourth appointment a first in the history of the Port of Oakland, and making David the Port's longest serving commissioner.

Today David Kramer's family, friends and colleagues come together to celebrate the impact of his life and work not only on the innumerable lives, particularly the lives of working people, he has touched here in Alameda County, but the lasting effects his dedication and leadership have had and will continue to have on our community. On behalf of the 9th Congressional District of California, I salute and thank David Kramer for his invaluable contributions to the people of Alameda County, the 9th Congressional District, the State of California and our entire country.

HONORING EBBY HALLIDAY ACERS

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HENSARLING. Mr. Speaker, I rise today to recognize the exceptional leadership and outstandIng achievements of Ebby Halliday Acers, founder of Ebby Halliday Realtors. I would like to congratulate her on 60 years of extraordinary service to the North Texas community and to the real estate industry at large.

Ebby Halliday Realtors was recently honored as one of the ''50 Best Companies to Work For'' in Texas, as named by Texas Monthly, the Texas Association of Business and the Society for Human Resource Management.

Founded in 1945, Ebby Halliday Realtors began as a single office operation that now consists of 28 branches and serves 12,000 square miles in North Texas. Today, Ebby Halliday Realtors is the 20th largest independent residential real estate company in the nation and the single largest in Texas. In 2004, their 1,500 sales associates and staff assisted more than 18,000 families in finding new homes.

Ebby Halliday has also remained an active and important member of our community. Her civic and professional endeavors have earned her the highest recognition and awards. I am proud to honor Ebby Halliday and her valuable contributions to the real estate industry and her community in the United States House of Representatives.

RECOGNIZING MAYOR MICHAEL MILLER

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Ms. SOLIS. Mr. Speaker, I rise today to recognize Mr. Michael Miller of West Covina, California. Mr. Miller was first elected to serve the citizens of West Covina in March of 2001 and is completing his service as Mayor to the city this December.

Mr. Miller has a long history of service to his community. Mr. Miller worked for the City of Garden Grove for 8 years and continued his service for the City of West Covina serving in the planning and development of the community. His distinguished service of 24 years in the City of West Covina's Office of Planning, Public and Environmental Services was followed by an elected position to West Covina City Council for 4 years marked by merit. Mr. Miller also owns a small consulting business which addresses environmental and municipal issues affecting cities, individuals and small businesses.

Mr. Miller's service extends beyond his duties as an elected official and city staff member. He serves as Director and Board Member of the California Waste Association; Director and Board Member of Southern California Waste Management Forum; and member of the Southern California Council for Environment and Economic Development. Mr. Miller is a member of the Lyons Club, serving as President from 1977–1978; member of the Citrus Valley Health Foundation 2100 Club, serving as President from 1999–2000; Director and Board Member of the West Covina Historical Society; House Supervisor for the Heritage House Restoration; Committee Member of the West Covina Chamber of Commerce Economic Development and Government Affairs; Committee Member of the YWCA Women of Achievement; and Committee Member of the West Covina Rose Parade Float.

For his many contributions, Mr. Miller has been named West Covina Citizen of the Year (1998), West Covina Volunteer of the Year, Recreational Services (1999) and CovinaWest Covina Coordinating Council Volunteer of the Year (1999).

In addition to his service to the community, Mr. Miller has been a devoted and loving husband to his wife Rosella of 37 years and father to his two children Melissa and Kevin. It is with pleasure that I recognize Mr. Michael Miller for his significant contributions and noteworthy dedication and service to his community.

TRIBUTE TO GAIL JOYCE BEAGLE

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. GONZALEZ. Mr. Speaker, my distinguished colleagues; it is a special honor that I pay tribute today to a great American and civil rights activist since the 1950's, Gail Joyce Beagle, who celebrates her 70th birthday on November 25th.

Gail, who I have known and counted as a friend for at least 46 years, had a long and distinguished career in appointive public service, but since her retirement, continues to work for the public good in a variety of capacities.

Born in Beaumont, Texas on November 25, 1935, she was reared at Nederland on land her maternal grandfather, Martin Block, had earlier farmed for many years. Upon graduation from high school, she entered Texas Woman's University at Denton where she graduated with a bachelor's degree in journalism in 1958. At TWU she held various positions, including Day Editor, on the campus newspaper, the Daily Lass-O. Her academic standing in journalism resulted in her selection for membership in the honorary fraternity for women in journalism called Theta Sigma Phi (now called Association of Women in Communications). (At the turn of the last century women were not allowed in the then all-male journalism societies so it was necessary to establish a separate journalism fraternity for women—with its beginnings at the University of Washington at Seattle.)

When Gail's journalism professors in 1957 told her she could not editorialize in the campus newspaper as to why TWU accepted young women as students from all over the world, but no black women were at the State institution of higher learning, she, in turn, posed this question in an editorial in the Methodist Student Movement's newsletter as to why there were no black women at TWU. During that time she was president of the Methodist college group for both TWU and North Texas State University.

As the result of this effort, the TWU president and a few of his advisory committee faculty members were not happy with her, but she weathered the storm, and continued her integration effort. While working in 1959 for my father, the late Henry B. Gonzalez, then a State senator, who represented San Antonio at Austin, she got a nice telegram from a TWU history professor, congratulating her and telling her that TWU was to accept its first black female students in the fall of 1959.

During the summer of 1957, she was a Texas Daily Newspaper Association intern on the San Antonio Light newspaper, but after college graduation, she did not immediately return to San Antonio, but landed her first job in Austin in late summer 1958. Earlier that summer, working out of her parents' home, she had a brief stint as Jefferson County volunteer campaign manager for my father's unsuccessful bid to be Governor of Texas.

In the Fall of 1961, she returned to San Antonio as a permanent resident and campaigned in my father's bid to be the first Hispanic from Texas to be elected to Congress where he served in the House for 37 years, and for the most part of those years, Gail served him and the 20th Congressional District of Texas as the Chief of Staff and Press Secretary in Washington, returning home to San Antonio from time to time. Among many achievements for the people, as well as for my father, she was instrumental in his decision to be the first Member of Congress, south of the Mason Dixon line, to hire the first black congressional staff member. The staff member was the late Cora Faye Clayton, a graduate of Our Lady of the Lake University in San Antonio, who served for 30 years, first in Washington and then in San Antonio, with honor and distinction. Additional milestones for Gail included completion of a Master of Arts degree in Legislative Affairs (MALA) from George Washington University.

Earlier in Austin, Gail had served on the State Executive Committee of the Young Democrats of Texas and was involved in many civil rights demonstrations in 1959–61, including several at a University of Texas campus area movie house which would not sell tickets to blacks, even if they were students at UT. Further, the restaurants there would not serve blacks unless they had a UT student ID card. Gail says a State senator one time got out of his car, walked down the line observing the young demonstrators at the movie house, and then harassed them, as he walked away denouncing them, under his breath, as a "bunch of communists." When Gail came to Washington with my father in late 1961, she, as well as other women, was denied membership in several organizations, including the Texas Breakfast Club, a Washington discussion group. It took years for those barriers for women to come down!

Currently, Gail is president of the Henry B. Gonzalez Foundation for Inspiring Public Service which seeks to establish, at the downtown campus of the University of Texas at San Antonio, a center, named for my father, for Public Service, Integrity and Courage. She is also the Democratic chair for my precinct, and is active in many social, religious, and public service endeavors. For a few months she was the interim director of the Guadalupe Community Center that serves a poor neighborhood in my district.

Gail, your record of service and achievements could fill a book. I congratulate you and wish you a happy and healthy 70th birthday, with many more to come!

PERSONAL EXPLANATION

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. FORTENBERRY. Mr. Speaker, on Thursday, November 17, 2005, I was unavoidably detained due to a death in my family and thus missed rollcall vote No. 600. Had I been present, I would have voted "aye."

HONORING THE CEDAR CREEK ROTARY CLUB

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HENSARLING. Mr. Speaker, today, I would like to help celebrate two significant anniversaries of Rotary International. This year, Rotary International celebrated its 100th anniversary. From its humble roots in Chicago, Illinois, Rotary has grown into a worldwide organization of business and professional leaders who provide humanitarian service, encourage high ethical standards in all vocations, and help build goodwill and peace in the world. Since 1943, Rotary International has distributed more than $1.1 billion to combat Polio, promote cultural exchanges and encourage community service.

I also want to recognize the Cedar Creek Rotary Club for their 19 years of service to Henderson County. Throughout its history, the Cedar Creek Rotary Club has achieved great success in carrying out the mission of Rotary International.

The Cedar Creek Rotary Club has raised money to provide scholarships for local youth, exchange programs, and faculty and student luncheons. Their support in the community can be seen through their involvement in local organizations. They helped start the Genesis Center for abused women. In addition, they strongly support organizations, such as the Rainbow Room, Toys for Tots, local school programs and the YMCA.

Through these initiatives, the Cedar Creek Rotary Club exemplifies the values of service and charity that lie at the heart of American society. As the Congressional representative of the members of this outstanding organization, it is my distinct pleasure to honor them today in the United States House of Representatives.

HONORING RETIRING ERIE COUNTY LEGISLATOR TIMOTHY WROBLEWSKI

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HIGGINS. Mr. Speaker, today I rise to honor a friend and fellow public official whose service has I been exemplary and whose commitment to the residents and taxpayers of the towns of West Seneca and Cheektowaga, and the residents of the county of Erie at large, has been commendable. Today, I wish to honor the service of retiring Erie County Legislator Timothy Wroblewski.

Tim Wroblewski began his career as an elected official as a member of the West Seneca Town Board. During that service, Tim worked with local officials to make West Seneca's government among the most efficient and effective local governments in New York State—forging relationships across party lines and working cooperatively with civic, government and community leaders to make West Seneca government the envy of local governments statewide.

With an open-seat election for the ninth legislative district seat available in 2004, Tim

Wroblewski entered the race for the County Legislature and took office in January 2004. Since his election to the legislature, Tim served as a strong voice on behalf of Erie County's taxpayers. Tim's commitment to his constituency was admirable, and I have always valued his friendship, both on a personal as well as a professional level.

The residents of the towns of West Seneca and South Cheektowaga are better for the service provided to them by Tim Wroblewski, and I want to thank you, Mr. Speaker, for this opportunity to recognize the accomplishments of a responsible and effective public official.

TRIBUTE TO MS. JORDAN ROWAN

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. PAYNE. Mr. Speaker, I am proud to rise today to congratulate an extraordinary employee of mine who is unfortunately leaving our office this Thursday, November 17, 2005. Ms. Jordan Rowan will be leaving our office to join her future husband, Mr. Coleman Fannin, in Dayton, OH, as well as to pursue other professional opportunities.

Jordan joined my office in fall 2003 as an intern and through her hard work, she advanced to legislative assistant. Among her many areas, she handled environmental issues for me. We share a great love for the environment and for its preservation. Therefore, she has been an indispensable asset to me as the Congress has debated many critical environmental bills this year.

Over the 2 years that she has worked for me, she also has gained the necessary skill of deciphering my cryptic questions with even vaguer clues. Any time I needed her to find an obscure factoid, I could readily rely upon her.

She has a big empathetic heart that, many times, has helped to ground myself and others in my office when a larger perspective was greatly needed. In fact, when most other brides choose to register for wedding gifts to supplement their new lives, she wanted to help others by registering with Heifer International, an organization that provides livestock to families in developing countries. Like Heifer International, she believes in giving but giving with the purpose of empowering others to better themselves economically and socially.

Mr. Speaker, I invite my colleagues here in the U.S. House of Representatives to join me in congratulating Ms. Jordan Rowan as she moves on to the next important stage of her life. While exemplifying professionalism and integrity, Jordan has not only brightened my office but also has assisted me legislatively on many important issues. I am proud to have had her work in my office and wish her never-ending success in her future endeavors.

TRIBUTE TO DETECTIVE MIKE METZLER

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. SHIMKUS. Mr. Speaker, I rise today to honor Detective Mike Metzler of Alton, Il. Detective Metzler, a 10-year veteran of the Alton Police Department, was recently awarded the Pastor Paul-Gerhard Braune Award for his work on the department's Crisis Intervention Team, CIT. This State-level award is from the National Alliance on Mental Illness of Illinois.

CIT officers, like Detective Metzler, respond to situations concerning people in a crisis. Detective Metzler has used his training at a CIT office to prevent individuals from committing suicide and has also helped to bring calm to other dangerous situations.

Aside from his work as a CIT officer, he also serves as the Alton public school police-school liaison. As well, he travels to other States to train officers about crisis intervention.

I am pleased to thank Detective Metzler for his outstanding work. I congratulate him on his award.

HONORING SUEY GEE

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Ms. LEE. Mr. Speaker, I rise today to honor the extraordinary life and achievements of World War II veteran Suey W. Gee of Oakland, CA. This weekend Mr. Gee celebrates his 79th birthday, his 80th birthday according to the Chinese lunar calendar. On this special occasion his friends and family will gather to honor him for the immeasurable contributions he has made not only to their lives, but also to our country.

Suey W. Gee was born in Canton, China on November 19, 1926. As a youth, he emigrated to the United States with his father to find work and help support his family back in China. In March 1945, at the age of 19, he enlisted into the U.S. Army to aid his newly adopted country during World War II. He served in the 128th infantry and trained as an anti-aircraft gunner. His unit was ultimately deployed to Hiroshima, Nakasaki and Okinawa following the atomic bombings that destroyed those cities, where he served as part of the occupation army and helped to facilitate the disarmament of Japan.

Mr. Gee was honorably discharged from military service on November 22, 1946. Though Mr. Gee was awarded the World War II Victory Medal, the Asiatic-Pacific Campaign Medal and the Army of Occupation Medal under President Franklin D. Roosevelt, due to the metal shortage during the war era, in addition to the fact that he moved around frequently in search of work, he did not receive his medals at that time.

In 1948, Mr. Gee traveled back to China where he married Sue King Gee, and they subsequently returned to the U.S. together. Mr. Gee became a proud citizen of the United States of America on September 18, 1957, and Mrs. Gee became a citizen soon after.

Like many immigrant families who come to America, Mr. and Mrs. Gee faced many obstacles, overcoming poverty, hardship and discrimination as they persevered toward achieving their dreams. They worked in the food service, cannery and sewing industry for over 55 years, remaining steadfastly committed to providing greater opportunities for their children than what they had themselves. Married for over 58 years, Mr. and Mrs. Gee have three daughters and one son, all of whom are currently living or working in the city of Oakland as active and productive members of our community.

Mr. Gee is retired now and spends his time keeping up with local and national politics. At almost 80 years old, he still votes regularly and remains civically engaged in the country that he served in the U.S. Army more than 60 years ago.

On this very special occasion, Mr. Gee's friends and family will come together not only to celebrate his birthday, but to present him with his hard-earned and well-deserved military service medals over six decades after his honorable discharge. On behalf of California's Ninth Congressional District, I would like to take this opportunity to salute and thank Mr. Suey W. Gee for his brave service to our country, and for his invaluable contributions to our community.

RECOGNIZING MR. BENJAMIN S. WONG

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Ms. SOLIS. Mr. Speaker, I rise today to recognize Mr. Benjamin S. Wong of West Covina, California. Mr. Wong was first elected to serve the citizens of West Covina in April 1992 and served as mayor from 1997–1998. He is currently the mayor pro tempore and is completing his service to the city as an elected official this December.

Ms. Wong has a long history of service to the community with membership to various organizations and boards. He is a member of the West Covina Lyons (1981–1994); Board of Directors and former President of the Chamber of Commerce; the Queen of the Valley Foundation; the Queen of the Valley Men's Club; the Intercommunity Medical Center Men's Club, member of the 2100 Club; and First Federal Savings and Loan of San Gabriel Valley Board of Directors, 1991–present.

Mr. Wong's service to the residents of West Covina includes a broad spectrum of boards and municipal organizations, all of which address issues of commerce, urban development and revitalization. This service includes the Redevelopment Agency Relocation Appeals Board; Citizens Committee on Public Services and Facilities; Police Commander Interview Board; San Gabriel Valley Commerce and Cities Consortium Board Member, 1992–present; vice president from 1993–1994; and Foothill Transit Executive Board Member, 1994–present.

In addition to his service to the community, Mr. Wong is a devoted and loving husband to his wife Deborah of 26 years and father to his three children: Courtney, Justin and Adam. It is with pleasure that I recognize Mr. Benjamin S. Wong for his significant contributions and noteworthy dedication and service to his community.

FINALIST FOR THE 2005 NURSING EXCELLENCE AWARDS

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. GONZALEZ. Mr. Speaker, I rise today to commend Charles Reed, RN, BSN, CNRN, Patient Care Coordinator for the University Health System in San Antonio. Every year, thousands of nurses across the country are nominated for the 2005 Nursing Excellence Awards. The RNs are nominated by their colleagues, peers, and managers and selected by a panel of nurse leaders. The Nursing Excellence Awards exemplify the best that professional nursing has to offer. They bring initiative, ingenuity, and inspiration to their workplaces and communities, setting the standards for accomplishment in communities, setting the standards for accomplishment in nursing. In addition, the Nursing Excellence Awards recognize extraordinary nurses who represent the countless other dedicated nurses who play a crucial role in the nation's health care system. Mr. Reed's outstanding performance earned him a finalist position in this year's competition.

Mr. Reed rose through the ranks from student nurse to patient care coordinator in the health system and now has duties ranging from meeting staffing needs and coaching, counseling, and mentoring nurses to managing patient care. He ensures clinical practice is kept to the highest standard, frequently by working one-one with nurses, and he often meets with families of ICU patients, once staying over an additional 4 hours to be sure a family's concerns were addressed.

I commend Mr. Reed for all the hard work and dedication he gives to his patients at University Health System and I wish him the best of luck next year.

HONORING THE WHITE ROCK ROTARY CLUB

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HENSARLING. Mr. Speaker, today, I would like to help celebrate two significant anniversaries of Rotary International. This year, Rotary International celebrated its 100th anniversary. From its humble roots in Chicago, Illinois, Rotary has grown into a worldwide organization of business and professional leaders who provide humanitarian service, encourage high ethical standards in all vocations, and help build goodwill and peace in the world. Since 1943, Rotary International has distributed more than $1.1 billion to combat Polio, promote cultural exchanges and encourage community service.

I also want to recognize the White Rock Rotary Club for their 45 years of service to the community. Throughout its history, the White Rock Rotary Club has achieved great success in carrying out the mission of Rotary International.

The White Rock Rotary Club has raised money to support charities and programs, such as Journey of Hope. The White Rock Rotary Club has also been very involved in a local community project building a picnic pavilion in conjunction with two other local rotary clubs in honor of Rotary International's 100th Anniversary. In addition, they support community endeavors such as tutoring programs and nursing home visits for senior without family members.

Through these initiatives, the White Rock Rotary Club exemplifies the values of service and charity that lie at the heart of American society. As the Congressional representative of the members of this outstanding organization, it is my distinct pleasure to honor them today in the United States House of Representatives.

HONORING RETIRING ERIE COUNTY LEGISLATOR ELISE M. CUSACK

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HIGGINS. Mr. Speaker, today I rise to honor the 4 years of elective service by retiring Erie County Legislator Elise M. Cusack.

Legislator Cusack was elected in 2001, replacing a man who was then the Legislature's longest-serving member, William A. Pauly. Legislator Cusack's district includes the towns of Amherst and Tonawanda, but includes a small portion of the town of Cheektowaga, which is located within the 27th Congressional District.

Elise Cusack has been an energetic representative of her constituents, maintaining a full service district office and garnering a reputation for effective constituent service. Although Legislator Cusack and I sit on different sides of the political aisle, I have always respected her intellect and her demonstrated commitment to her constituents.

Beginning on January 1, 2006, Elise Cusack will be able to don her other governmental hat—that of a member of the Board of Trustees of the New York Power Authority—on a full time basis. As someone with a keen interest in the actions of that public authority, I look forward to many anticipated future opportunities to interact with Legislator Cusack in a professional capacity.

In closing, I appreciate this opportunity, Mr. Speaker, to rise and honor the service of Legislator Elise Cusack and I want to offer to her, her husband and children my very best wishes of good luck and Godspeed in all of her future endeavors.

TRIBUTE TO BRENDAN DENIS O'CONNOR ON THE OCCASION OF HIS 50TH BIRTHDAY

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. McGOVERN. Mr. Speaker, as Congress prepares to recess today for the Thanksgiving holiday, I wish to take a moment to congratulate my friend Brendan O'Connor on the recent occasion of his 50th birthday, November 3, and to express my gratitude for his extraordinary contributions to the greater Worcester, Massachusetts community. In a place rich with kind people and colorful characters, Brendan stands apart but certainly not alone. His quick wit, brilliant sense of humor and boundless compassion have endeared him to countless admirers both near and far. This was never more evident than at the spectacular 50th birthday celebration his wonderful wife Claire and devoted sons Rory and Eamon hosted for him at Worcester's historic Tuckerman Hall on Saturday, October 22, 2005. My wife Lisa and I were honored to attend that unforgettable evening with scores of Brendan's family and closest friends. The night was made truly special by the presence of Brendan's father, Sean, who traveled from the family's native Limerick City, Ireland; and all four of his siblings—his brothers, John, Kevin and Declan, and his sister, Carmel. And while Brendan's dear departed mother Joan (Horgan) O'Connor was not able to be there in person, her spirit was felt in the festive atmosphere that continued well into the night. All in all, the birthday party was an incredible tribute to Brendan but it does not reveal the full measure of the man.

Mr. Speaker, in addition to being a great human being, Brendan O'Connor is a also a very successful entrepreneur. As proprietors of the renowned O'Connor's Restaurant and Bar in Worcester, Brendan and Claire have graciously welcomed thousands upon thousands of hungry and thirsty patrons to their establishment. Every customer that comes through their doors is treated to excellent cuisine accompanied by the sterling service and warm hospitality the Irish have made famous. In fact, O'Connor's has grown to become much more than just a popular dining destination. It has become an institution deeply embedded in the fabric of the Worcester community. This is due in large part to Brendan's remarkable gift for making everyone he encounters feel special and at home.

However, it is important to note that Brendan does not reserve his gifts and talents for his patrons alone. He has generously given his time and energy to numerous civic and charitable causes. As a long-time board member and past-president of the Emerald Club of Worcester County, Brendan has raised enormous financial support for the clients of the Mercy Centre through the promotion of Irish cultural events. His tireless efforts on behalf of the Emerald Club and the Ancient Order of Hibernians earned him the well-deserved honor of having been previously selected as the Grand Marshal of Worcester's annual Saint Patrick's Day Parade. Brendan has also shared his talents with the Worcester area youth as a volunteer soccer coach for many years. His unbridled passion and skillful teaching of the sport have produced numerous championship teams at various competitive levels. More importantly, he has been a positive guiding force in the lives of an untold number of young people.

In closing, Mr. Speaker, I would like to simply say that Brendan O'Connor is among the most beloved figures in my hometown of Worcester, Massachusetts. His charm is exceeded only by his devotion to his family and fellow man. I look forward to celebrating many more happy occasions with he and his wife

Claire and congratulate him again on this important milestone in his life.

COMMENDING THE FEDERATION OF FAMILIES FOR CHILDREN'S MENTAL HEALTH

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Ms. BORDALLO. Mr. Speaker, I rise today to recognize and congratulate the Federation of Families for Children's Mental Health (FFCMH) upon the occasion of their 17th Annual Conference. Their conference will be held this weekend in Washington, D.C., and will be hosted by I Famagu'on-ta, the chapter and delegation from Guam.

The Federation is a national family-run network of community-based organizations dedicated to improving mental health services for children through advocacy, training, family support, and engagement in the public policy process. I commend the Federation for their support, service and commitment to children with mental health needs and their families throughout the United States.

In January of 2002, Guam advocates for families reached out to the Federation for assistance as resources and support for children with mental needs and their families in our community were largely unavailable on island. The association with Guam was born of the efforts initiated by Mary-Therese Edgerle, who at that time was a concerned parent on Guam. Through her vision and dedication, a family organization for parents whose children experience serious emotional disturbances or S.E.D. was established in the territory.

Through its former executive director, Barbara Huff, the Federation lent extraordinary assistance and key backing to Guam advocates in the early efforts to organize on behalf of children with mental health needs. Barbara personally saw to it that the Federation grew to include membership and organization in Guam. As a result of the collaboration between Guam advocates and Federation leaders, Guam's families began to learn and understand their rights and the many possibilities and programs that could be developed to help their children affected by S.E.D.

Sandra Spencer, the current Federation executive director, has been equally supportive of Guam. Under her direction and guidance, Guam has been blessed with ongoing leadership training through Lisa Conlan, the technical assistance partnership and peer mentor. The various board, individualized evaluation plan, crises, and family partners train-the-trainer programs, as well as their technical support, have provided invaluable expertise and assistance to the families and most especially, the children of Guam. The Federation staff members have given of their time willingly and unselfishly, as have other Federation Chapters, to provide Guam with much needed support, resources and information. In particular, I would like to recognize Sue Smith from the Parent Support Network in Georgia for her steadfast dedication and assistance to the Guam Chapter.

With the benefit of a $180,000 statewide Family Network Grant award in October 2002, the Guam Chapter successfully identified and strengthened local families through early program development stages. This work has resulted in a $9.5 million grant. The Child Mental Health Initiative Cooperative Agreement with the Substance Abuse and Mental Health Services Administration was entitled Project I Famagu'on-ta or ''Our Children,'' in support of children and youth on Guam affected by S.E.D. As a result of Federation training, Guam Identifies Families Terrific Strengths, Inc., or G.I.F.T.S. was awarded tax-exempt status as a 501(c)(3) non-profit charitable organization in October 2005.

The development and passing of legislation in Guam has further helped to shape and create a nationally recognized system of care on Guam. This legislation has also helped form G.I.F.T.S. as a new Federation chapter. It is this territorial chapter that is hosting the registration of the Federation of Families National Conference this weekend. The establishment of G.I.F.T.S. marks the beginning stage of an association providing much needed services to children and families on Guam.

I commend and congratulate the Federation of Families for Children's Mental Health for their unselfish devotion, commitment and support provided to those affected by S.E.D. I further express my sincere and heartfelt gratitude for their outstanding work in making a difference in the lives of the families and children of Guam and in other communities throughout the nation. Through the efforts of the Federation our nation has the ability to foster healthy emotional development for our children in need. I wish the Federation a successful and productive conference. Dankulo na Si Yu'os Ma'ase and thank you.

HONORING THE ROWLETT ROTARY CLUB

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HENSARLING. Mr. Speaker, today I would like to help celebrate two significant anniversaries of Rotary International. This year, Rotary International celebrated its 100th anniversary. From its humble roots in Chicago, Illinois, Rotary has grown into a worldwide organization of business and professional leaders who provide humanitarian service, encourage high ethical standards in all vocations, and help build goodwill and peace in the world. Since 1943, Rotary International has distributed more than $1.1 billion to combat Polio, promote cultural exchanges and encourage community service.

I also want to recognize the Rowlett Rotary Club for their 20 years of service to the community. Throughout its history, the Rowlett Rotary Club has achieved great success in carrying out the mission of Rotary International.

The Rowlett Rotary Club has raised money to provide scholarships for local youth. They have been involved in local community projects, such as a community sleeping bag collection to provide over 100 sleeping bags for the homeless. They also work with neighborhood organizations like Jonathan's Place, a home for children who are victims of drug and alcohol abuse. In addition, they support charities such as Equest, New Beginning's Center, and Rowlett Needy Children's Fund.

Through these initiatives, the Rowlett Rotary Club exemplifies the values of service and charity that lie at the heart of American society. As the Congressional representative of the members of this outstanding organization, it is my distinct pleasure to honor them today in the United States House of Representatives.

HONORING RETIRING ERIE COUNTY LEGISLATOR STEVEN P. McCARVILLE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HIGGINS. Mr. Speaker, today I rise to honor the service of a public official with more than fourteen years of continuous service as a elected official. I rise to honor the distinguished service of my friend, Erie County Legislator Steve McCarville.

Steve McCarville is a lifelong resident of the town of Orchard Park, and began his public service as a member of the Orchard Park Village Board in 1991. Serving as Village Trustee from 1991 to 1997, Steve was part of a village team, including then-fellow trustee and current New York State Supreme Court Justice John Curran, that oversaw a transformation in the village of Orchard Park into what we see today—a vibrant, bustling village environment in one of Erie County's most successful suburban towns.

In 1997, Steve won election to the Orchard Park Town Board, a position he held until his appointment to a vacant 13th District seat in the Erie County Legislature. In 2001, Steve was appointed to serve the balance of a two year term and was later elected in his own right to represent the 13th district, which encompasses the towns of Aurora, Colden, Collins, Concord, and Orchard Park.

In the Legislature, Steve's work has been marked by a strong deliver of constituent services. In addition, he has secured funding for vital county road repairs in his district, opened the first Satellite Office in the town of Boston, and has worked to revitalize the Emery Park Inn.

Steve McCarville and I have an interesting past, in that he was my first opponent for a seat in the New York State Assembly in 1998. Although it was a tough and hardfought contest, it speaks well of Steve's character and integrity that we were able to resume our friendship at the end of that contest. Politics is politics, Mr. Speaker, but I am pleased to know that in the area of serving the public and the people who elected us to our respective offices, Steve McCarville and I were able to work cooperatively and effectively. We checked our politics at the door, and the public was better served for it.

Steve has at all times, expressed a sincere and steadfast intention to effectively represent the residents and taxpayers of Erie County in general and of his district in particular. He has served well, Mr. Speaker, and I am honored and privileged to call the House's attention to that service here today, and am grateful to have this opportunity to honor him.

CELEBRATING THE BIRTH OF DECCAN WEST VENKAT MANIAM

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. WILSON of South Carolina. Mr. Speaker, today I am happy to congratulate Suresh and Jey Maniam of Arlington, Virginia, on the birth of their new baby boy. Deccan West Venkat Maniam was born on November 4, 2005 at 8:02 AM, weighing 6 pounds, 13 ounces and measuring 19 inches long. Deccan has been born into a loving home, where he will be raised by parents who are devoted to his well-being and bright future. His birth is a blessing.

HONORING THE MESQUITE ROTARY CLUB

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HENSARLING. Today, I would like to help celebrate two significant anniversaries of Rotary International. This year, Rotary International celebrated its 100th anniversary. From its humble roots in Chicago, Illinois, Rotary has grown into a worldwide organization of business and professional leaders who provide humanitarian service, encourage high ethical standards in all vocations, and help build goodwill and peace in the world. Since 1943, Rotary International has distributed more than $1.1 billion to combat Polio, promote cultural exchanges and encourage community service.

I also want to recognize the Mesquite Rotary Club for their 46 years of service to the community. Throughout its history, the Mesquite Rotary Club has achieved great success in carrying out the mission of Rotary International.

The Mesquite Rotary Club has raised money to provide scholarships for local youth and worked with Rotary International to help eradicate polio. They have assisted the Mission East Dallas Charity Clinic as well as donating to a program that distributes wheelchairs all over the world. In addition, they have been very involved in local community projects, such as the Centennial Project, Annual Bike Ride and improving a new playground and making it accessible for children with special needs.

Through these initiatives, the Mesquite Rotary Club exemplifies the values of service and charity that lie at the heart of American society. As the Congressional representative of the members of this outstanding organization, it is my distinct pleasure to honor them today on the floor of the United States House of Representatives.

HONORING RETIRING LACKAWANNA COUNCILMAN RICARDO ESTRADA

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HIGGINS. Mr. Speaker, today I rise to honor retiring Lackawanna City Councilman Ricardo Estrada, who will on December 31, 2005, complete 8 years of service as a member of the Lackawanna City Council.

Ricky Estrada is a leader of significance in the city of Lackawanna and in his beloved first ward that he has served so well. Consistently re-elected by his constituents, Ricky Estrada has been a strong voice for an economically challenged community, and it is his leadership that will allow for the resurgence of Lackawanna's first ward in the years to come.

It would be hard for me, Mr. Speaker, to imagine a group of elected leaders who support our vision for the reform of the transportation infrastructure of Buffalo and Lackawanna's waterfront areas than the elected leaders of the city of Lackawanna. Leaders like Ricky Estrada have long recognized the need to offer greater public access to our region's waterfront, and his support and that of his colleagues has been outstanding and meaningful, and effective for the people he represents.

While my friend Councilman Estrada will be succeeded on the Lackawanna City Council by an effective community leader, it is unquestioned that his retirement will be a loss for the city council in general and for the city as a whole. It is my fervent hope that Ricky Estrada will remain an active member of our community, so that we may continue to work together toward the betterment of our region.

Thank you, Mr. Speaker, for this opportunity to honor Councilman Estrada, and his faithful service to the residents and taxpayers of the city of Lackawanna.

WITNESS FOR JUSTICE: UNITED CHURCH OF CHRIST

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. RANGEL. Mr. Speaker, I rise to enter into the RECORD "Witness for Justice #223" entitled The Sons and Daughters . . . published on July 18, 2005, by the United Church of Christ of Cleveland, Ohio. The article eloquently written by Bernice Powell Jackson, the Executive Minister of this Church on 700 Prospect Avenue in Cleveland, addresses an issue that should be in the hearts and on the lips of every minister, rabbi and imam when he or she stands before a congregation.

The subject of The Sons and Daughters article was the difficulty the U.S. Army was having recruiting enough men and women to meet recruiting goals. At the time Minister Jackson wrote this article the Army was experiencing sufficient difficulty that they were raising the promise of higher sign-up bonuses, dropping standards and, as could be found, as she put it, circling "vulnerable young men and women like hawks flying over little chicks."

Minister Jackson did not question the patriotism of the young people failing to sign up with recruiters. She speculated the young people had gotten wiser. Perhaps she thought these men and women were looking at certain realities about the pre-emptive war they would fight if they enlisted. At the time of this article these young people had experienced 2 years "of watching a war which has so far resulted in nearly 1800 deaths and ten times that many injuries." Perhaps they were thinking how much life they had before them at the age of 18, 19, 20 or 21. Maybe they knew someone who had been burned beyond recognition or had lost both of his or her legs and faced a life time of disability at the age of 21.

Or, Minister Jackson thought, perhaps these young people had begun to detect the varying rationales and purposes stated by the Bush administration for why the United States was fighting in Iraq. The purpose of the War, according to the President, was to save our country from "immenent danger" from weapons of mass destruction that might come in the form of a "mushroom cloud." But 2 years on, there were no weapons of mass destruction and no immenent danger; so different reasons for the war were being substituted for the war in Iraq. We were fighting in Iraq to stop the terrorists. However, many were saying the American presence in Iraq was creating terrorists.

Of course, Minister Jackson speculated that these young people might not want to sign up for a war when the statements of the Secretary of Defense, Donald Rumsfeld, could not be relied upon for any certainty about when they would come home. Secretary Rumsfeld's statements about how long the United States would be in Iraq changed almost daily. Secretary Rumsfeld could not articulate a coherent plan for the war and neither could the President of the United States.

Young people, Minister Jackson speculated, might be frightened by the tactics used by recruiters to pressure young, vulnerable youths whose personnel information, including their names, social security numbers, race, ethnic background and telephone numbers the Defense Department received because one of the provisions of the No Child Left Behind Act was being shared by the Defense Department with a sharing with a private contractor who sold goods and products to young men about the age of those being recruited.

The tactics of the Pentagon are enabled by the No Child Left Behind Act as currently written. Minister Jackson pointed out that parents have to opt out of the program to get the military to leave their child off the potential recruitment list. Some in Congress have tried to change this law so that the parents would have to opt in so their child would be on the recruitment list. Those attempts failed because they were voted down by the Republican hawks in Congress. Minister Jackson noted in a column by Bob Herbert of the New York Times the statement: "There are always plenty of hawks in America. But the hawks want their wars fought with other people's children."

Minister Jackson wrote "our young people are in danger." She advised all of us to write our President, Secretaries of Defense and Education, our Congressperson and Senators and let them know about these recruiters and these lists.

This statement by Minister Jackson goes to the heart of what is wrong with this war. The

entire burden is shared by a tiny percentage of citizens of this country. Not one tax cut has been repealed and absent a draft only those who are poor, underemployed or with no hope of a job or college are enlisting. The people of this country do not see the flag draped coffins at Dover Air Force Base. They do not see the young soldiers who have lost their sight and their limbs or who are in comas from head wounds or burned beyond recognition. They do not give up a job to sit by the bedside of a son who does not recognize them or at the bedside of a daughter who has lost her legs at the age of 24. They do not attend the funerals of a 20 year old or an 18 year old who is dead just out of high school.

For most people in this country there is no war. There were complaints of how veterans were treated when they returned from Vietnam. Think of how veterans returning from Iraq must feel when they realize no one in their country felt any impact of a war in which they lost so much.

HONORING EDUCATION SUPPORT PROFESSIONALS

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. DEFAZIO. Mr. Speaker, this week is American Education Week and I would like to take this opportunity to recognize and honor all the men and women across the country who serve as Education Support Professional, ESP, in our Nation's public schools. Education Support Professionals are essential school employees who interact daily with students, staff and parents.

Public School drivers are essential school employees who interact with students, teachers, parents and the community every day. Bus drivers are the first and final link in the daily chain of events for every student in a school district.

Standards of performance for bus drivers in a given day will include but not be limited to: checking all safety and communications equipment on the bus at the beginning and end of each day, protect children from unsanitary conditions, returning lost and found student personal property, manage emergency situations, handle and stabilize student behavior which may put them and other students or staff at risk.

Take a moment to appreciate and recognize this fine group of Americans who are dedicated, loyal and committed to our future and the educational enhancement of all public school students.

PLACEMENT OF STATUE OF ROSA PARKS IN NATIONAL STATUARY HALL

SPEECH OF

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to recognize the life and legacy of Rosa Lee Parks, whose refusal to give up her bus seat to a white man sparked the modern civil rights movement. She was 92 at the time of her death.

In tribute to Mrs. Parks, I would like to submit the following excerpt from the Washington Post Article, ''Bus Ride Shook a Nation's Conscience,'' written by Patricia Sullivan on Tuesday, October 25, 2005.

''Rosa was a true giant of the civil rights movement,'' said U.S. Representative JOHN CONYERS Jr. (D–Mich.), in whose office Parks worked for more than 20 years. ''There are very few people who can say their actions and conduct changed the face of the nation, and Rosa Parks is one of those individuals.''

Parks said that she didn't fully realize what she was starting when she decided not to move on that December 1, 1955, evening in Montgomery, AL. It was a simple refusal, but her arrest and the resulting protests began the complex cultural struggle to legally guarantee equal rights to Americans of all races.

Within days, her arrest sparked a 380–day bus boycott, which led to a U.S. Supreme Court decision that desegregated her city's public transportation. Her arrest also triggered mass demonstrations, made the Rev. Martin Luther King Jr. famous, and transformed schools, workplaces and housing.

Hers was ''an individual expression of a timeless longing for human dignity and freedom,'' King said in his book ''Stride Toward Freedom.''

''She was planted there by her personal sense of dignity and self-respect. She was anchored to that seat by the accumulated indignities of days gone and the boundless aspirations of generations yet unborn.''

She was the perfect test-case plaintiff, a fact that activists realized only after she had been arrested. Hardworking, polite and morally upright, Parks had long seethed over the everyday indignities of segregation, from the menial rules of bus seating and store entrances to the mortal societal endorsement of lynching and imprisonment.

She was an activist already, secretary of the local chapter of the NAACP. A member of the African Methodist Episcopal Church all her life, Parks admired the self-help philosophy of Booker T. Washington—to a point. But even as a child, she thought accommodating segregation was the wrong philosophy. She knew that in the previous year, two other women had been arrested for the same offense, but neither was deemed right to handle the role that was sure to become one of the most controversial of the century.

But it was as if Parks was born to the role. Rosa McCauley was born February. 4, 1913, in Tuskegee, AL, the home of Booker T. Washington's renowned Tuskegee Institute, which drew many African American intelligentsia. She was the daughter of a carpenter and a teacher, was small for her age, had poor health and suffered chronic tonsillitis. Still a child when her parents separated, she moved with her mother to Pine Level, AL., and grew up in an extended family that included her maternal grandparents.

Her mother taught Parks at home until she was 11, when she was enrolled in the Industrial School for Girls in Montgomery, where her aunt lived. Segregation was enforced, often violently. As an adult, she recalled watching her grandfather guard the front door with a shotgun as the Ku Klux Klan paraded down their road. Her younger brother, Sylvester, a decorated war hero in World War II, returned to a South that regarded uniformed veterans of color as ''uppity'' and demonstrated its disdain with beatings.

She married barber Raymond Parks in 1932 at her mother's house. They shared a passion for civil rights; her husband was an early defender of the Scottsboro Boys, a group of young African Americans whom rights advocates asserted were falsely accused of raping two white women.

Mr. Speaker, I take great pride in commending Mrs. Rosa Lee Parks for her outstanding and historical contributions to the State of Alabama, the State of Michigan, the Civil Rights Movement, and national politics.

HONORING THE GARLAND ROTARY CLUB

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HENSARLING. Mr. Speaker, today, I would like to help celebrate two significant anniversaries of Rotary International. This year, Rotary International celebrated its 100th anniversary. From its humble roots in Chicago, IL, Rotary has grown into a worldwide organization of business and professional leaders who provide humanitarian service, encourage high ethical standards in all vocations, and help build goodwill and peace in the world. Since 1943, Rotary International has distributed more than $1.1 billion to combat polio, promote cultural exchanges and encourage community service.

I also want to recognize the Garland Rotary Club for their 78 years of service to Dallas County. Throughout its history, the Garland Rotary Club has achieved great success in carrying out the mission of Rotary International.

The Garland Rotary Club has been a strong supporter of the Garland Independent School District, GISD. Their annual Christmas and the Spring Casino Parties benefit underprivileged children and support student scholarships. This year, they have provided over $3,000 for GSID college scholarships. The Garland Rotary Club also supports local charities such as the New Beginnings Center, Achievement Center of Texas, and the Garland Habitat for Humanity.

Through these initiatives, the Garland Rotary Club exemplifies the values of service and charity that lie at the heart of American society. As the Congressional representative of the members of this outstanding organization, it is my distinct pleasure to honor them today in the U.S. House of Representatives.

LEGISLATION TO PROMOTE AN ADEQUATE STOCKPILE OF ANTI-AVIAN FLU DRUGS

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. ALLEN. Mr. Speaker, today I am introducing legislation to ensure that the United States has a sufficient supply of drugs to combat avian flu in the event of a pandemic. My

bill authorizes the importation of generic medicines when the U.S. patent holder cannot make enough medicine to meet domestic public health needs, and removes a trade policy barrier to such imports.

The prospect of an avian flu pandemic has gripped health officials around the world. Part of the response would involve treating victims with drugs to lessen the spread of the flu virus. The World Health Organization has urged all nations to stockpile reserves of antiviral flu drugs, and the Infectious Diseases Society of America has recommended that the United States stockpile enough drugs to treat 25 to 40 percent of the population.

The drug believed to be most effective against the flu is Tamiflu. The exclusive right in the United States to manufacture Tamilfu is owned by Roche, a pharmaceutical manufacturer based in Switzerland.

As Health and Human Services Secretary Michael Leavitt testified before the Energy and Commerce Committee on November 8, Roche has insufficient manufacturing capacity in the U.S. to meet the stockpile needs. At its maximum production, Roche could only produce 13 million treatment courses by the end of this year, far short of the 75 million we need to treat 25 percent of the population.

If Roche does not voluntarily license other companies to produce Tamiflu, the U.S. government has the authority to issue compulsory licenses to gain access to other sources of production of the drug. India, Taiwan, China, Thailand, Malaysia, Vietnam, the Phillipines, South Korea and Argentina are among the countries considering plans to manufacture versions of Tamiflu to prepare for a possible flu pandemic.

However, Americans facing a pandemic today could not get anti-flu drugs from those countries, because in 2003 the U.S. Trade Representative agreed to make the U.S. ineligible to import drugs produced abroad under compulsory licenses.

World Trade Organization rules allow for countries with ''insufficient'' manufacturing capacity in the pharmaceutical sector to import pharmaceutical products produced under a compulsory license in other countries in order to meet public health needs. This authority is contained in paragraph 6 of the 2001 ''Doha Declaration'' on Trade Related Aspects of Intellectual Property Rights (TRIPS) and public health. The August 30, 2003, decision of the WTO TRIPS Council spelled out implementation of this authority.

At the urging of U.S. negotiators, the August 30 decision created an ''opt out'' list, whereby countries could voluntarily agree not to use the import authority. The U.S. is on the ''opt out'' list. Therefore, we find ourselves in a situation where the United States government voluntarily restricted its access to critical drugs to fight a pandemic. That makes no sense.

The solution is simple. We can ''opt in'' to the system. That is what my bill does. It directs the U.S. Trade Representative to notify the WTO that the U.S. declares itself an ''opt in'' country and thus eligible to import drugs made under compulsory licenses in order to meet public health needs. It also affirms that the President has the authority to import such drugs in such cases, as long as the drugs are approved by the Food and Drug Administration.

Americans should have the comfort of knowing that if the public needs a particular drug to stop an avian flu pandemic, the U.S. government will have access to all available production sources for the drug. My bill would make sure that our government can do what it takes to combat an avian flu pandemic or other health emergency.

CONGRATULATIONS TO CHAIRMAN DAVE HOBSON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. KUCINICH. Mr. Speaker, I rise to congratulate Chairman DAVE HOBSON (R–OH) for his bold, principled stance to eliminate federal funding for the bunker buster bomb. It was a major victory for the United States and the world.

This achievement means the United States will send the message of responsibility to other nations who are considering building nuclear weapons. The United States can continue to advocate for the Non-Proliferation Treaty, whereby the United States and other nuclear powers pledged to disarm in return for other nations not seeking nuclear weapons. Because nuclear bunker-busters would be seen as tactical nuclear weapons, the development of these weapons would make it more difficult to encourage Russia to dispose of its arsenal of over 4,000 tactical nuclear weapons. Chairman HOBSON has given the United States more clout to pressure Russia to eliminate its tactical nuclear weapons.

Again, I commend Chairman HOBSON for his defense of our Nation.

[From the Columbus Dispatch, November 13, 2005

HOBSON WILL KEEP BUSTING NUCLEAR WEAPON

(By Jonathan Riskind)

The battle of the bunker buster, round two, goes to Rep. David L. Hobson.

But the Springfield Republican isn't so sure the Bush administration, especially Defense Secretary Donald H. Rumsfeld and others in the defense community, has given up on building a nuclear-tipped missile able to penetrate underground bunkers.

This is a saga last visited in this space a year ago. Then, too, Hobson, as chariman of the House Appropriation Committee's energy and water subcommittee, successfully fought the administration's push to build a specialized tactical nuclear weapon.

Pursuing new nuclear weapons when the United States is pushing nonproliferation around the world is wrong headed and dangerous, Hobson believes. And he's been told by scientists and candid members of the military that a nuclear bunker buster is likely to kill many innocent people and inflict such harm on the environment that no president would ''OK'' its use.

So Hobson refused to include $4 million Rumsfeld wanted in the 2006 energy bill for bunker-buster research.

Hobson's counterpart in the Senate is Pete Domenici of New Mexico, who chairs the Senate Appropriation Committee's energy subcommittee. Domenici favors going ahead with the research, but he told the Albuquerque Tribune that the administration has abandoned its plans for a nuclear bunker buster. He said that, however, after Hobson won the fight; the final 2006 House–Senate agreement on a $30.5 billion energy and water bill being sent to the White House reflects Hobson's views.

So while it's ''over in my bill for this year,'' Hobson said, his attention is focused on whether the Defense Department will try to include bunker-buster money in the still-pending 2006 defense-spending bill.

''I have to watch in the defense bill to try and make sure they don't go around me,'' said Hobson, who is a senior member of the defense-spending subcommittee.

This is one example of how public policy is enmeshed in the fabric of the annual spending bills. Hobson's measure, for instance, tackles the post-Katrina issue of improving the efficiency with which the Army Corps of Engineers spends the money Congress doles out to it, though part of the solution is making sure lawmakers don't tie the corps' hands with a plethora of pet projects. One tack seen in the energy and water spending bills is to limit the ability of the corps to take money intended for one project and spend it on another, only to later come back and request yet more money for the first project. Hobson also hopes the bill will force the corps to do more long-term planning and to do a better job moving projects along.

He cites a dam on the Ohio River between Illinois and Kentucky that was authorized by Congress in 1988 at an estimated cost of $775 million over about eight years. Completion is now scheduled for 2015, at a revised estimated cost of $1.4 billion.

''We're trying to bring some business management to the way the corps conducts business,'' Hobson said.

But the most far-reaching policy platform in Hobson's bill amounts to a nuclear nonproliferation stand that bucks the notoriously stubborn Rumsfeld.

''We had a meeting and he made his views known and I made my views known,'' Hobson said. ''He said there will be another day. I don't think they've given up.''

But Hobson vowed to defuse the bunker-buster proposals for as long as he's a committee chairman. He has three more years to head the energy subcommittee before chairman term limits set in, and intends to run for re-election to a ninth term next year and serve all three of those years.

''They aren't changing my mind,'' Hobson said. ''It is bad foreign policy to build a new type of nuclear weapon at the same time you are telling everyone else in the world, don't you do it.''

INTELLIGENCE FAILURE AND MANIPULATION

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HOLT. Mr. Speaker, today I and my Democratic colleagues on the House Permanent Select Committee on Intelligence publicly discussed a critical item of unfinished business for this House—specifically, the need for the committee to undertake a detailed examination of the Iraq weapons of mass destruction (WMD) intelligence failure.

We need to undertake this inquiry because this is not the last time that we will need intelligence that's based on good methods, critical thinking—in fact, skeptical thinking that really looks at the uncertainties in the intelligence.

We have to learn to get this right. There will be other times when we need it.

Now, the President has said that those who are raising questions about the war in Iraq and how we got there are trying to rewrite history. Actually, that's not true. History is not being

rewritten. History cannot be written because no one has allowed the facts to be assembled.

That is what we are talking about here. We have tried, but we have been blocked repeatedly in our attempts to do so.

This matter is of critical importance. And it is, of course, ironic that at a time when we are fighting a war in the name of democracy and the freedoms, including freedom of speech and freedom of inquiry, that here we are stymied in our freedom of inquiry.

And it is freedom of inquiry not for political points or our personal curiosity. It is so that we can, for the future, have an intelligence system that is based on critical thinking, skeptical thinking and good methods. That is the point.

Let me just say that the line that we hear is, "There is not much that needs to be investigated, there is not much need for oversight, because you knew all this all along. And furthermore, it is unpatriotic."

It is unimportant, and yet if you ask for it, you are unpatriotic. I say to my friends on the other side of the aisle, you can't have it both ways.

I wish I could say that the refusal to investigate the Iraq intelligence failure is an isolated case. It is not.

For over 2 years, I've pressed this House to investigate how it was that the name and cover status of a serving CIA Clandestine Services officer made its way from the CIA to the White House political office and thence to the press.

Eight separate times in eight separate votes, the leadership of this Congress shut down any effort to get the information about the release of the identity of an intelligence employee. Conducting oversight of this matter is something that is central to our responsibility to look after the wellbeing and effectiveness of those people that we ask to take risks for us around the world.

Yet in eight separate votes, it was shut down.

Mr. Speaker, it's time—indeed well past time—for this Congress to do its job and conduct oversight of these and other intelligence matters. We cannot protect our Nation from future threats if we do not learn the full lessons of conflicts past, and this is especially critical in the realm of intelligence. I urge my colleagues on the other side of the aisle to join us in this effort.

HONORING THE GARLAND LAKESIDE ROTARY CLUB

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HENSARLING. Mr. Speaker, today I would like to help celebrate two significant anniversaries of Rotary International. This year, Rotary International celebrated its 100th anniversary. From its humble roots in Chicago, Illinois, Rotary has grown into a worldwide organization of business and professional leaders who provide humanitarian service, encourage high ethical standards in all vocations, and help build goodwill and peace in the world. Since 1943, Rotary International has distributed more than $1.1 billion to combat Polio, promote cultural exchanges and encourage community service.

I also want to recognize the Garland Lakeside Rotary Club for their 30 years of service to Dallas County. Throughout its history, the Garland Lakeside Rotary Club has achieved great success in carrying out the mission of Rotary International.

The Garland Lakeside Rotary Club is in the process of raising funds and building a medical clinic called the Friendship House. In the past they have supported local charities, including the Salvation Army and the YMCA. Each year they work with Garland Independent School District to provide underprivileged children with Christmas gifts.

Through these initiatives, the Garland Lakeside Rotary Club exemplifies the values of service and charity that lie at the heart of American society. As the Congressional representative of the members of this outstanding organization, it is my distinct pleasure to honor them today on the floor of the United States House of Representatives.

DEFICIT REDUCTION ACT OF 2005

SPEECH OF

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Ms. KILPATRICK of Michigan. Mr. Speaker, some of the cuts proposed in this "Deficit Reduction Act" include Medicaid, student loans, child support enforcement, child foster care, supplemental security income, farm conservation, and many more.

Republicans have offered over $50 billion in cuts to much needed programs for America's families. The pretext of the these program cuts is to bring down the deficit, but all they do is offset the cost of a $56.6 billion tax cut package that will come to the floor of the House soon. Do not be misled into believing that the budget cuts being contemplated are to cover the cost of rebuilding the Gulf Coast states. They are being used to offset the raid that is taking place on the Treasury.

The Republicans are employing a two-pronged strategy for this fiscal charade. Today they want us to vote on $50 billion in spending cuts and later they will ask us to vote on a $50 billion tax cut for the wealthiest top one-tenth of one percent of Americans. It is their hope that the American people will not see the connection between the two actions. Show the people that you are cutting spending on one hand; then cut taxes for your supporters with the other. That is their game. I am appalled the Republicans will cut programs for children, the hungry, the sick and the vulnerable for tax cuts to the healthiest and wealthiest Americans.

Since 2001, the Republicans have done an excellent job of spinning their tax cut packages. They said we could have it all: Medicare prescription drug coverage, the War on Terrorism, huge tax cuts, and still produce budget surpluses as far as the eye can see. It is a great pitch, but there is only one hitch to their argument: it did not happen that way. Now Republicans are doing all they can to dodge the responsibility for the fiscal situation in which the country now finds itself. In fact, the President and my Republican colleagues take pride that last year's budget deficit was $320 billion, the third largest deficit in history. They take it as a record of accomplishment that the deficit was not higher. Now that is spin. Last year's deficit may be lower than the $412 billion deficit reached in fiscal year 2004, but that hardly entitles the Republicans to bragging rights over their fiscal stewardship. Under their leadership, a Republican president and Republican Congress have produced a string of record setting budget deficits.

By bringing this bill to the floor, the folk on the other side of the aisle have the temerity to say that the program cuts being recommended will offset the cost of added spending for Hurricanes Katrina and Rita. That argument is not even close to the truth. That is budgeteering by Merlin the Magician. I hope the American people will be able to look behind the curtain of their arguments and see them for what they are: simply a means to hide from their record of fiscal irresponsibility.

The President and the Republican majority are adept. Record deficits? Not the fault of the party in power. Blame 9/11, or blame the economy, or blame Katrina, or blame Saddam Hussein and Iraq, or blame the terrorists, or blame whatever. Just do not blame the Republicans or the Republican tax cuts for the horrible financial situation our country is in. That is the gist of the Republican message we hear today.

For a President and a party that is artful in avoiding blame for the country's fiscal state, for the failure to execute a successful war strategy in Iraq, the failure to respond rapidly during Hurricane Katrina, the failure to catch Osama bin Laden, the failure to find weapons of mass destruction, the failure to provide affordable energy, the failure to hire competent people to handle crises, the failure to prepare for a possible bird flu pandemic, for all the failures that have occurred on the watch of this President and this Republican Congress, can there be little reason why they want to avoid the "blame game?"

We can do better. There is no reason why we freely spend to rebuild Baghdad but struggle to rebuild Biloxi. When it comes to taking care of our own, where is the parity? Why are we applying a tougher standard on our own than we are in Afghanistan and Iraq? The budget cuts that will be triggered under this bill violates the principle of parity, it puts the welfare of others ahead of our own American people. This budget is symbolic of the spending priorities of this administration: It puts America and Americans last. That is a shame and that is why this bill does not deserve our support. I strongly urge my colleagues to join me in voting down this unfortunate bill.

CONDEMNING TERRORIST ATTACKS IN JORDAN

SPEECH OF

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2005

Mrs. SCHWARTZ of Pennsylvania. Mr. Speaker, I rise today in strong support of H. Res. 456, a resolution to vehemently condemn the terrorist attacks that occurred in Amman, Jordan.

On November 9, 2005, hundreds of innocent Jordanians gathered to celebrate a wedding ceremony—one of the greatest tributes to

life, family and humanity, for virtually every culture in the world. Yet what was supposed to be a joyous celebration was brutally cut short when followers of the terrorist Abu Musab al-Zarqawi carried out four simultaneous terrorist attacks. These unbridled and hateful acts killed 59 people, including the mother and father of the bride and the father of the groom.

Mr. Speaker, the line between good and evil could not be clearer.

The line between those who cherish life versus those who seek to destroy it could not be clearer.

The line between those with compassion in their hearts versus those with hatred could not be clearer.

The attacks in Jordan, just like those before it in Indonesia, Egypt, Spain and the United States, demonstrate that terrorism does not discriminate by race, ethnicity or region. Instead, terrorists indiscriminately target those seeking to live a peaceful, loving and free life.

All across Jordan, innocent and freedom-loving Jordanians fully understand this. Thousands of Jordanians have taken to the streets in protest of Zarqawi, ''the coward.'' In the wake of these attacks, King Abdullah has announced a ''National Agenda,'' which seeks to instill a more free and democratic political process and society.

We must hunt the terrorists down and kill them. There is no other way to respond to those so committed to the destruction of life. We must also stand with the Jordanian people and the Jordanian Government. And, this resolution does just that—making it clear that Congress and the American people are behind them during this difficult period.

TRIBUTE TO SPECIALIST MARK THOMPSON

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. WHITFIELD. Mr. Speaker, I rise today to highlight one of my extraordinary constituents who is currently serving in Iraq. Specialist Mark Thompson from Tompkinsville, Kentucky recently wrote to me to express his thoughts on the situation in Iraq and I was truly moved by his articulate letter. I would like to share his letter with the House and I urge all of my colleagues to read Mark's letter and poem. I could not be anymore proud of Specialist Thompson and his service to our country.

OCTOBER 17, 2005.

Congressman ED WHITFIELD,
Washington, DC.

DEAR CONGRESSMAN WHITFIELD: I hope this letter finds you well. Politics seems heated as usual in the States and many new cballenges are facing you and our country's other leaders. However, I am sure you are taking it all as it comes and continuing to try and find the most appropriate direction as issues arise.

I am currently serving in the Army at Camp Habbaniyah, Iraq. A huge change from my position as hospital administrator in Tompkinsville as you can imagine. But it has been a good experience to actually be here in this very troubled part of the World and be a part of this, first hand.

We are in the ''Sunni Triangle'' as this area has been described with a name. Ramadi and Fallujah are within 10 to 15 miles of our base with us roughly in the middle. Both are noted hotbeds for insurgent activity as is this entire area of Northwest Iraq. We are experiencing much of the same that you see on TV back home.

I am sure one of those huge issues you are grappling with is what to support in regards to Operation Iraqi Freedom. I ask you to consider we are still making progress and this is a worthy cause at this point. We do far more good on a daily basis than is ever portrayed back home. Just Saturday (Day of the Voting) our troops helped a very sick 4 month old child get medical care in Baghdad. Also, we are actively training Iraqi troops to ultimately replace us and takeover complete operations of Camp Habbaniyah. Yes, there is much to be discouraged by on a regular basis but the momentum and atmosphere as a whole continues moving forward. The worst thing we can do is leave too soon and risk losing it all to civil war. At the same time we must let the Iraqi Army continue to take over responsibility for areas as soon as possible and the new government as well.

I see it like welfare. If we take on the responsibility for people too long they can literally fail to progress and be hampered by growing too dependent. We see that very real, negative potential as we work with soldiers and civilians.

The hard part is how much and when to pull back our support. I know that is something you are being challenged to help determine. Please, listen to sound military leaders as you sort that out. Please do not allow it to be a ''public opinion'' or ''politically correct'' decision. We stand to lose so much more from a bad decision. The Iraqi people stand to lose the most.

Finally, the vast majority of the people here are very worthy of what we are trying to help them achieve. It is the few that continue to make it so hard. I have attached a simple poem that I was inspired to write not long after coming here. I still believe that our primary intentions should be this simple and straight forward.

My best wishes to you as always.
Sincerely,

SPC. MARK THOMPSON.

THAT IS WHY WE CAME

As we crossed the Iraqi Border,
our lives never to be the same.
That's when it all seemed clearer,
why we left our families and came.

The harsh land layout before us,
with things we have yet to see.
But kids waving on roadsides,
unlocked hope inside for me.

Not much do they have and own,
but gestures that tell their soul,
Too young yet to know true hate,
faith, hope and love are still in control.

Who knows where freedom will take them,
and will elders allow it to last?
Can they hold onto it with passion,
and never repeat the past?

It is the children we came for,
their love should govern this land.
Who knows where their dreams can take us,
if not poisoned with History's Brand.

I pray tonight for a new World,
where all kids are safe from harm.
That these children can play like mine,
in a neighborhood, friendly and warm.

They are the reason we came,
their hope from faith we must let soar.
With love let's finish the task,
and for them leave open the door.

HONORING BAYLOR UNIVERSITY MEDICAL CENTER

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HENSARLING. Mr. Speaker, today, I would like to help celebrate the 20th anniversary of the establishment of the first adult liver transplant program serving Tarrant County and Baylor University Medical Center at Dallas. In 1985, Baylor University Medical Center recruited Dr. Goran B. Klintmalm, a highly skilled surgeon to begin the new adult liver transplant program and to enhance each facility's medical and surgical capabilities.

Baylor University Medical Center has transplanted more than 4,500 organs in patients around the world. The program has been replicated at Baylor All Saints Medical Center in Fort Worth, allowing Baylor Health Care Systems to expand their services to Tarrant County.

I would like to honor Baylor University Medical Center, along with the doctors, nurses and hospital administration that make extraordinary organ transplants possible. Their dedication to the medical profession and their commitment to saving lives is to be commended.

SPECIAL TRIBUTE TO KENNETH ''BLUE'' BALCOMB—A FIERCE DEFENDER OF WATER RIGHTS IN COLORADO

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. SALAZAR. Mr. Speaker, I rise today to express my condolences to the Balcomb family of Glenwood Springs, Colorado who recently experienced a tragic loss with the death of Kenneth ''Blue'' Balcomb. He passed away on November 17th.

Recently, I had the opportunity to get to know Ken. He was a brilliant, devoted and talented person. Because of his genius, water on the Western Slope of Colorado will be protected for generations. Mr. Balcomb died Thursday and will be missed by all who had the pleasure of knowing and working with him.

Ken Balcomb was General Counsel for the Colorado River Water Conservation District from the early 1960s until 1981 when the District hired in-house counsel. Under Mr. Balcomb's advice and leadership, the River District successfully fought back aggressive water filings by Front Range cities and irrigation districts thirsting for West Slope water. It also fought federal intrusion into Colorado's state-run water rights system, ensuring that the federal government adjudicate its water rights like everyone else through Colorado's water courts. On this point, Mr. Balcomb represented the River District on three occasions before the U.S. Supreme Court, leaving victorious each time.

I grew to know Ken over the last year and he never hesitated to offer his experience, knowledge and assistance to myself and others.

Ken was certainly an inspiration to me and to everyone who had the opportunity to meet

him, and I am grateful for the short amount of time I was able to spend with him. I know my life and the lives of those he knew and loved were enriched by his presence, and he will surely be missed.

I agree with the Colorado River Water Conservation District—Western Colorado lost a true friend and leader with the passing of Kenneth Balcomb.

IN HONOR OF REVEREND DR. ROLAND H. CROWDER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Reverend Dr. Roland H. Crowder, upon the joyous celebration of his 40th Anniversary as Pastor of Second Calvary Missionary Baptist Church in Cleveland, Ohio.

Reverend Crowder was born in Cleveland in 1926, into meager beginnings, yet the promise of faith and family would raise his life into the light of leadership, accomplishment and service to others. Just an infant, Reverend Crowder was adopted by Emma and Reverend Edward Griggs. Tragedy struck shortly thereafter when his young mother died and his father became very ill after suffering a stroke. Young Roland was up for adoption again, yet his neighbors across the street, Mr. and Mrs. Will Crowder, opened their hearts and home to him and became his new parents. The family moved to Birmingham, where Reverend Crowder's parents taught him lifelong values that centered on integrity, hard work, family, faith and service to others.

In 1950, following his honorable service in the United States Navy, Reverend Crowder heeded the call to the ministry. After his father passed away, he and his mother returned to Cleveland in 1965, where he began his ministry at the Second Calvary Missionary Baptist Church. Fortified with an undergraduate degree, graduate degree from Malone College and a doctoral degree in theology from the Ashland Theological Seminary, and most significantly, equipped with valuable life experience, Reverend Crowder set the foundation for his life long journey of restoring faith and hope within the hearts of people here in Cleveland and around the world. Reverend Crowder and his late wife, Doris G. Crowder, were married for forty-five years. Together they raised five children: Roland Jr., Lydia, Rosalind, Hiram and the late Phillip. Today, Reverend Crowder and his wife, Sister Ida B. Cook Crowder, continue to serve in faithful ministry and community outreach to the congregation of Second Calvary Missionary Baptist Church.

Mr. Speaker and Colleagues, please join me in honor and recognition of Reverend Doctor Roland Hayes Crowder, whose compassionate leadership and guidance has been reflected throughout the Second Calvary Missionary Baptist Church of Cleveland, Ohio, for forty years. His commitment, kindness and caring for people in need of emotional and spiritual restoration continues to lift the spirits of countless individuals, and will forever bring faith, hope and light throughout our entire community and far beyond.

COMMEMORATING THE 50TH ANNIVERSARY OF THE DALLAS COUNTY COUNCIL OF REPUBLICAN WOMEN

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HENSARLING. Mr. Speaker, today I would like to commemorate the 50th anniversary of the Dallas County Council of Republican Women's Clubs. Fifty years ago, 17 Republican Women's groups joined to form an alliance, based on the guiding principle of the National Federation of Republican Women, ''to foster and encourage loyalty to the Republican Party and the ideals for which it stands.''

For the past fifty years, the Dallas County Council of Republican Women have worked together to support Republican Women's groups in the area as they promote the principles of the Grand Old Party and help elect Republican leaders from the Courthouse to the White House. The Dallas County Council of Republican Women continue to serve Republican Women's Clubs through meetings, a council newsletter, and training seminars.

Today, I would like to honor the Dallas County Council of Republican Women and their leaders, including: Pat Jordan (1955), Eleanor Owens (1956), Tilla Lindsey (1956), Mary Jester (1957), Dorothy Cameron (1959), Bobbie Biggert (1960), Glenna McCord (1960, 1961, 1962), Babs Johnson (1963, 1964), Linda Holloway (1965), Ann Good (1965), Alice Hale (1966), Jonita Hilton, (1967), Ann Nicholson (1968, 1969), Peeps Moffett (1970), Jan Bryant (1970), Iris Snell (1971, 1972), Dottie Beckham (1972, 1973, 1974), Barbara Staff (1975), Ruth Potter (1976, 1977), Ginny Bauman (1978), Shirley Dickinson (1979, 1980), Jean Rheudasil (1981, 1982), Marianna Ziegler (1983, 1984), Jan Patterson (1985, 1986), Edith Schuler (1987), Lynne Tweedell (1989), Alma Box (1991, 1992), Betty Doke (1993, 1994), Sandy Melton Stephens (1995, 1996), Sue Hutchins (1997, 1998), Rosella Hutchinson (1999, 2000), Taffy Goldsmith (2001, 2002), Valerie E. Ertz (2003, 2004), Deborah Brown (2005). These strong Republican women embody the energy, vision and values of our party.

TEN YEARS AFTER DAYTON

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. SMITH of New Jersey. Mr. Speaker, ten years ago this month a genocidal conflict was brought to an end in the Balkans. By initialing a ''General Framework for Peace'' at Wright-Patterson Air Force Base near Dayton, Ohio, on November 21, 1995, Bosnia and Herzegovina emerged from almost four years of that conflict wondering whether it could survive as an independent unitary state and recover from the utter destruction not only of its towns and cities but of its own, multi-ethnic society.

Time dulls our recollection of what the carnage in Bosnia was really about, so I believe it important to recall the nature of this, the most horrific phase of Yugoslavia's violent and bloody demise. Active on the Helsinki Commission which I co-chair today, I took part in many sobering hearings which documented the atrocities and discussed policy responses.

The Bosnian conflict was, in large part, characterized not by opposing military forces but by groups of thugs, armed and orchestrated by the Milosevic regime in Serbia, wreaking havoc on innocent civilians. Tens of thousands were raped or tortured in detention centers and camps established across the country. While figures may vary substantially, the death toll is commonly estimated at about 200,000, while two million people—half the country's population—were displaced. We can well remember the photos of emaciated detainees at Omarska, the live coverage of the shelling and siege of Sarajevo, and the recently released video footage of the execution of captured young men near Srebrenica.

While the decreasing advantages enjoyed by the Serb militants by late 1995 made a settlement possible, the Dayton Agreement did, in fact, help to bring this nightmare to an end. At the same time, we cannot ignore the fact that its compromises reflect a failure by the international community, including the United States, to intervene much earlier in the conflict in response to clear violations of international principles and what many, including myself, consider a genocide.

The international community repeatedly failed to take decisive action, including the credible threat of the use of force, to compel the brazen Serb militants to stop their aggression. Instead, time was spent deploying peacekeeping forces under United Nations auspices when there was no peace to keep. UNPROFOR's presence thwarted more effective responses, such as lifting the arms embargo which denied the sovereign country of Bosnia and Herzegovina its right, as a member of the United Nations, to defend itself. As town after town, including some declared to be ''safe-havens'' by the United Nations, fell to the forces of ethnic cleansing, the international community acquiesced to a reality, codified by Dayton, of a country divided into two political entities characterized by an ethnic bias unworthy of 21st century democracy. One entity is a Bosnian Federation forged by the United States in 194 between Bosnia's Muslims or Bosniaks, and Croats. The other entity, Republika Srpska, is dominated by Serbs and represents what the militants among them started the conflict to create.

The compromises accepted at Dayton, influenced by years of international inaction, also have made subsequent implementation difficult, and extremely expensive in terms of personnel, equipment and funds. Many persons indicted for war crimes, crimes against humanity and genocide evaded justice for years, some to wreak havoc later in Kosovo and elsewhere, and some like Ratko Mladic and Radovan Karadzic, remain at large. With the economy destroyed and both organized crime and official corruption rampant, the people of Bosnia and Herzegovina became passive and dependent on the international community for their very survival.

Perhaps the greatest flaw in the Dayton Agreement was its heavy reliance on Slobodan Milosevic himself to follow its terms, which he did only under considerable pressure. Betting on the man most responsible for igniting the conflict meant undercutting the development of democratic forces in Serbia

which are necessary for the long-term stability of southeastern Europe. Many of us worked hard to correct this flaw in the immediate post-Dayton years, and continue to encourage democratic forces in Serbia to reckon fully with the Milosevic legacy.

Fortunately, along with the eventual ouster of Slobodan Milosevic in Serbia, we have seen more vigorous and positive action to move ahead in Bosnia and Herzegovina during the past five years. More of the displaced have returned to their original homes than was thought possible when Dayton was negotiated. It hasn't been easy for many who return as members of a minority population, but determination has helped them to prevail. More and more individuals indicted by the International Criminal Tribunal for the former Yugoslavia, including Milosevic, have been transferred to The Hague, and, at a recent Helsinki Commission briefing, we learned that Bosnia's own War Crimes Chamber has been established and is ready to conduct sensitive trials in accordance with the rule of law. Srebrenica is being acknowledged as the crime that it was. Defense and police reform are underway, helping to pave the way for Bosnia's further Euro-Atlantic and European integration. The region around Brcko, so brutally contested during the conflict that not even Dayton could determine its status, now provides a model of multiethnic cooperation and economic recovery for the rest of the country. There are now discussions of constitutional reforms which, if adopted, will hopefully make the country of Bosnia and Herzegovina a sum of its citizens and not a balance of its ethnicities.

If the Dayton Agreement succeeded in anything, Mr. Speaker, it was because its detailed provisions and improved implementation have provided the people of Bosnia and Herzegovina with both the parameters of a state and enough time to bring their country back from the abyss. I have increasing confidence that they will succeed in moving from what was admittedly a ''General Framework for Peace'' to a solid basis for unity, freedom, prosperity and integration.

In the meantime, the international community has much it still needs to learn and develop. The conflict in Bosnia and Herzegovina gave new purpose to NATO and enabled it to begin operating out of area. Fifty years after the Holocaust, those who commit war crimes, crimes against humanity and genocide no longer operate with complete impunity. Still, the international community—whether the United States and its allies, regional bodies or the United Nations—remains slow in responding to human suffering, or in recognizing the implications massive human rights violations can have on international security. It too readily accepts the reality of innocent people being attacked, brutalized and killed. Look at the response during the assault on Srebrenica and then at the response to Darfur today; the similarities are strong.

I therefore hope, Mr. Speaker, that Dayton's tenth anniversary is commemorated in a way that includes not only encouragement for Bosnia and Herzegovina to move beyond the agreement's limiting provisions, but encouragement for all policymakers to learn from the lessons of inaction in the face of evil.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Ms. JACKSON-LEE of Texas. Mr. Speaker, I speak today in opposition to H.R. 3010, the Labor-HHS-Education Conference Report. First and foremost, I am highly disturbed that the report has no earmarks for Member programs. Unfortunately, this conference report invests nearly $1.5 billion less in critical education, health care and job assistance than last year. In fact, Republicans will spend more on tax cuts this week, $70 billion, than they will on all education and labor programs over the entire coming year, $68 billion. The conference report is only the most recent evidence that Republicans are out of touch with the priorities of the American people. Together, America can do better.

With a record 55 million children in public schools and state budgets stretched thin, No Child Left Behind funding is cut by $784 million. Title I, which is the core of NCLB's efforts to improve reading and math skills, receives the smallest increase for Title I in 8 years—only $100 million—which means 3.1 million low-income children will be left behind. Further, even as the cost of a 4-year public college education has increased $3,095, 34 percent, since 2001, the maximum Pell Grant is frozen for the fourth straight year, and no new funding for all other student financial aid and support programs is provided. These cuts are unthinkable, and the American people do not deserve this treatment.

In addition to other horrible cuts, in an age where being tech-savvy is a necessity not a privilege, the digital divide just got bigger as the bill cuts the Education Technology Program by $221 million or 45 percent. Republicans will actually cut the Federal share of special education costs from 18.6 percent in FY 2005 to 18.0 percent by providing the smallest increase for the Individuals with Disabilities Act in a decade. The bill provides $4 billion less than Republicans promised for IDEA. It is hard to imagine, but with 7.4 million Americans out of work, Republicans cut the Community College Initiative's efforts to train workers for high skill, high paying jobs by $125 million and rescind $125 million from funds provided last year, denying this assistance to 100,000 Americans. Republicans also cut job search assistance through the Employment Service by $89 million, 11 percent. To further add injury to insult, state Unemployment Insurance and Employment Service offices are cut by $245 million, 7 percent, eliminating help for 1.9 million people. With consumers expected to pay 52 percent more for natural gas and 11 percent more for electricity this winter, Republicans still failed to increase funding for LIHEAP home heating assistance, which helps keep the heat on for low-income seniors and children.

Only about 10 percent of physicians in America practice in rural areas despite the fact that one-fourth of the U.S. population lives in these areas. There are significant shortages of health care providers in urban, underserved areas, but training grants for healthcare professionals are cut $206 million, 69 percent. Further, nearly 46 million Americans are without health insurance yet Republicans provide virtually no funding for new Community Health Centers beyond those approved last year. Republicans also eliminate the Healthy Communities Access Program, $83 million, and state planning grants to improve health care coverage, $11 million. Preventive Health Block Grants to state health departments help address critical public health problems. The bill provides less for responding to disease outbreaks, immunizing children, and improving care for people with chronic diseases, when it cuts these grants by $31 million or 24 percent.

In addition, The International Labor Affairs Bureau will have a hard time protecting American workers from being undercut by child and slave labor abroad after being cut by $20 million or 21.4 percent.

In closing let me note that I was disappointed that the bill did provide earmarks for Member projects. However, I was pleased to see that this action by the Republicans was the straw that broke the camel's back, and as a result, the Conference Report was voted down. I hope once conferees return to the drawing board; they get it right once and for all.

CIVIL RIGHTS AND THE RULE OF LAW

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. CUMMINGS. Mr. Speaker, when our new Attorney General, Alberto Gonzales, pledged earlier this year that enforcement of our civil rights laws would be one of his priorities, we all wished him well in fulfilling that commitment.

When leaders here in Washington—Democrats and Republicans alike—have expressed support for extension of the 1965 Voting Rights Act, our hopes for a better and more just society have been encouraged.

When this Nation rose as one and bowed our heads in respect for the life of Ms. Rosa Parks, the ''Mother of Civil Rights in America,'' we also were re-dedicating ourselves to the ideals of equality, opportunity and civility that are the foundation of American society.

I remind the House of these promising, nonpartisan expressions of our Nation's shared values, Mr. Speaker, for a very important reason.

Last Sunday, the Washington Post published a news article that outlined some deeply disturbing assertions about the operation of the Department of Justice's Civil Rights Division.

The article entitled Civil Rights Focus Shift Roils Staff at Justice, written by Mr. Dan Eggen, reported that nearly 20 percent of the Civil Rights Division's non-political attorneys resigned or retired during fiscal year 2005.

We also learned that significant disagreements exist between career civil rights attorneys within the Department and administration appointees about the priority that should be given to the enforcement of our civil rights laws.

These policy disagreements—at the core of many resignations—have included the Department's decisions to approve redistricting plans in Mississippi and Texas, as well as the controversial decision to approve a new Georgia statute that would require voters to present government-issued photo identification cards at the polls.

In October, Judge Harold Murphy of the U.S. District Court for the Northern District of Georgia granted an injunction last month to lawyers for Common Cause of Georgia, the ACLU, the NAACP and other groups who have challenged the Georgia photo identification statute under the 1965 Voting Rights Act.

Judge Murphy ruled that the petitioners have shown a substantial likelihood that they will ultimately prevail in establishing that it ''unduly burdens the right to vote'' and ''constitutes a poll tax.'' Recently, a three-judge appellate panel, made up of one Democratic and two Republican appointees, confirmed this reasoning by upholding the lower court's injunction.

Why, we must ask, does the policy leadership of our Department of Justice not agree?

Consider, also, this revealing fact. The Department of Justice's own statistics confirm that prosecutions for the racial and gender discrimination crimes traditionally handled by the Civil Rights Division have declined by 40 percent over the past 5 years.

The Department has vigorously disputed both the significance of the policy disagreements within its Civil Rights Division and the exodus of so many career attorneys.

However, the facts indicate that Attorney General Gonzales faces some very real obstacles to his promise about renewed civil rights priority.

Mr. Speaker, we know from history that the legitimacy of any government rests upon the fairness of its laws and willingness to vigorously uphold the rule of law.

We cannot overlook patterns of systematic neglect within the agency entrusted to enforce our laws.

These failures threaten our most fundamental legal guarantees.

That is why we must not be hesitant to seek the answers to the hard questions, the questions that the people we represent are asking.

Why have civil rights cases declined so precipitously in recent years?

Why have career attorneys in the Civil Rights Division been reassigned to other duties?

Why are so many career lawyers leaving the Department of Justice?

What must Congress do to better support America's chief law enforcement officer in fulfilling his commitment to make enforcement of our civil rights laws a priority?

Mr. Speaker, let the discord within the Department of Justice serve as a bellwether to all Americans who believe in the principles of civil rights.

A renewed vigor and more certain direction are desperately needed in the enforcement of civil rights.

We must remain vigilant. We must move forward with a sense of urgency.

If America is to serve as the beacon of democracy for the rest of the world, it is the imperative that we enforce justice, equality and the rule of law within our own country.

HONORING PROFESSOR LAWRENCE F. ROBERGE

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to congratulate Professor Lawrence F. Roberge for being awarded the 2005 U.S. Professor of the Year for the State of Connecticut by the Carnegie Foundation for the Advancement of Teaching and the Council for Advancement and Support of Education, CASE.

Professor Roberge earned this award for his work as the associate professor and chair of the Science Department at Goodwin College located in East Hartford, CT in my district. As a dedicated educator for nearly 20 years, Professor Roberge has taught a variety of college science and technology courses. Professor Roberge's expertise and skills aided him in also designing and teaching online educational courses.

During his tenure as chair of the Science Department at Goodwin College, Professor Roberge developed multi-media and computer-based teaching tools to aid in the development and training of the Science Department teaching staff. In addition, Professor Roberge was responsible for designing the science curriculum and labs for the nursing program. Professor Roberge was an inspiration in the classroom while he taught courses in chemistry, anatomy and physiology, and microbiology.

The Council for Advancement and Support of Education and the Carnegie Foundation for the Advancement of Teaching award four university and college professors as national winners and also recognize a State Professor of the Year in 40 States, the District of Columbia and Guam. These professors are recognized for their outstanding commitment to teaching undergraduate students and their influence on fellow colleagues.

Mr. Speaker, I ask that my colleagues join me today in congratulating Professor Lawrence F. Roberge for receiving this prestigious award. As a former educator, I am honored to recognize Professor Roberge for his exceptional commitment and service to teaching undergraduate students in the State of Connecticut.

DEFICIT REDUCTION ACT OF 2005

SPEECH OF

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. MEEHAN. Mr. Speaker, I rise today to oppose the Republican budget bill.

Unfortunately, this bill is just another example of the disdain that this administration and this Congress has shown for the most vulnerable in our society. While the wealthy are lavished with tax cuts, critical social services are being reduced.

Under the guise of offsetting the costs of Katrina and deficit reduction, House Republicans are severely cutting important programs that millions of Americans rely on for education, health care, and poverty alleviation. The $50 billion in Republican cuts will have a devastating impact on families across America and in my home State of Massachusetts.

At the same time, Republicans are pushing a $70 billion tax package that will overwhelmingly benefit the most wealthy Americans and actually increases the deficit by $16 billion.

Now, I support the idea of shared sacrifice but the only sacrifice in this bill is by those that need our government's support the most: $14.3 billion, cut from student loans; $11.4 billion, cut from Medicaid; $4.9 billion, cut from child support; $844 million, cut from food stamps.

Republicans will cut student loan funding by $14.3 billion. This represents the largest single cut in the history of the student aid program at a time when the cost of tuition has risen 28 percent at public colleges and 17 percent at private colleges in the last five years.

In my home State of Massachusetts there are 172,640 student loan borrowers. Under the Republican plan, the average student borrower in Massachusetts, with $17,500 in loans will be forced to pay an additional $5,800.

The Republican budget bill cuts of $11.4 billion from Medicaid. This $11.4 billion cut includes $6.5 billion in cuts that are borne directly by Medicaid enrollees—who include low-income children and seniors, as well as individuals with disabilities.

Massachusetts ranks 12th in the country for Medicaid enrollment with over 1.2 million enrollees. The cuts would harm millions of low-income people across the U.S. and thousands in Massachusetts who rely on Medicaid for health coverage.

Child support enforcement will be cut by $4.9 billion. The Congressional Budget Office, CBO, estimates that this will result in reducing child support collections by $24.1 billion over the next 10 years.

Experts agree that child support is a cost effective way of reducing poverty. In 2002, 1 million Americans were lifted out of poverty through child support payments. For every $1 spent on child support enforcement programs, $4.38 in child support is collected.

Massachusetts would lose $88 million in Federal support over 5 years, rising to $282 million over 10 years. The estimated loss in child support collections would be $140 million over 5 years, rising to $428 million over 10 years.

Nearly 250,000 Massachusetts children currently receive child support enforcement services. This will have a devastating effect on the Commonwealth's children who live in single-parent families.

Finally, this bill as originally drafted would cut food stamps by $844 million and will result in over 200,000 people losing assistance.

Where are our priorities when we put tax cuts for the wealthy above the elderly, low income families, students, and children?

Vote ''no'' on the Republican budget bill.

GJERGJ KASTRIOTI ''SKENDERBEG''

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. ROHRABACHER. Mr. Speaker, I wish to place in today's CONGRESSIONAL RECORD

this excellent speech by Congressman Joseph J. DioGuardi on Gjergj Kastrioti "Skenderbeg."

GJERGJ KASTRIOTI ''SKENDERBEG''

(By Joseph J. DioGuardi)

From 1443, when he returned in triumph to the White Castle in Kruja to his deathbed at Lezha in 1468, Skenderbeg left an unforgettable legacy of great heroism in the defense of freedom. Gjergj Kastrioti lived and died for what he firmly believed were the sacred values of faith, virtue, honor, freedom, courage, and love of country. These universal values are clearly displayed in his correspondence and speeches, along with his deep philosophy of life and his incredible deeds. Who was Gjergj Kastrioti? Why is he an important historical figure? What can Albanians today learn from his life and deeds? Why is he not better known around the world?

Kastrioti was the son of an Albanian prince, Gjon Kastrioti, who ruled the Albanian lands in the Balkan Peninsula at the end of the 14th century and the beginning of the fifteenth century. Gjon had kept the invading Ottoman Turks at bay for more than twenty years when he was forced into a deceptive peace treaty in 1422 with Sultan Murad II to secure the rear of the Turkish army in Southeast Europe and spare the lives of his people from the wrath of the Ottoman Empire. To guarantee the arrangement, the Sultan took Gjon's youngest son, Gjergj, hostage to Adrianople, the European capital of the Ottoman Empire. Here, Gjergj was sent to the Ottoman military academy where he excelled in all ways and adopted the Moslem alias ''Iskender Bey,'' or Lord Alexander after Alexander the Great. Skenderbeg's excellent academic and military record caught the eye of the Sultan, who gave him the rank of general even before reaching twenty years of age. Skenderbeg's military successes against the enemies of the Ottoman Empire became legendary, as were the decorations and gifts bestowed on him after each incredible triumph.

An important turning point in Skenderbeg's life came when, in 1443, he received the sad news from Kruja of his father's death. Gjon had defied and frustrated the Ottomans for more than fifty years and the Sultan grew suspicious of Skenderbeg's potential to take his father's place in trying to perpetuate a free Albania even after Greece, Bulgaria, Romania, and Serbia had been conquered. Skenderbeg sensed the danger to him and to his father's people and decided to seize the moment in November 1443, when he was sent on a military excursion to defeat the Hungarians led by another great freedom fighter (and thorn in the side of the Sultan), Janos Hunyadi. Rather than do the Sultan's dirty work at Nish (in Serbia today), he fooled his fellow Ottoman commanders and fled the battlefield to Kruja with three hundred of his loyal Albanian horsemen. Two weeks after triumphantly entering Albania at Dibra, he stormed the White Castle at Kruja on November 28, 1443 and deposed the Ottoman governor there. The next twenty-five years would see some of the greatest military feats against the ever powerful and growing Ottoman Empire. It was only after Skenderbeg's death in 1468 that the Ottomans were able to get a foothold in Albania. Without their great leader, the struggle against the Ottomans faltered, leading to a complete occupation of Albanian lands in 1488. This lasted 425 years until Ismail Qemali raised Skenderbeg's double-headed eagle banner at Vlora on November 28, 1912.

It is one thing for Albanians today to praise and honor Gjergj Kastrioti. But let's now take some time to hear about this saintly knight, his incredible military genius, and our Albanian national hero from those who knew him well. Having now read a great deal about Skenderbeg, it became evident that a Roman Catholic priest from Shkodra, Marin Barletius, wrote the most comprehensive and vivid account of Skenderbeg's life and deeds. His twelve-volume work included Kastrioti's letters, speeches, and his philosophy of life, religion, and nation. Since Barletius was a contemporary of Skenderbeg, he had access to firsthand information from the battlefields, the archives in Rome, and many other personal firsthand accounts from witnesses of Kastrioti's phenomenal accomplishments, character, and charisma. The scholarly work of Barletius, originally written in Latin, was translated widely, including French and English, which allowed many to know about the legendary feats of Skenderbeg.

The nineteenth-century American poet Henry Wadsworth Longfellow had been mesmerized reading about the incredible life and deeds of Gjergj Kastrioti. His epic poem ''Scanderbeg'' gave a vivid account of Kastrioti triumphant in Kruja on November 28, 1443:

. . . Anon from the castle walls
The crescent banner falls,
And the crowd beholds instead,
Like a portent in the sky,
Iskander's banner fly,
The Black Eagle with double head.
And shouts ascend on high
. . .'' Long live Scanderbeg.

Skenderbeg's genius has been likened by many military experts to Alexander the Great. Major General James Wolfe, commander of the English army at the siege of Quebec, Canada, wrote to Lord Sydney that ''Scanderbeg exceeds all the officers, ancient and modern, in the conduct of a defensive army. I met him in Turkish history but nowhere else.''

Historian Edmond Gibbon in his Decline and Fall of the Roman Empire said: ''In the list of heroes, John Hunyadi and Scanderbeg are commonly associated and entitled to our notice since their occupation of arms delayed the ruin of the Greek (Byzantine) Empire. . . . The Albanian prince may justly be praised as a firm and able champion of his national independence. The enthusiasm of chivalry and religion has ranked him with the names of Alexander the Great and Pyrrhus. . . .''

Even the Elizabethan poet Edmund Spenser held that Scanderbeg was ''matchable to the greatest of the great'' in his preface to an English translation of Barletius, which concluded by saying:

To one whom later age has brought to light,
Matchable to the greatest of the great:
Great both in name and great in power and might,
And meriting a mere triumphant feat.
The scourge of Turks, and plague of infidels,
Thy acts, O' Scanderbeg, this volume tells.

Finally, among the many, many accounts of one Albanian hero, we turn to the notable nineteenth-century English literary figure Lord Byron who fell in love with everything he saw in Albania. Like Kastrioti, Byron had a deep love of freedom and national independence. In his poem ''Child Harold's Pilgrimage,'' he wrote:

Land of Albania, where Islander rose,
Theme of the young, and beacon of the wise,
And he, his namesake, whose oft-baffled foes
Shrunk from his deeds of chivalrous emprize.
Land of Albania, let me bend my eyes
On thee, though rugged nurse of savage men!
Where is the foe that ever saw their back?
. . .

In short, Gjergj Kastrioti was an exceptional military genius, a man of great faith and courage, a philosopher and one who cherished personal freedom and national independence. He was the subject of many books, poems, and even an opera by Vivaldi! His imposing figure, sword in hand, atop his majestic stallion, graces the capitals of Italy, Austria, and Hungary today. And, on the 600th anniversary of his birth, a Congressional Resolution introduced in the U.S. House of Representatives, the most democratic forum in the world, recounts his many deeds and his importance as an historic figure not just for Albanians and the Balkans, but Western Europe, which he saved from Ottoman domination.

What Albanians can learn today from Skenderbeg's life and deeds is limitless. As a man of great faith, he placed himself at God's mercy on many occasions where he was facing overwhelming odds. On one such occasion, after defeating the Hungarian army at Varna in 1445, Sultan Murad sent a threatening letter to Skenderbeg, who now stood between the Ottoman Empire and a Europe in disarray. True to his nature as a great leader and man of God with a steadfast vision of freedom for his people and all of Europe, he boldly responded to the Sultan:

''Cease your angry threats and tell us not of the Hungarian (mis)fortune. Every man has his own resolution . . . and so will we with patience endure such fortune as it shall please God to appoint us. Meanwhile, for direction of our affairs, we will not request counsel of our enemies, nor peace from you, but victory by the help of God!''

Albanian leaders today, especially in Kosova seeking complete independence from Serbia, would do well to emulate the resolute way in which Skenderbeg pursued his vision of freedom for his people. He made no room for compromise with his enemies and showed fierce determination to prevail even in the face of such a formidable adversary as the Ottoman Empire. He did this relying not only on his skill as a great national leader and military tactician, but on his belief in God's providence as well. We can all learn from Skenderbeg's great example in pursuing the Albanian national cause today.

Skenderbeg again showed his great faith in God and deep loyalty to friends after his great friend and patron Alphonse, King of Naples and Sicily, died in 1460. Italy was plunged into bloodshed and rebellion, and Ferdinand I, Alphonse's son and successor, came under attack from the French once again. Feeling a deep moral obligation to repay his steadfast friends and allies on the other side of the Adriatic, Skenderbeg himself led an elite cavalry of 2,000 men there in the summer of 1461 and soon turned the tide against the French and their Italian collaborators in the bloody battle of Apulia. In reading the accounts of Skenderbeg's exhortation to his soldiers before the battle of Apulia, one is reminded of George Washington exhorting his troops at Valley Forge:

''This now is our case, my good soldiers. . . . We are now across the sea far from our own homes and from our own country. . . . We are amongst strangers, altogether without hope of ever returning again to our own (home) . . . if we do not win a notable victory over our enemies. But have courage, my men: Let us consider that this is God's will . . . that we should maintain . . . the seat of the Church. And never doubt that He will send us even from heaven an easy and speedy victory.. . and then shall we return to our own country victors, joyous and triumphant.''

One might ask, after hearing of the greatness of Skenderbeg, why he is not as well known today as before. I believe that the history of Gjergj Kastrioti is inextricably tied to that of the Albanian people. The Albanian nation was submerged under the Ottoman Empire for 425 years. When it emerged in

1912, it was unfairly divided so that only half of the seven million Albanians who live in the Balkans today live in the State of Albania, with the other half living on her borders in five other jurisdictions. The State of Yugoslavia was created after World War I on the backs of the Albanian people and on their land. Then Communism again submerged the Albanian people—this time throwing them into a political and economic ''black hole,'' stretching from Belgrade to Tirana, for almost fifty years after World War II. It is a wonder that the Albanian people kept their language, their history, and their hope alive throughout the last six hundred years of occupation and resistance. It is a wonder that, amid all the national stress and personal sacrifice, that Gjergj Kastrioti has not been forgotten altogether. But he has not been forgotten, and it is a tribute to his greatness and to the besa of the Albanian people that, against all odds, Albanians are standing free today, in Albania and Kosova, and that the sons and daughters of Skenderbeg continue to adore him as their national hero and liberator, and are building even more memorials to his past and present glory and significance—even, with a U.S. Congressional Resolution (H. Res. 522), in the capital of the only superpower in the world today, Washington, DC.

AUTHOR'S POSTSCRIPT

The battle of Apulia in the southern part of the Italian Peninsula, near Naples, is of special significance to me and my family. In 1461, after Skenderbeg and his elite cavalry helped save the Kingdom of Naples from French domination, the future security of the Kingdom was assured when Gjergj Kastrioti decided to leave two thousand horsemen there, while he returned to Albania to continue to defend the Albanian people from Ottoman Turkish domination. As an inducement for Skenderbeg to agree to what must have been a difficult decision for him, the King of Naples awarded the Albanian soldiers an area about forty miles east of Naples, including a high mountaintop village called Greci. Greci had been formed by Greek farmers and merchants in 535 AD and had since declined after most Greeks abandoned the area that they had controlled in the first millennium. Albanians changed the name of the village to ''Katundi,'' which is the name used today by the Albanian residents, even though the Italians still call it Greci. My father, Joseph, Sr. immigrated to America from Katundi in 1929 at the age of fifteen. His family is descended from one of Skenderbeg's two thousand soldiers, and this is a great reminder that the seeds of Skenderbeg are still spreading across the oceans of the world today.

IN MEMORY OF ADMIRAL BARRY K. ATKINS, U.S. NAVY (RET.)

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. CANTOR. Mr. Speaker, I rise today to honor the late Admiral Barry K. Atkins of Richmond, Virginia, who passed away on Tuesday, November 15, 2005. Admiral Atkins spent a lifetime in service to his country and should be honored today.

In 1932 Admiral Atkins graduated from the U.S. Naval Academy and began his distinguished career as a Naval officer. During World War II, Admiral Atkins took over command of the USS *Melvin,* a Navy destroyer. Admiral Atkins and his men were stationed in the Pacific and participated in the Battle of Leyte Gulf in the Philippines. In one engagement, the Battle of Surigao Strait, the USS *Melvin* fired a torpedo that hit the Japanese battleship *Fuso,* splitting it in half and eventually sinking it. According to historical reports, the USS *Melvin* was the only destroyer to sink a battleship in World War II. For his heroism and leadership aboard the USS *Melvin,* Admiral Atkins was awarded the Navy Cross. In 1959, Admiral Atkins retired after 27 years of faithful service to the U.S. Navy.

Admiral Atkins' bravery during the Battle of Leyte Gulf helped change the course of our Nation's history and I am truly grateful for his leadership and unwavering courage aboard the USS *Melvin.* I hope that you will join me in honoring the life and service of Admiral Barry K. Atkins and offering our most sincere condolences to his family and friends.

IN HONOR OF KEITH SHAFFER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. FARR. Mr. Speaker, I rise today to honor the life and legacy of Keith Shaffer, an influential and much beloved member of the community in the Santa Cruz area. Mr. Shaffer lived a life of dedicated and generous service to his community. He is survived by his wife Elinor Shaffer; his two sons, William and Richard Shaffer; daughter-in-law Alana Shaffer; and his two grandsons.

Mr. Shaffer was born in the San Joaquin Valley town of Atwater, on October 15, 1915. After serving as a naval aviator during World War II, he eventually moved to the Santa Cruz area in 1950, where he took over his brother's floral business. While Mr. Shaffer was a successful businessman, he also found time to give back to the community, by serving on numerous school boards, the Dominican Hospital Advisory Board, the Rotary Club of Santa Cruz, the Santa Cruz Chamber of Commerce, and the California Automobile Association. Mr. Shaffer was a shining example of dedication and devotion to citizens of the community.

In 1937, Keith Shaffer married his childhood sweetheart Elinor George. Along with his wife Elinor, and his two sons, William and Richard, the other love of Mr. Shaffer's life was his orchids. Mr. Shaffer was well known within the floral community for his creation of several hybrid orchids, most notably his ''Capitola Moonlight,'' which was recognized by the Royal Horticulture Society with its highest honor, and perhaps his favorite, the ''Elinor Shaffer.''

Mr. Speaker, the service of local members of the community are an asset to this Nation, and I am deeply grateful for the contributions of Mr. Shaffer. The passing of Mr. Shaffer is a painful loss for the community. It is clear that Keith Shaffer has made a lasting impact on the community, and I join the Santa Cruz area in honoring the memory of Mr. Shaffer.

IN RECOGNITION OF NEW YORK CITY COUNCIL SPEAKER GIFFORD MILLER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to Gifford Miller, Speaker of the New York City Council. Speaker Miller led the Council through four contentious years, winning on issues that are important to New Yorkers. He has been an exceptional City Council Speaker who has truly made New York City a better place to live. As a colleague, an ally and a friend, he has been one of the best public servants around.

Speaker Miller began his political career in my office. He rose quickly from an entry level position in my Washington office to running my New York district office. From the beginning his talents were obvious. He was hardworking and dedicated, drafting legislation to fund the development of pocket parks in urban areas and other matters. Recognizing his abilities, I soon promoted him to run my district office.

As Chief of Staff in my New York office, he established himself as a knowledgeable, committed leader in the community. Most of all, Speaker Miller clearly loves New York City, and wants to make this the best possible place to live. Thus, when he ran for City Council in a special election, he had enormous credibility and was able to defeat a well-known opponent.

I will never forget that election. Called for the dead of winter, petitioning took place on chilly street comers in dreadful weather. I joined Miller and his volunteers in standing out in freezing temperatures. People were impressed by his energy, drive and cheerfulness, even in appalling conditions. They saw clearly that he was going to work hard for his constituents, and he always has.

Miller quickly established himself as a smart and aggressive legislator, who was able to stand up for his district. He passed laws to reduce noise, increase voter participation and protect the environment.

On January 9, 2002, Miller was unanimously elected by his colleagues to the post of City Council Speaker. For the last 4 years, Miller has led the New York City Council, overseeing the passage of all new laws and the city's $47 billion budget. As part of the budget agreement for FY2005, Miller fought for and won $50 million in tax cuts for more than 700,000 workers through the passage of New York City's first Earned Income Tax Credit.

Under his leadership, the Council has passed more legislation than any previous council, including bills to extend a living wage to 50,000 workers, protect children from lead paint poisoning, provide training and education to people moving from welfare to work, require every city hospital to offer emergency contraception to sexual assault victims, provide more school nurses to more city students and establish tax credits to encourage greater energy saving and cleaner air.

Throughout his term as Speaker, Miller was forced to battle the mayor and Governor to preserve New York's priorities. He was remarkably successful. Miller led the Council in overturning mayoral vetoes 21 times, more

times than any previous Council. These mayoral overrides enabled much-needed legislation to become law, including measures to provide rape victims with emergency contraception, expand access to birth control, provide training for people moving from welfare to work, prevent homeowners from being unreasonably fined and protect our air and water. As a result of his efforts in budget fights, hundreds of millions of dollars have been restored to the City budget for health care, child care, college scholarships, libraries, senior citizens and HIV/AIDS prevention. In 2002, Miller's Education First campaign helped prevent hundreds of millions in proposed cuts to New York City's public schools.

Gifford Miller is an extraordinarily talented and hard-working public servant. Although term limits are bringing an end to his Speakership, I am hopeful that he will remain active in public life. New York city needs him.

Mr. Speaker, I request that my colleagues join me in paying tribute to Speaker Gifford Miller, a remarkable public servant and community leader.

STATEMENT IN HONOR OF CURTIS McCLAIN

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Ms. PELOSI. Mr. Speaker, I rise today to honor Curtis McClain, a champion of the trade union movement and trailblazer for racial equality, who passed away November 6 after a long battle with cancer. Friends and colleagues will gather on December 3 to pay tribute to his lifetime of service to the working men and women of America.

Born of humble means in Akron, Ohio, World War II provided Curtis passage to a new life. After his discharge he relocated to San Francisco to find work. He found it in ILWU Warehouse Local 6 working at Schmidt Lithography. He said, ''I went into the paper seasoning department where work was sweaty, hot and dusty. Although it was the last place I wanted to work, I needed the job so I stayed for 14 years.''

Curtis became frustrated by post-war discrimination against African-Americans in the labor movement. Being passed over repeatedly for promotion due to race inspired Curtis to form a group of African-Americans in Local 6 called the Frontiersmen. Their encouragement and that of International and other local officers drew Curtis into leadership positions. In 1960, Curtis became in the first African-American to be elected Business Agent for Local 6.

By 1969, Curtis was an important labor leader in San Francisco and was elected Local President, followed 2 years later by a position on the International Executive Committee of the ILWU. In 1977, he broke another racial barrier when he was elected ILWU Secretary-Treasurer, the position he held until retirement in 1990.

Curtis served with ILWU International President Jimmy Herman. Together they fought for a democratic and diverse trade union and guided their membership through turbulent times.

Longtime Local 6 leader LeRoy King, who helped found the Trailblazers with Curtis, remembers: ''He was a natural leader. He helped lead the efforts to break the color line, not only in the ILWU, but in other unions and in the community. He was an outstanding negotiator and union officer. And he took care of business for the members.''

Curtis was a tireless advocate of working people. He helped form the alliance between the Teamsters and the ILWU that created the Northern California Warehouse Council, whose influence stretched to the Oregon border. Curtis was also instrumental in the civil rights movement, opening up employment opportunities to people of color in San Francisco's auto and burgeoning hotel and tourism industries.

Curtis McClain also led in movements for social justice, peace, and disarmament. Mayor Jack Shelly appointed him to the San Francisco Human Rights Commission, and Mayor George Moscone appointed him to the San Francisco Fire Commission where he served for 12 years.

Curtis McClain reminded us what can be accomplished with determination and belief in the person working right beside you. His hard work for social justice and workers' rights broke barriers and deepened the ties of our wonderfully diverse community. Our thoughts are with his family and friends as they gather to remember him, and we thank them for sharing Curtis with us.

TRIBUTE TO LUTHER C. WALLACE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Luther C. Wallace of Marin County, California, a community leader who passed away from a brain tumor on November 10, 2005. Luther was a visionary whose approach to inclusivity and human rights taught us all a lesson.

Born in Bakersfield in 1941, Luther grew up in Oxnard where, at a young age, he learned the importance of empowerment from his family. As a preteen, he stuffed envelopes for the NAACP, church functions, and local politicians. In 1968, after serving in Viet Nam, he worked as a community organizer with the Ventura County Community Action Agency while using his GI bill allotment to complete a degree in Psychology from California State University, Northridge. He later earned a Masters in Public Administration just prior to his first brain surgery.

Luther went on to manage an energy conservation program for the State of California and service agencies in Ventura, Santa Cruz, Marin, and Santa Clara counties. Under his leadership, the Human Rights Resource Center, Inc. in San Rafael provided services—including training manuals, Cultural Awareness Training, and public policy recommendations—to every State as well as to 9 foreign countries.

Luther's influence, often centered in the African American community, was also widespread through his commitment and involvement in the California Rainbow Coalition (co-founder), The California Democratic Party Executive Board, the Marin Black/Jewish Dialogue (co-founder), the Marin City Project, the Marin Council of Agencies, the Marin County Adult Criminal Justice Commission, the Center for Southeast Asian Refugee Resettlement, the African American Coalition of Marin, and many other groups.

His special interests were people, music, reading, learning new things, all sports, and working with his family in his herb and vegetable garden. With a voice as smooth as silk, his love of music (his ''unforgiving mistress'') called to him no matter where he was. On international junkets with the UN and the Jewish Community Federation, the band somehow knew to invite him on stage to sing. Shortly before his death, Luther achieved his greatest dream with the publication of his book of short stories titled, ''Our Color Our Kind: A Male Bedside Reader.'' At the time of his death, he was at work on an original screenplay and new short stories.

He is survived by his wife of 39 years, Mary Christine [Tina] (Mattice) Wallace; son James Matthew Wallace, Santa Cruz, CA; daughter Cassandra Jane Wallace-James, Thousand Oaks, CA; grandchildren Tanesha Cherie, Tony LaBarron, Jr., and Luther Demetrius, IV Wallace-James; his special ''sister'' Donella Dennis, Los Angeles, CA; and a host of cousins, nieces and nephews.

Mr. Speaker, Luther Wallace inspired so many with his passion for human rights and justice. His dedication and leadership enriched and informed the African American community and all of us in Marin County who will benefit from his legacy.

TRIBUTE TO TONY BENNETT

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today to honor an Icon of American Culture and one of our country's finest citizens, Tony Bennett. Much has already been said and written about the life and work of Tony Bennett, but I am honored to have the opportunity to say a few words about my friend here.

Tony has been a part of the experience of being an American for the last six decades. His arrival as a force in our culture was announced nearly seventy years ago at the opening of the Triborough Bridge in New York City. At 10 years old, the son of an Italian immigrant and grocery store operator, Anthony Dominick Benedetto was invited to sing at a ceremony to open the bridge by another famous son of Italy, New York's iconic Mayor Fiorello La Guardia. At the time, our country was in the midst of a staggering Great Depression, President Roosevelt had begun the ''New Deal,'' and that bridge was a concrete symbol that New York City, that America, and that Americans, would persevere. The Bridge stood as the accomplishment of our American ingenuity, our hard work, and our craftsmanship. Looking back, with those values in mind, it is altogether fitting that Tony Bennett was there.

The ingenuity of his voice and his style have transcended generations of American music fans. Tony once quipped that he was spoiled because he, ''never had to sing songs [he] didn't like.'' But it is generations of Americans

who have been spoiled by a sound that, no matter where or when it is heard, is always fresh, always new, and uniquely American.

As Tony approaches his 80th birthday, he has sold more than 50 million records, he has won the praise of musicians across the spectrum, and been acknowledged by his industry for his lifetime of achievement. Yet, he continues to work, bringing enjoyment to thousands of fans each year, and winning new ones each day.

His accomplishments are not limited to just music. He is also an accomplished painter in his own right. He is a tireless advocate for Juvenile Diabetes research, and the American Cancer Society—each year he donates one of his paintings for the ACS holiday card. He has been a friend of Presidents and Heads of State, singing at the Inaugural festivities for President John F. Kennedy in 1961 and President Bill Clinton in 1993.

Tony has never been afraid to point out injustice and advocate for equality. He marched with the Reverend Dr. Martin Luther King, Jr. in Selma, Alabama, and was an activist throughout the Civil Rights Movement. Coretta Scott King, bestowing the Martin Luther King Center Award for Excellence upon Mr. Bennett in 2001, said, ''Tony is not only one of America's premier performing artists, but he was a deeply-committed friend and supporter of my husband and the Civil Rights Movement, and he has continued to support the efforts of the King Center to fulfill Martin's dream.''

The list of accomplishments for Tony is innumerable, he has embodied the American spirit and he has lived the American dream. I could not be more pleased that the Kennedy Center for the Performing Arts has chosen to honor Tony Bennett with its highest honors on December 4th, 2005. Tony is truly a credit to his Italian heritage, and to the contributions of millions of immigrant families who have made this country great.

His story is that of what is possible in America, what is great about America, and his life is the embodiment of what it means to be an American. In short, Tony Bennett is a national treasure, and it is with great pride that I speak today as his friend to say thank you for his contribution to our Democracy.

IMPORTANCE OF IMPACT AID

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. COSTELLO. Mr. Speaker, as a co-chair of the Congressional Impact Aid Coalition, I rise today in strong support of the Impact Aid program.

Impact Aid provides important resources to replace lost tax dollars to school districts that include a military base, Indian land, or any type of Federal presence or activity to assist with the basic educational needs of its students. These funds improve the quality of life for our military personnel by ensuring their children receive a quality education wherever they are stationed.

Due to budget constraints, the Impact Aid program faces unique challenges. While most education programs contend with an increase in the cost per pupil each year, Impact Aid faces the additional challenge of an increasing number of military dependents within the program—projected to dramatically increase over the next 10 years—causing the cost of fully funding Impact Aid to escalate sharply.

For example, as a result of the BRAC recommendations, over the next 4 to 5 years, the Department of Defense estimates that an additional 32,000 dependent children of military families will enter stateside public schools due to overseas base closures and realignments. Without additional funding, this tremendous increase will cause a significant change to the level of assistance to the current and future school districts serving our military children and to the services and resources the districts will be able to offer our children.

Mr. Speaker, I would like to ask my colleagues to pay attention to the critical situation our military children are facing and the further deterioration of their educational resources and services if we do not act soon. In a time of war, it is absolutely essential that we provide the necessary resources to ensure our military dependents' educational funding will be maintained.

TRIBUTE TO WILLIAM E. LIGHTFOOT

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. JOHNSON of Illinois. Mr. Speaker, I come to the house floor today to pay tribute to William E. Lightfoot, PFC, of Lexington, IL, as well as the 13 other Navy and Marine Corps airmen of Flight 19. On December 5, 1945, a five-plane squadron took off from Ft. Lauderdale Naval Air Station in Florida. This would be the last time anyone would see these brave men, as all five planes mysteriously vanished while flying over the Bermuda triangle. A Mariner rescue plane, comprised of 14 crew members, was sent to look for survivors but they also vanished without a trace. In all, 27 men died in this unexplainable tragedy.

To this day, no wreckage from any of the six planes has been found and no explanations have been realized. However, today, the House of Representatives approved H. Res. 500 to honor these men and recognize the 60th anniversary of the disappearance. Unfortunately, when this vote was called today, I was unable to cast my vote. Had I been able, I would have voted ''yes.'' I was a proud co-sponsor of this resolution and strongly support honoring these brave men. My heartfelt sympathy and admiration go out to Private William E. Lightfoot and his surviving family members.

PERSONAL EXPLANATION

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. NADLER. Mr. Speaker, due to official business, I missed a vote on November 17, 2005. I ask that the RECORD reflect that had I been able to, I would have voted ''yea'' on H. Res. 500 (rollcall vote No. 597) recognizing the 60th anniversary of the disappearance of the five naval Avenger torpedo bombers of Flight 19 and the naval Mariner rescue sent to search for Flight 19.

PERSONAL EXPLANATION

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. CARNAHAN. Mr. Speaker, due to technical problems, my vote in favor of H.J. Res. 72 on Thursday, November 17 (rollcall No. 599) was not recorded. I was, in fact, present for this vote and did vote in favor of the resolution.

DEFICIT REDUCTION ACT OF 2005

SPEECH OF

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. BACA. Mr. Speaker, the budget reconciliation process is wrong, and it must be stopped.

We must reject any cuts to critical federal safety net programs when so many Americans are experiencing hard times. They have been forced to turn to the government, as well as charities, for assistance with basic necessities.

Nine hundred thousand American families affected by Hurricanes Katrina and Rita are relying on the Food Stamps Program to avoid hunger. Voting for this budget resolution is voting to cut food stamps for these families—and for millions of others who would otherwise go hungry.

This budget resolution boosts mandatory cuts in crucial programs, including health care and student aid, by 44 percent.

Over ten million Latinos on Medicaid will be affected by these cuts. Medicaid provides health insurance to about 50 million people in America, including 41 percent of people in poverty. We need choices that can help the 34 percent of Latinos that are uninsured.

The budget reconciliation shows how misguided Republican priorities are. Instead of helping make health care affordable, they will force families to choose between staying healthy or keeping the lights on.

The budget will slash such programs as student loans and therefore hurt hundreds of thousands of American families. And yet the GOP budget also requires $70 billion in new tax cuts, helping mainly the wealthiest Americans.

Under the proposed cut in student loans, the typical student borrower could be forced to pay an additional $5,800 for his or her student loans compared to under current law.

These budget cuts do nothing to ease the national budget deficit.

While Republicans claim that they are serious about deficit reduction, their reconciliation plan actually increases the deficit by $20 billion.

Let me repeat: the two GOP reconciliation bills together will result in a $20 billion increase in the deficit! One cuts mandatory spending by $50 billion and the other cuts taxes by $70 billion.

Mr. Speaker, this proposal makes no sense and is immoral. We cannot balance the budget on the back of the poor.

People across the country responded with compassion and generosity to the suffering and devastation caused by Hurricanes Katrina and Rita, and the federal government must continue to play a role to reduce the suffering of our fellow Americans in the gulf region.

It is not compassionate to cut funding for critical programs that in many cases would hurt those very communities.

I urge my colleagues to oppose this budget resolution.

DEFICIT REDUCTION ACT OF 2005

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. NADLER. Mr. Speaker, I rise in strong opposition to this horrible legislation. In all my years in Congress, this is easily one of the ugliest bills I have ever seen. I can't think of a more glaring example of pandering to the rich on the backs of the poor. It's no wonder the Republican leadership needed all the extra time to bring it to the floor.

The cuts in this legislation will result in the reduction, if not elimination, of services to those who need it most, and those who are able to fight for them least. I hope that those in the faith-based community are watching closely: this is the true face of ''compassionate conservatism.'' This from the party which claims to have cornered the market on morality.

It is hard to identify what is most egregious about this bill—there is such a litany of problems here. Is it the cuts in food stamps that will leave hundreds of thousands hungry? Is it that Medicaid funding has been decimated, adding to the rolls of the millions without adequate health insurance? Is it the hits that student loan programs take, leaving our Nation's youth with still more financial burdens? Is it the insidious weakening of environmental provisions, inserted under cover of darkness? The list goes on and on.

And despite the rhetoric from the other side, this bill will do nothing to reduce the staggering deficits we've been seeing. That is because, under the Republican fiscal policies, deficits are built into the system. As a result of the tax cuts for the wealthy that the Republicans forced down this country's throat several years ago, there is simply not enough revenue coming into the treasury to eliminate the shortfall. Indeed, unless Republicans are planning to gut just about all discretionary spending, there is simply no way to plug the hole. It's basic arithmetic.

No, what's going on here is that my Republican friends have created a monster. Their tax cuts have starved our government of its resources, and have brought us from record surpluses to record deficits. But will budget reconciliation reduce the deficit and begin to fix the problem, as they claim? No. This bill actually increases the deficit. This bill is about making room for still more tax cuts. In fact, the bill allows for up to $106 billion in new tax cuts during FY 06, not just the $75 billion specified in the bill. $50 billion in spending cuts, and $106 billion fewer dollars in the treasury, leads to an increase in the deficit to $56 billion!

And the $106 billion in tax cuts will not benefit the families of the troops fighting in Iraq, nor those who suffered in the gulf coast. No, these cuts are targeted to benefit corporations and the wealthy.

Three hundred thousand low-income Americans will lose food stamp assistance; 17 million Americans, half of them children, will see increased costs in Medicaid; the average student will suffer an almost $6,000 increase in his or her college costs because of $14.3 billion in cuts to student loan programs. So we give tax cuts to those who don't even need them, and the back of our hand to those who need assistance. This is a disgraceful bill. It is socially unjust, and it will aggravate, not help cure, our Nation's fiscal crisis. In the strongest possible terms, I urge a no vote on this bill.

DEFICIT REDUCTION ACT OF 2005

SPEECH OF

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. CARDIN. Mr. Speaker, tonight the House leadership is making a second attempt at passing its 2005 budget reconciliation bill. This is still the wrong bill at the wrong time for America, and I will oppose it.

We have heard a host of arguments from the majority in support of this bill, which will cut vital Federal programs by approximately $50 billion over 5 years. Some have made the case that higher deficits hurt our Nation's economy. I agree, but although this bill is titled the Deficit Reduction Act of 2005, it will do nothing to ease our deficit situation.

H.R. 4241 is part of a larger strategy by the House leadership resolution that calls for a total of $106 billion in additional tax cuts. This strategy includes $70 billion in reconciled tax cuts and $36 billion in unreconciled tax cuts. The spending cuts in this bill are the initial step. The majority intends to follow tonight's vote with a tax cut bill. After the tax cuts are passed and in place, there will no funds available to pay for hurricane relief. In the end, the House leadership's charade will not reduce the deficit; it will make the deficit even larger than it is today.

In the weeks after Hurricane Katrina devastated the land and the lives of so many on the gulf coast, many lawmakers said they had a newfound understanding of the extent and depth of poverty in America. They also said that the photographs from New Orleans, particularly those taken at the Superdome and the Convention Center, had demonstrated that government does have an important role in lifting Americans out of poverty. There seemed to be bipartisan support for authentic, meaningful approaches to addressing the plight of poor Americans. I would hope that this sentiment still remains. But if it does, it is not evident in the majority's reconciliation bill that is on the House floor tonight.

This bill reduces access to health care for the poor. It contains $11.9 billion in cuts to Medicaid, including cuts of $8.8 billion that are borne by low-income beneficiaries through higher cost-sharing and new premiums. It also gives the States the green light to eliminate periodic health care examinations and the treatment of conditions picked up by those examinations for many of America's neediest children. Maryland's Medicaid rolls cover 430,000 children and health services for 90,000 of them will be jeopardized by this provision. Approximately $2.5 billion of the Medicaid cuts will affect elderly Americans, who will lose access to nursing home care through tougher restrictions on eligibility.

This bill reduces access to higher education. It contains $14.3 billion in reductions to Federal student loan programs over 5 years, by increasing the interest rates and imposing a new 1 percent origination fee on all loans.

This bill will hurt many families who rely on child support payments. It reduces the Federal match for child support administrative costs from 66 percent to 50 percent, eliminating $4.9 billion in help for the States to enforce child support orders. The majority, which claims to want to help our States, is shifting the cost of enforcement to them. It will not save money in the long run, and it will hurt struggling single parent families across America.

As a result of this bill, fewer children in foster care will be eligible for payments, and $577 million will be cut from these funds. This bill will also limit food stamp eligibility to only those households who are receiving cash assistance through TANF, and requires that legal permanent residents live here for 7 years, rather than the current 5 years, before they can receive food stamps. The result will be $844 million less in food stamp assistance to low-income families.

The legislation before us is also making it harder for some of the most disadvantaged Americans, those who receive Supplemental Security Income, SSI, to receive assistance. It imposes an extra level of review for certain disability determinations and for those who are found eligible after lengthy delays, this bill requires that retroactive payments are spread out over a longer period of time, for a total savings of $732 million.

So in the name of paying for hurricane relief, we cut funding for the programs that would help the neediest Americans, including many of the gulf coast citizens who were affected by that disaster.

At this time of economic uncertainty for our country, the so-called Deficit Reduction Act places the burden on the shoulders of the American families least able to carry it. It is clear that this legislation will make painful cuts, and when combined with the tax legislation will increase deficit problems that we face, and so I must vote against it.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today in opposition to the Conference Report on H.R. 3010, which provides Federal funding for health, education and worker programs.

On healthcare, the bill takes a huge step backward in efforts to maintain basic health

care services for the people in this country who are uninsured or underinsured. It eliminates the Healthy Communities Access Program, which helps health centers and public hospitals provide care for the uninsured. The bill cuts rural health care program funding almost in half, and it wipes out almost all of the Title VII health profession training programs that institutions like the CU Health Sciences Center need in order to provide critical training and education for medical students and residents who aim to practice in rural, low-income, and under-served areas.

And while the bill eliminates or cuts funding for several programs, it also fails to adequately fund others. The bill virtually provides no new funding for community health centers to cover rising health care costs at existing centers or to expand care for the uninsured even though the president called for a doubling of these centers. The National Institutes of Health, which works to find cures for many diseases, gets a paltry .5 percent increase in funding, the smallest percentage increase in 36 years which is not even enough to keep up with inflation in research costs. State and local health departments will be hobbled in protecting the public against infectious and other diseases because the bill cuts the Preventive Health Block Grant by 24 percent. Further, grants that help health departments improve their preparedness against bioterrorism and other public health emergencies are cut, and the Ryan White AIDS programs funding is frozen, even though the number of people living with HIV/AIDS has been rising by more than 6 percent each year.

Many of the education provisions are equally as troubling. The Republican majority has imposed a decline in funding for the Department of Education while requiring local school districts to implement federal mandates under the No Child Left Behind Act. Though I am pleased to see some of the programs such as vocational programs that were cut in the President's budget were restored in this bill, I am concerned by the low levels of funding for several education programs.

Our Nation has seen a decreased number of students in the science, technology, engineering and mathematics, STEM, disciplines, and in turn fewer Americans are seeking careers in STEM fields. The Math and Science Partnership provides grants to recruit STEM majors into teaching, and links current teachers with state agencies or universities to improve teaching skills. This program, coupled with its counterpart at the National Science Foundation, works to improve the quality of teaching in math and sciences that will excite students to study these disciplines. I am disappointed to see only $184 million for this program. Unless we make a serious investment in these programs we will continue to see the decline in the number of STEM majors and those seeking these careers.

I am also concerned by the funding levels provided for Part B state grants under IDEA. Last Congress we passed an authorization for IDEA that sought to reach full funding of the program by 2011. This Conference Report provides the smallest increase in funding for IDEA in a decade and actually decreases the federal contribution from 18.6%, already far below the 40 percent full funding would provide, to $18 percent. It is clear through these numbers that we are not doing enough to help states provide adequate education for disabled students.

This bill is another example of the Republican majority's misplaced priorities. In fact, Republicans will spend more on tax cuts this week, $70 billion, than they will on all education and labor programs over the entire coming year, $68 billion. The conference report is only the most recent evidence that Republicans are out of touch with the priorities of the American people. It cannot support it.

TRIBUTE TO KALAMAZOO PUBLIC SCHOOLS

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. UPTON. Mr. Speaker, I rise today to pay tribute and to honor Kalamazoo Public Schools' recently announced scholarship program: The Kalamazoo Promise. In a single word this program is tremendous. It is difficult to comprehend, but through the extreme generosity of an anonymous donor, or group of donors, every student enrolled in Kalamazoo Public Schools will now have the opportunity of receiving scholarship funding to attend one of Michigan's many superb public colleges.

The Kalamazoo Promise will cover 100 percent of tuition and mandatory fees for graduates who have been enrolled in KPS since kindergarten and whose parents live in the school district. A partial scholarship of between 65 and 95 percent will be given to students who enter after kindergarten and before 10th grade.

This is such terrific news for the folks of the Kalamazoo community. This remarkable scholarship program will promote a better educated work force, a friendly place to do business, and an unprecedented boom to business and economic development.

A college education is the dream of our youngsters, and this great program will turn dreams into reality for literally thousands of students. With the ever rising costs of higher education, the Kalamazoo Promise sets a new incentive for our students to work hard and earn good grades so that they can attend a college of their choice.

I would especially like to thank the donors whose generosity will not only bring the dream of a college education to the future of our students, but will also continue to make Kalamazoo a great place to live. I would like to also congratulate KPS Superintendent Janice Brown on this wonderful gift.

HONORING DR. W.A. HAYDEN SCHILLING, 2005 PROFESSOR OF THE YEAR

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. REGULA. Mr. Speaker, today I rise to congratulate Dr. W.A. Hayden Schilling, a professor from the College of Wooster, who was selected as a national winner of the U.S. Professors of the Year award. As a former educator, I know how important education is to the success of our future.

This is the only national award that recognizes college and university professors for excellence in undergraduate teaching and mentoring. I am pleased to say that Dr. Schilling was one of four national winners to receive this honor.

After receiving his bachelors degree in history from Southern Methodist University, Dr. Schilling earned both his masters and Ph.D. in history from Vanderbilt University. I should also point out that he is a Fulbright Scholar.

Dr. Schilling is a model educator who has spent his career dedicated to the success of our Nation's students. In fact, he was chosen over 300 other candidates for the Professor of the Year award. Wooster President R. Stanton Hales summed up Dr. Schilling's achievements when he said, "Besides being a superb lecturer and professor, Dr. Schilling gives generously of his personal time for students. There's no way you can try to calculate the hours that he does this. I have seen no one more passionate about student success in all my 27 years in higher education."

Helping the youth in the community excel has always been a passion of Dr. Schilling. He founded, directed and taught in the Wooster-Youngstown Early Intervention program which brings students together to improve their proficiency in math, science and language skills. His program has been a tremendous success, as many of the participants have successfully enrolled in college and it now serves as a model for several area colleges.

Lou Gerstner, former chairman of IBM said, "If we don't step up to the challenge of finding the best teachers, we'll undermine everything else we are trying to do to improve our schools. That's a conscious decision that would threaten our economic strength, political fabric, and stability as a nation. It's exactly that clear cut." Dr. Schilling is an example of the type of teachers that Mr. Gerstner speaks of and this award serves as a testament to Dr. Schilling's outstanding career in education.

I appreciate all that Dr. Schilling has done to improve the lives of students and extend my congratulations to him as a 2005 U.S. Professor of the Year.

IN MEMORY OF JAMES BRANYAN

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. ROSS. Mr. Speaker, I rise today to honor the life and legacy of James Branyan, a pillar of the Camden, Arkansas community for nearly a half century. Mr. Branyan died on November 3, 2005 at the age of 72 in Camden.

James Branyan was born in Glendale, Arkansas on January 15, 1933. A 1950 Glendale High School graduate, Mr. Branyan played basketball for Henderson State University. Following graduation, he moved to Camden in 1956 to manage the Black and White Store. Throughout his impressive career, Mr. Branyan went on to own the Credit Shop, the Downtown Antique Mall, the Starr Fashion Shop, Banks Jewelry, A & H Ready to Wear, Stephens Department Store, Packard's Office Supply, Data Service Center Computer Service, KJWH Radio Station, Robertson Feed Store, Walker and Associates Advertising and Public Relations, and the Good Times Travel Agency.

Mr. Branyan had a deep love for the place he called home; he truly believed Camden was ''paradise.'' Mr. Branyan's commitment went far beyond the business community; he was passionate about giving back through community service. Mr. Branyan served as President of the PTA, President of the Ouachita County Red Cross, Chairman of the United Fund Drive, Chairman of the Camden Water Commission, Vice-President of the Chamber of Commerce, and this is simply the tip of Mr. Branyan's exhaustive list of involvement which kept him involved in every aspect of the Camden community.

Perhaps Mr. Branyan will be most remembered for his decade of service to the Arkansas Highway Commission from 1973–1983, a prestigious commission which he chaired from 1981–1983.

In 1962, Mr. Branyan was named Camden's Young Man of the Year, an award bestowed upon young men for their dedication to community service, and today that award is named in his honor. In 1971, he was named Camden's Man of the Year and in 1991 Arkansas's Retail Merchant of the Year. Mr. Branyan was also an active member of Maul Road Church of Christ, where he served as an elder, Bible school teacher and song leader.

Mr. Branyan was a tremendous businessman and led a life dedicated to the betterment of his ''paradise.'' Camden has lost a true friend and economic ambassador. I am honored to have known him and counted him as a friend. Mr. Branyan will be deeply missed, but his spirit and legacy will live on for generations to come throughout the Camden community. My heartfelt condolences go out to his wife, Shirley; their daughters, Cherel Chilton and Rhonda Stuart; and their grandchildren, Lance and James.

Daily Digest

HIGHLIGHTS

House and Senate agreed to the conference report to accompany H.R. 2528, Military Construction/Veterans Affairs' Appropriations.

House and Senate agreed to the conference report to accompany H.R. 3058, Transportation/Treasury/HUD/DC Appropriations.

Senate agreed to H. Con. Res. 307, Adjournment Resolution.

Senate

Chamber Action

Routine Proceedings, pages S13284–S13425

Measures Introduced: Twenty-eight bills and eleven resolutions were introduced, as follows: S. 2052–2079, S. Res. 320–329, and S. Con. Res. 67. **Pages S13360–62**

Measures Reported:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 2006". (S. Rept. No. 109–185) **Page S13360**

Measures Passed:

Continuing Resolution: Senate passed H.J. Res. 72, making further continuing appropriations for the fiscal year 2006, after taking action on the following amendment proposed thereto, clearing the measure for the President: **Pages S13283–87**

Rejected:

By 46 yeas to 50 nays (Vote No. 348), Harkin Amendment No. 2672, to increase the amount appropriated to carry out under the Community Services Block Grant Act. **Pages S13285–87**

National Flood Insurance Program Further Enhanced Borrowing Authority Act: Senate passed H.R. 4133, to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program, after agreeing to the following amendment proposed thereto: **Page S13424**

Hutchison (for Shelby) Amendment No. 2673, to provide for emergency spending. **Page S13424**

Adjournment Resolution: Senate agreed to H. Con. Res. 307, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate. **Pages S13307–08**

Rosa Parks Anniversary: Committee on the Judiciary was discharged from further consideration of H. Con. Res. 208, recognizing the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on the bus and the subsequent desegregation of American society, and the resolution was then agreed to. **Page S13409**

Permanent Trade Relations Extension: Committee on Finance was discharged from further consideration of S. 632, to authorize the extension of unconditional and permanent nondiscriminatory treatment (permanent normal trade relations treatment) to the products of Ukraine, and the bill was then passed. **Page S13409**

Subsequently, the bill was ordered held at the desk. **Page S13409**

Rosa Parks Statue: Senate passed H.R. 4145, 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, clearing the measure for the President. **Pages S13409–10**

Trials of Mikhail Khodorkovsky and Platon Lebedev: Senate agreed to S. Res. 322, expressing the sense of the Senate on the trial, sentencing and imprisonment of Mikhail Khodorkovsky and Platon Lebedev. **Page S13410**

Control Over the Internet: Senate agreed to S. Res. 323, expressing the sense of the Senate that the United Nations and other international organizations should not be allowed to exercise control over the Internet. **Pages S13410–11**

Sri Lanka: Senate agreed to S. Res. 324, expressing support for the people of Sri Lanka in the wake of the tsunami and the assassination of the Sri Lankan Foreign Minister and urging support and respect for free and fair elections in Sri Lanka.

Pages S13411–12

Printing Authority: Senate agreed to S. Res. 325, to authorize the printing of a revised edition of the Senate Election Law Guidebook. **Page S13412**

Child Safety Pilot Program: Senate passed S. 1961, to extend and expand the Child Safety Pilot Program. **Page S13412**

Vessel Hull Design Protection Amendments: Committee on the Judiciary was discharged from further consideration of S. 1785, to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the distinction between a hull and a deck, to provide factors for the determination of the protectability of a revised design, to provide guidance for assessments of substantial similarity, and the bill was then passed. **Page S13412**

Paiute Indian Tribe of Utah: Senate passed H.R. 680, to direct the Secretary of Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, clearing the measure for the President. **Page S13413**

Holly A. Charette Post Office: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of S. 1989, to designate the facility of the United States Postal Service located at 57 Rolfe Square in Cranston, Rhode Island, shall be known and designated as the "Holly A. Charette Post Office", and the bill was then passed. **Page S13413**

Randall D. Shughart Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 2062, to designate the facility of the United States Postal Service located at 57 West Street in Newville, Pennsylvania, as the "Randall D. Shughart Post Office Building", and the bill was then passed, clearing the measure for the President. **Page S13413**

Vincent Palladino Post Office: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 2183, to designate the facility of the United States Postal Service located at 567 Tompkins Avenue in Staten Island, New York, as the "Vincent Palladino Post Office", and the bill was then passed, clearing the measure for the President. **Page S13413**

Willie Vaughn Post Office: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 3853, to designate the facility of the United States Postal Service located at 208 South Main Street in Parkdale, Arkansas, as the Willie Vaughn Post Office, and the bill was then passed, clearing the measure for the President. **Page S13413**

Darfur Peace and Accountability Act: Committee on Foreign Relations was discharged from further consideration of S. 1462, to promote peace and accountability in Sudan, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S13413–17**

McConnell (for Brownback) Amendment No. 2674, in the nature of a substitute. **Page S13414**

Year of Polio Education: Committee on Health, Education, Labor and Pensions was discharged from further consideration of S. Res. 304, to designate the period beginning on November 1, 2005 and ending on October 31, 2006 as the Year of Polio Education, and the resolution was then agreed to. **Page S13417**

Drive Safer Sunday: Senate agreed to S. Res. 326, designating November 27, 2005, as "Drive Safer Sunday". **Page S13417**

Little Rock Central High School Desegregation 50th Anniversary Commemorative Coin Act: Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of H.R. 358, to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S13417–18**

McConnell (for Pryor) Amendment No. 2675, in the nature of a substitute. **Pages S13417–18**

Presidential $1 Coin Act: Senate passed S. 1047, to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively to improve circulation of the $1 coin, to create a new bullion coin, after agreeing to the following amendment proposed thereto: **Pages S13421–24**

McConnell (for Sununu) Amendment No. 2676, to make technical corrections. **Page S13421**

Labor/HHS/Education Appropriations House Message—Conferees: Senate considered the House Message to accompany H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, taking action on the following motions proposed thereto: **Pages S13287–91**

By 66 yeas to 28 nays (Vote No. 349), Senate agreed to Specter motion to instruct Conferees to insist that $2,183,000,000 be available for the Low Income Home Energy Heating Assistance program.

Pages S13288–90, S13291

By 58 yeas to 36 nays (Vote No. 350), Senate agreed to Durbin motion to instruct Conferees to insist on retaining the Senate passed provisions relating to funding for the National Institutes of Health.

Pages S13290–91

Subsequently, the Senate requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Specter, Cochran, Gregg, Craig, Hutchison, Stevens, DeWine, Shelby, Domenici, Harkin, Inouye, Reid, Kohl, Murray, Landrieu, Durbin, and Byrd. **Pages S13291–92**

Military Construction/Veterans Affairs' Appropriations Conference Report: By unanimous consent, Senate agreed to the conference report to accompany H.R. 2528, making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, clearing the measure for the President. **Page S13329**

Transportation/Treasury/HUD/DC Appropriations—Conference Report: By a modified unanimous consent agreement, notwithstanding the adjournment of the Senate, Senate agreed to the conference report to accompany 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, clearing the measure for the President.

Page S13418

Enrollment Resolution—Agreement: A unanimous-consent agreement was reached providing that notwithstanding the adjournment of the Senate, that when the Senate receives from the House of Representatives a correcting resolution relating to the conference report to accompany H.R. 3058 (listed above), the text of which is identical to the concurrent resolution at the desk, the concurrent resolution be considered agreed to and the motion to reconsider be laid upon the table. **Page S13418**

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that during this adjournment of the Senate, the Majority Leader, the Assistant Majority Whip, and Senator Warner, be authorized to sign duly enrolled bills or joint resolutions. **Page S13418**

Authority for Committees: A unanimous-consent agreement was reached providing that notwithstanding the adjournment of the Senate, all committees were authorized to file legislative and executive matters on Thursday, December 8, 2005, from 10 a.m. until 12 noon. **Page S13418**

Authorizing Leadership to Make Appointments—Agreement: A unanimous-consent agreement was reached providing that notwithstanding the adjournment of the Senate, the President of the Senate, the President Pro Tempore, and the Majority and Minority Leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate. **Page S13418**

Nominations Confirmed: Senate confirmed the following Nominations:

Patricia Lynn Scarlett, of California, to be Deputy Secretary of the Interior.

Ronald L. Schlicher, of Tennessee, to be Ambassador to the Republic of Cyprus. (Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

Alejandro Daniel Wolff, of California, to be the Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador, and the Deputy Representative of the United States of America in the Security Council of the United Nations. (Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

Alejandro Daniel Wolff, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Deputy Representative of the United States of America to the United Nations. (Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

Carol van Voorst, of Virginia, to be Ambassador to the Republic of Iceland. (Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

Ross Wilson, of Maryland, to be Ambassador to the Republic of Turkey. (Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

Donald M. Payne, of New Jersey, to be a Representative of the United States of America to the Sixtieth Session of the General Assembly of the United Nations. (Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

Edward Randall Royce, of California, to be a Representative of the United States of America to the Sixtieth Session of the General Assembly of the United Nations. (Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

31 Air Force nominations in the rank of general.

51 Army nominations in the rank of general.

7 Coast Guard nominations in the rank of admiral.

2 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, and Coast Guard.

Routine list in the Foreign Service. (Prior to this action, Committee on Foreign Relations was discharged from further consideration.) **Pages S13424–25**

Nominations Received: Senate received the following nominations:

David Longly Bernhardt, of Colorado, to be Solicitor of the Department of the Interior.

Michael W. Michalak, of Michigan, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as United States Senior Official to the Asia-Pacific Economic Cooperation Forum.

James D. McGee, of Florida, to be Ambassador to the Union of Comoros. **Page S13424**

Messages From the House: **Page S13357**

Measures Held at Desk: **Page S13357**

Enrolled Bills Presented: **Page S13357**

Executive Communications: **Pages S13358–60**

Executive Reports of Committees: **Page S13360**

Additional Cosponsors: **Pages S13362–63**

Statements on Introduced Bills/Resolutions: **Pages S13363–S13403**

Additional Statements: **Pages S13354–57**

Amendments Submitted: **Pages S13403–07**

Authorities for Committees to Meet: **Page S13407**

Record Votes: Three record votes were taken today. (Total—350) **Pages S13287, S13291**

Adjournment: Senate convened at 9 a.m. and, pursuant to the provisions of H. Con. Res. 307, adjourned at 6:19 p.m., until 2 p.m., on Monday, December 12, 2005. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S13424.)

Committee Meetings

(Committees not listed did not meet)

FUTURE OF SCIENCE

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the future of science, focusing on scientific education and research, after receiving testimony from Eric A. Cornell, Senior Scientist, National Institute of Standards and Technology, Technology Administration, Department of Commerce, and University of Colorado Joint Institute for Laboratory Astrophysics; Peter Agre, Duke University School of Medicine, Durham, North Carolina; James R. Heath, California Institute of Technology, Pasadena; and Samuel C.C. Ting, Massachusetts Institute of Technology, Cambridge.

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported S. 2027, to implement the United States-Bahrain Free Trade Agreement.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 45 public bills, H.R. 4387–4431; 1 private bill, H.R. 4432; and 11 resolutions, H. Con. Res. 307–310; and H. Res. 571, 573–578 were introduced. **Pages H11033–35**

Additional Cosponsors: **Pages H11035–36**

Reports Filed: Reports were filed today as follows:

Investigation Into Rafael Palmeiro's March 17, 2005 Testimony at the Committee on Government Reform's Hearing: "Restoring Faith in America's Pastime: Evaluating Major League Baseball's Efforts to Eradicate Steroid Use" (H. Rept. 109–310);

S. 229, to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project (H. Rept. 109–311);

H. Res. 572, providing for consideration of the resolution (H. Res. 571) expressing the sense of the House of Representatives that the deployment of United States forces in Iraq be terminated immediately and providing for consideration of the concurrent resolution (H. Con. Res. 308) directing the

Clerk of the House of Representatives to make a technical correction in the enrollment of H.R. 3058 (H. Rept. 109–312);

H.R. 3128, to affirm that Federal employees are protected from discrimination on the basis of sexual orientation and to repudiate any assertion to the contrary (H. Rept. 109–313); H.R. 1631, to provide for the financing of high-speed rail infrastructure (H. Rept. 109–314, Pt. 1);

H.R. 2829, to reauthorize the Office of National Drug Control Policy Act, with an amendment (H. Rept. 109–315, Pt. 1);

H.R. 3699, to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, with an amendment (H. Rept. 109–316, Pt. 1); and

H.R. 972, to authorize appropriations for fiscal years 2006 and 2007 for the Trafficking Victims Protection Act of 2000, with an amendment (H. Rept. 109–317, Pt. 1). **Page H11032**

Speaker: Read a letter from the Speaker wherein he appointed Representative Simpson to act as Speaker Pro Tempore for today. **Page H10911**

Adjournment Resolution: The House agreed to H. Con. Res. 307, providing for the conditional adjournment of the House and conditional adjournment or recess of the Senate. **Pages H10914–15**

Military Construction and Veterans Affairs, and Related Agencies Appropriations Act, 2006—Conference Report: The House agreed to the conference report on H.R. 2528, making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, by a yea-and-nay vote of 427 yeas with none voting ''nay'', Roll No. 604.

Pages H10915–25, H10958

H. Res. 564, the rule providing for consideration of the conference report, was agreed to by voice vote, after agreeing to order the previous question.

Pages H10912–13

Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006—Conference Report: The House agreed to the conference report 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, by a yea-and-nay vote of 392 yeas to 31 nays, Roll No. 605. **Pages H10925–57, H10958–59**

H. Res. 565, the rule providing for consideration of the conference report, was agreed to by voice vote, after agreeing to order the previous question.

Pages H10913–14

Recess: The House recessed at 11:01 a.m. and reconvened at noon. **Page H10957**

Board of Visitors to the United States Air Force Academy—Appointment: The Chair announced the Speaker's appointment of Representative Hefley to the Board of Visitors of the United States Air Force Academy. **Page H10959**

Recess: The House recessed at 1:06 p.m. and reconvened at 4:10 p.m. **Page H10959**

National Aeronautics and Space Administration Authorization Act of 2005—Motion to go to Conference: The House disagreed to the Senate amendment and agreed, by unanimous consent, to a conference on S. 1281, amended, to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, for fiscal years 2006, 2007, 2008, 2009, and 2010.

Pages H10971–91

Agreed to Mr. Boehlert's motion to strike all after the enacting clause of S. 1281 and insert in lieu thereof the text of H.R. 3070 as passed by the House. **Pages H10979–91**

The Chair appointed conferees: from the Committee on Science, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Messrs. Boehlert, Calvert, Hall, Smith of Texas, Gordon, Udall of Colorado, and Honda. **Page H10991**

Provided, that Ms. Jackson-Lee of Texas is appointed in lieu of Mr. Honda for consideration of secs. 111 and 615 of the House amendment, and modifications committed to conference. **Page H10991**

From the Committee on Government Reform, for consideration of secs. 153 and 606 of the Senate bill, and sec. 703 of the House amendment, and modifications committed to conference: Messrs. Tom Davis of Virginia, Turner, and Waxman. **Page H10991**

For consideration of the Senate bill and House amendment, and modifications committed to conference: Mr. DeLay. **Page H10991**

National Flood Insurance Program Further Enhanced Borrowing Authority Act of 2005: The House agreed, by unanimous consent, to H.R. 4133, amended by the Senate, to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program—clearing the measure for the President. **Pages H10991–93**

Recess: The House recessed at 6:31 p.m. and reconvened at 7:57 p.m. **Page H10993**

Expressing the sense of the House of Representatives that the deployment of United States forces in Iraq be terminated immediately: The House failed to pass H. Res. 571, to express the sense of the House of Representatives that the deployment of United States forces in Iraq be terminated immediately, by a recorded vote of 3 ayes to 403 noes with 6 voting ''present'', Roll No. 608. **Pages H11005–25**

Pursuant to the provisions of H. Res. 572, H. Con. Res. 308 is considered as passed in the House. **Page H11005**

Agreed to H. Res. 563, amended, waiving a requirement of clause 6(a) of Rule XIII with respect to the same day consideration of certain resolutions reported by the Rules Committee, by a yea-and-nay vote of 211 yeas to 204 nays, Roll No. 606, after agreeing to order the previous question and the Gingrey amendment. **Pages H10959–71**

H. Res. 572, the rule providing for consideration of the bill was agreed to by a yea-and-nay vote of 210 yeas to 202 nays, Roll No. 607, after agreeing to order the previous question by voice vote. **Pages H10994–H11005**

Predisaster Mitigation Program Reauthorization Act of 2005: The House agreed by unanimous consent to H.R. 4324, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster mitigation program. **Pages H11025–26**

Resignation of the Clerk of the House: Read a letter from Jeff Trandahl, in which he announced his resignation as Clerk of the House of Representatives, effective upon the appointment of his successor on November 18, 2005. **Page H11026**

Appointment: The Chair announced the Speaker's appointment as Clerk of the House of Representatives Mrs. Karen L. Haas of Maryland. **Page H11026**

Clerk Designations: Read a letter from the Clerk wherein she designated Mr. Gerasimos C. Vans, Deputy Clerk, to sign any and all papers and do all other acts under the name of the Clerk of the House in case of her temporary absence or disability. Ms. Marjorie C. Kelaher, Assistant to the Clerk, should similarly perform such duties under the same conditions as are authorized by this designation providing Mr. Vans should not be able to act in her behalf for any reason. **Page H11026**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, December 7, 2005. **Pages H11026–27**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Tom Davis of Virginia and Representative Wolf, to act as Speaker pro tempore to sign enrolled bills and joint resolutions through December 6, 2005. **Page H11026**

Senate Message: Message received from the Senate today appears on pages H10925, H10959, and H11005.

Senate Referrals: S. 467, S. 1462 and S. 1047 were held at the desk; S. 1785 and S. 1961 were referred to the Committee on the Judiciary; S. 1989 was referred to the Committee on Government Reform and S. 1418 was referred to the Committee on Energy and Commerce. **Page H11031**

Quorum Calls—Votes: Four yea-and-nay votes and one recorded vote developed during the proceedings today and appear on pages H10958, H10958–59, H10970–71, H11004–05, and H11025. There was one quorum call, Roll No. 603, which appears on page H10957.

Adjournment: The House met at 9:00 a.m. and at 11:59 p.m. on Friday, November 18, pursuant to the provisions of H. Con. Res. 307, stands adjourned until 2:00 p.m. on Tuesday, December 6.

Committee Meetings

REGARDING UNITED STATES FORCES IN IRAQ

Committee on Rules: Granted, by a vote of 9 to 4, a closed rule providing one hour of debate on H. Res. 571, Expressing the sense of the House of Representatives that the deployment of United States forces in Iraq be terminated immediately, in the House equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. The rule provides one motion to recommit which may not contain instructions. Finally, the rule provides that upon adoption of this resolution, H. Con. Res. 308 is hereby adopted. Testimony was heard from Chairman Hunter and Representative Edwards.

U.S.-BAHRAIN FREE TRADE AGREEMENT IMPLEMENTATION ACT

Committee on Ways and Means: Ordered reported H.R. 4340, United States-Bahrain Free Trade Agreement Implementation Act.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

2 p.m., Monday, December 12

Senate Chamber

Program for Monday: Senate will be in a period of morning business.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Tuesday, December 6

House Chamber

Program for Tuesday, December 6th: To be announced.

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